
# SENATE JOURNAL

## STATE OF ILLINOIS

## ONE HUNDRED SECOND GENERAL ASSEMBLY

## 29TH LEGISLATIVE DAY

## THURSDAY, APRIL 22, 2021

## 11:08 O'CLOCK A.M.

NO. 29
[April 22, 2021]

**SENATE**
**Daily Journal Index**
**29th Legislative Day**

The Senate met pursuant to adjournment.
Senator Bill Cunningham, Chicago, Illinois, presiding.
Silent prayer was observed by all members of the Senate.
Senator Bennett led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, April 21, 2021, be postponed, pending arrival of the printed Journal.
The motion prevailed.

## LEGISLATIVE MEASURES FILED

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

Amendment No. 1 to Senate Bill 817
Amendment No. 1 to Senate Bill 1232
Amendment No. 1 to Senate Bill 2088
Amendment No. 1 to Senate Bill 2357
Amendment No. 3 to Senate Bill 2520

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

Amendment No. 1 to Senate Bill 2460

## PRESENTATION OF RESOLUTIONS

### SENATE RESOLUTION NO. 230

Offered by Senator Anderson and all Senators:
Mourns the death of Lester Hillier.

### SENATE RESOLUTION NO. 231

Offered by Senator Anderson and all Senators:
Mourns the death of Walter Zmuda.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

## REPORTS FROM STANDING COMMITTEES

Senator Glowiak Hilton, Chair of the Committee on Commerce, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 134
Senate Amendment No. 1 to Senate Bill 294
Senate Amendment No. 1 to Senate Bill 672
Senate Amendment No. 2 to Senate Bill 2481

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

Senator Villanueva, Chair of the Committee on Human Rights, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 2133

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

Senator Joyce, Chair of the Committee on Agriculture, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 915
Senate Amendment No. 1 to Senate Bill 1247

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

Senator Bush, Chair of the Committee on Environment and Conservation, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 561
Senate Amendment No. 1 to Senate Bill 1086

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

Senator Bush, Chair of the Committee on Environment and Conservation, to which was referred **Senate Resolution No. 105**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 105** was placed on the Secretary's Desk.

Senator Hastings, Chair of the Committee on Energy and Public Utilities, to which was referred **Senate Bill No. 1605**, reported the same back with the recommendation that the bill do pass.

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

Senator Hastings, Chair of the Committee on Energy and Public Utilities, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 2393
Senate Amendment No. 1 to Senate Bill 2663
Senate Amendment No. 2 to Senate Bill 2663

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

Senator Feigenholtz, Chair of the Committee on Tourism and Hospitality, to which was referred **Senate Bill No. 317**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Feigenholtz, Chair of the Committee on Tourism and Hospitality, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 1833

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

## INTRODUCTION OF BILL

**SENATE BILL NO. 2895.** Introduced by Senator Joyce, a bill for AN ACT concerning appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

## READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

**House Bill No. 4**, sponsored by Senator Johnson, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 9**, sponsored by Senator Fine, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 13**, sponsored by Senator Peters, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 19**, sponsored by Senator Morrison, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 41**, sponsored by Senator D. Turner, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 51**, sponsored by Senator Pacione-Zayas, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 53**, sponsored by Senator Pacione-Zayas, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 68**, sponsored by Senator Villa, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 86**, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 202**, sponsored by Senator T. Cullerton, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 217**, sponsored by Senator Bailey, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 226**, sponsored by Senator Belt, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 282**, sponsored by Senator Loughran Cappel, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 290**, sponsored by Senator Villa, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 292**, sponsored by Senator Fine, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 310**, sponsored by Senator Belt, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 332**, sponsored by Senator Murphy, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 414**, sponsored by Senator Belt, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 418**, sponsored by Senator Holmes, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 425**, sponsored by Senator E. Jones III, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 426**, sponsored by Senator E. Jones III, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 571**, sponsored by Senator Gillespie, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 625**, sponsored by Senator Villa, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 633**, sponsored by Senator Koehler, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 640**, sponsored by Senator Castro, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 641**, sponsored by Senator Villa, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 644**, sponsored by Senator Johnson, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 648**, sponsored by Senator Simmons, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 692**, sponsored by Senator Morrison, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 711**, sponsored by Senator Holmes, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 714**, sponsored by Senator Belt, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 716**, sponsored by Senator Villavalam, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 733**, sponsored by Senator Pacione-Zayas, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 809**, sponsored by Senator Villa, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 813**, sponsored by Senator Murphy, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 836**, sponsored by Senator Connor, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1719**, sponsored by Senator Curran, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1739**, sponsored by Senator Villa, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1744**, sponsored by Senator Villivalam, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1745**, sponsored by Senator Harris, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1755**, sponsored by Senator Bryant, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1760**, sponsored by Senator Murphy, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1777**, sponsored by Senator Martwick, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1802**, sponsored by Senator Ellman, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1805**, sponsored by Senator Van Pelt, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1831**, sponsored by Senator Aquino, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1836**, sponsored by Senator Fine, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1915**, sponsored by Senator Bennett, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1916**, sponsored by Senator Stewart, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1927**, sponsored by Senator Anderson, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1928**, sponsored by Senator Anderson, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1931**, sponsored by Senator Anderson, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1932**, sponsored by Senator Anderson, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1934**, sponsored by Senator Ellman, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1954**, sponsored by Senator Villa, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1966**, sponsored by Senator McClure, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1976**, sponsored by Senator Villavalam, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 2365**, sponsored by Senator S. Turner, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 2394**, sponsored by Senator Fine, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 2400**, sponsored by Senator Villavalam, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 2401**, sponsored by Senator Harris, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 2409**, sponsored by Senator Castro, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 2413**, sponsored by Senator Harris, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 2614**, sponsored by Senator Pacione-Zayas, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 2649**, sponsored by Senator Barickman, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 2791**, sponsored by Senator Bush, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 2943**, sponsored by Senator Villivalam, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 2950**, sponsored by Senator Morrison, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 2622**, sponsored by Senator T. Cullerton, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3019**, sponsored by Senator Peters, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3145**, sponsored by Senator S. Turner, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3160**, sponsored by Senator Castro, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3165**, sponsored by Senator Rezin, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3447**, sponsored by Senator Bush, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3497**, sponsored by Senator Anderson, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3662**, sponsored by Senator Holmes, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3714**, sponsored by Senator E. Jones III, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3793**, sponsored by Senator Morrison, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3821**, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3855**, sponsored by Senator Stewart, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3886**, sponsored by Senator Feigenholtz, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3940**, sponsored by Senator Belt, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3968**, sponsored by Senator Cunningham, was taken up, read by title a first time and referred to the Committee on Assignments.

## REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Cunningham, Vice-Chair of the Committee on Assignments, during its April 22, 2021 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Criminal Law: **Floor Amendment No. 2 to Senate Bill 2122**.

Energy and Public Utilities: **Floor Amendment No. 2 to Senate Bill 923; Committee Amendment No. 1 to Senate Bill 1605**.

Executive: **Floor Amendment No. 2 to Senate Bill 740**.

Health: **Floor Amendment No. 2 to Senate Bill 1040; Floor Amendment No. 2 to Senate Bill 2137**.

Human Rights: **Floor Amendment No. 1 to Senate Bill 2665**.

Judiciary: **Floor Amendment No. 2 to Senate Bill 701; Floor Amendment No. 1 to Senate Bill 2494**.

Transportation: **Floor Amendment No. 1 to Senate Bill 1231; Floor Amendment No. 1 to Senate Bill 1232**.

Pursuant to Senate Rule 3-8 (b-1), the following amendments will remain in the Committee on Assignments: **Floor Amendment No. 1 to Senate Bill 732, Floor Amendment No. 1 to Senate Bill 740, Floor Amendment No. 1 to Senate Bill 757 and Floor Amendment No. 1 to Senate Bill 1277**.

Senator Hunter asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

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

At the hour of 11:29 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

**AFTER RECESS**

At the hour of 12:22 o'clock p.m., the Senate resumed consideration of business.
Senator Cunningham, presiding.

**MOTION**

Senator Holmes moved that pursuant to Senate Rule 4-1(e), Senators Ellman, Harris, Lightford, Pacione-Zayas, Van Pelt and Wilcox be allowed to remotely participate and vote in today's session.
The motion prevailed.

**PRESENTATION OF RESOLUTION**

Senator Lightford offered the following Senate Resolution, which was referred to the Committee on Assignments:

**SENATE RESOLUTION NO. 232**

WHEREAS, All students, educators, and families in Illinois have been deeply affected by COVID-19 in ways that will be felt for years to come; and

WHEREAS, The pandemic has laid bare systemic inequities in American society and has disproportionately impacted Black and Latinx students, students from low-income households, English Learners, and students with special needs; and

WHEREAS, Even prior to COVID-19, Illinois students faced significant unmet academic and social-emotional needs; and

WHEREAS, Since March 2020, the COVID-19 pandemic has forced districts to disrupt traditional in-person learning and educator professional development, and schools have been implementing variations of in-person, hybrid, and remote learning models; and

WHEREAS, Research suggests that the disrupted schooling over the past year, left unaddressed, will impact students' academic and social-emotional learning and development and will disproportionally impact historically underserved students' educational and lifelong outcomes; and

WHEREAS, The path to recovery for Illinois students requires a commitment to address their academic, emotional, and mental health needs and requires adults in the State of Illinois to provide our children with stronger, more systemic supports and interventions; and

WHEREAS, Teachers and administrators will need additional time to plan and adapt practice to best support student needs; and

WHEREAS, Both research and practice indicate that adding time to the school day and/or year can have a meaningful positive impact on student outcomes; and

WHEREAS, To be most effective, this additional time needs to be of both a sufficient quantity and quality, including engaging instructional and enrichment time for students and planning and collaboration time for educators; and

WHEREAS, There are meaningful equity considerations that schools and districts must consider in how they elect to add additional time to the school day and/or school year so that no student or group of students is excluded or faces opportunity gaps; and

WHEREAS, Illinois school districts have received significant federal stimulus dollars to address both the COVID-19 related immediate and recovery needs of students, and extended time is an allowable use for these funds; and

WHEREAS, Absent additional time, in order to provide the needed academic and social-emotional supports, schools may be forced to eliminate or decrease time and support for enrichment opportunities or focus on a subset of content instead of the breadth and depth of knowledge the State and Illinois institutions of higher education have deemed necessary for post-secondary success; and

WHEREAS, National and local education and civil rights leaders, as well as state education leaders, have advocated for additional time as a critical strategy to address learning disruption; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge Illinois school districts to add additional time to the school day and/or school year, beginning in the School Year 2021-22 and for the next three years, to help all students address the unprecedented need brought by the COVID-19 learning disruption; and be it further

RESOLVED, That this additional time should be added based on research-based best practices, including ensuring there are sufficient additional minutes added to the calendar with a focus on quality instructional, social-emotional, and enrichment programming; and be it further

RESOLVED, That additional consideration should be given to the need for additional time for educators to plan and prepare; and be it further

RESOLVED, That districts should prioritize equity considerations in the planning and implementation of this additional time, including how this time is (1) prioritized for those schools and communities that serve predominantly historically underserved student populations, (2) supported by qualified educators and staff, (3) accessible by sufficient transportation services and not at the exclusion of participating in extracurricular activities like sports, internships and clubs, (4) inclusive of programming that takes into

consideration the language needs and diverse learner needs of the community's students, (5) not prohibitive for students based on fees, and (6) executed in partnership with caregivers, students, and school staff.

**READING BILLS OF THE SENATE A SECOND TIME**

On motion of Senator Murphy, **Senate Bill No. 142** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **Senate Bill No. 1534** having been printed, was taken up, read by title a second time.

Senator Muñoz offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 1534**

AMENDMENT NO. 1 . Amend Senate Bill 1534 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Credit Union Act is amended by changing Sections 19, 23, 34, 51, 57, 59, and 64.7 and by adding Section 20.5 as follows:

(205 ILCS 305/19) (from Ch. 17, par. 4420)

Sec. 19. Meeting of members.

(1)(a) The annual meeting shall be held each year during the months of January, February or March or such other month as may be approved by the Department. The meeting shall be held at the time, place and in the manner set forth in the bylaws. Any special meetings of the members of the credit union shall be held at the time, place and in the manner set forth in the bylaws. Unless otherwise set forth in this Act, quorum requirements for meetings of members shall be established by a credit union in its bylaws. Notice of all meetings must be given by the secretary of the credit union at least 7 days before the date of such meeting, either by handing a written or printed notice to each member of the credit union, by mailing the notice to the member at his address as listed on the books and records of the credit union, ~~or~~ by posting a notice of the meeting in three conspicuous places, including the office of the credit union, by posting the notice of the meeting on the credit union's website, or by disclosing the notice of the meeting in membership newsletters or account statements.

(b) Unless expressly prohibited by the articles of incorporation or bylaws and subject to applicable requirements of this Act, the board of directors may provide by resolution that members may attend, participate in, act in, and vote at any annual meeting or special meeting through the use of a conference telephone or interactive technology, including, but not limited to, electronic transmission, internet usage, or remote communication, by means of which all persons participating in the meeting can communicate with each other. Participation through the use of a conference telephone or interactive technology shall constitute attendance, presence, and representation in person at the annual meeting or special meeting of the person or persons so participating and count towards the quorum required to conduct business at the meeting. The following conditions shall apply to any virtual meeting of the members:

(i) the credit union must internally possess or retain the technological capacity to facilitate virtual meeting attendance, participation, communication, and voting; and

(ii) the members must receive notice of the use of a virtual meeting format and appropriate instructions for joining, participating, and voting during the virtual meeting at least 7 days before the virtual meeting.

(2) On all questions and at all elections, except election of directors, each member has one vote regardless of the number of his shares. There shall be no voting by proxy except on the election of directors, proposals for merger or voluntary dissolution. Members may vote on questions, including, without limitation, the approval of mergers and voluntary dissolutions under this Act, and in elections by secure electronic record if approved by the board of directors. All voting on the election of directors shall be by ballot, but when there is no contest, written or electronic ballots need not be cast. The record date to be used for the purpose of determining which members are entitled to notice of or to vote at any meeting of members, may be fixed in advance by the directors on a date not more than 90 days nor less than 10 days prior to the date of the meeting. If no record date is fixed by the directors, the first day on which notice of the meeting is given, mailed or posted is the record date.

(3) Regardless of the number of shares owned by a society, association, club, partnership, other credit union or corporation, having membership in the credit union, it shall be entitled to only one vote and it may be represented and have its vote cast by its designated agent acting on its behalf pursuant to a resolution adopted by the organization's board of directors or similar governing authority; provided that the credit union shall obtain a certified copy of such resolution before such vote may be cast.

(4) A member may revoke a proxy by delivery to the credit union of a written statement to that effect, by execution of a subsequently dated proxy, by execution of a secure electronic record, or by attendance at a meeting and voting in person.

(5) As used in this Section, "electronic" and "electronic record" have the meanings ascribed to those terms in the Electronic Commerce Security Act. As used in this Section, "secured electronic record" means an electronic record that meets the criteria set forth in Section 10-105 of the Electronic Commerce Security Act.

(Source: P.A. 100-361, eff. 8-25-17.)

(205 ILCS 305/20.5 new)

Sec. 20.5. Appointment of associate directors.

(a) The board of directors of a credit union may, in its discretion, appoint one or more associate directors to serve in an advisory capacity. The board shall prescribe the duties of an associate director and the manner in which associate directors are appointed and removed. The board shall not delegate to associate directors any of the duties or responsibilities prescribed by this Act or other applicable law to be performed by directors duly elected by their members. An associate director shall not be deemed or considered to be a director for any purpose under this Act.

(b) Before appointing an associate director, the board shall confirm that the person meets all of the requirements to serve as a director, including, without limitation, a working familiarity with the financial and accounting practices of the credit union as set forth in subsection (c) of Section 30.

(c) An associate director may participate in meetings of the board but may not vote or otherwise act as a director. With respect to any issue that comes before the board for deliberation, the board may request that all associate directors excuse themselves from the meeting of the board and the associate directors shall immediately comply with the request.

(d) The board shall require each associate director to sign a confidentiality or non-disclosure agreement to ensure that information concerning the credit union remains confidential.

(205 ILCS 305/23) (from Ch. 17, par. 4424)

Sec. 23. Compensation of officials.

(1) Directors and committee members may receive reasonable compensation for their service as such, the amount of which shall be set by the board of directors, in accordance with written policies and procedures established by the board of directors. If the Department determines the payment of director or committee member compensation, or both, creates a safety and soundness issue for a credit union, the Department shall utilize the standards set forth in 38 Ill. Adm. Code 190.25 and supplemental guidelines to address and resolve the issue. An enforcement action taken pursuant to 38 Ill. Adm. Code 190.25 and guidelines and specified by the Act shall be used to reduce or suspend the compensation paid to the directors and committee members. ~~The Department shall, by rule, establish maximum rates of reasonable compensation that are generally applicable to credit unions considering factors the Department may establish from time to time, including, but not limited to, total assets, nonprofit cooperative structure, and the best interests of members.~~ "Compensation" as used in this subsection (1) refers to remuneration expense to the credit union for services provided by a director or committee member in his or her capacity as director or committee member. The remuneration expense is in the form of monetary payments and shall be disclosed on an annual basis to the membership in the financial statement that is part of the annual membership meeting materials. The disclosure shall contain: (i) the amount paid to each director and (ii) the amount paid to the directors as a group. "Compensation" does not include any of the expenses described in subsections (2) and (3) of this Section.

(2) The credit union may incur the expense of providing reasonable life, health, accident, and similar insurance protection benefits for directors and committee members.

(3) Directors, committee members and employees, while on official business of the credit union, may be reimbursed for reasonable and necessary expenses. Alternatively, the credit union may make direct payment to a third party for such business expenses. Reasonable and necessary expenses may include the payment of travel costs for the foregoing officials and one guest per official. All payment of costs shall be made in accordance with written policies and procedures established by the board of directors.

(4) The board of directors may establish compensation for officers of the credit union.
(Source: P.A. 101-567, eff. 8-23-19.)

(205 ILCS 305/34) (from Ch. 17, par. 4435)

Sec. 34. Duties of supervisory committee.

(1) The supervisory committee shall make or cause to be made an annual internal audit of the books and affairs of the credit union to determine that the credit union's accounting records and reports are prepared promptly and accurately reflect operations and results, that internal controls are established and effectively maintained to safeguard the assets of the credit union, and that the policies, procedures and practices established by the board of directors and management of the credit union are being properly administered. The supervisory committee shall submit a report of that audit to the board of directors and a summary of that report to the members at the next annual meeting of the credit union. It shall make or cause to be made such supplementary audits as it deems necessary or as are required by the Secretary or by the board of directors, and submit reports of these supplementary audits to the Secretary or board of directors as applicable. If the supervisory committee has not engaged a licensed certified public accountant or licensed certified public accounting firm to make the internal audit, the supervisory committee or other officials of the credit union shall not indicate or in any manner imply that such audit has been performed by a licensed certified public accountant or licensed certified public accounting firm or that the audit represents the independent opinion of a licensed certified public accountant or licensed certified public accounting firm. The supervisory committee must retain its tapes and working papers of each internal audit for inspection by the Department. The report of this audit must be made on a form approved by the Secretary. A copy of the report must be promptly delivered to the Secretary as set forth in paragraph (C) of subsection (3).

(2) The supervisory committee shall make or cause to be made at least once each year a reasonable percentage verification of members' share and loan accounts, consistent with rules promulgated by the Secretary.

(3) (A) The supervisory committee of a credit union with assets of $10,000,000 or more shall engage a licensed certified public accountant or licensed certified public accounting firm to perform an annual external independent audit of the credit union's financial statements in accordance with generally accepted auditing standards and the financial statements shall be issued in accordance with accounting principles generally accepted in the United States of America.

(B) The supervisory committee of a credit union with assets of $5,000,000 or more, but less than $10,000,000, shall engage a licensed certified public accountant or licensed certified public accounting firm to perform on an annual basis: (i) an agreed-upon procedures engagement under attestation standards established by the American Institute of Certified Public Accountants to minimally satisfy the supervisory committee internal audit standards set forth in subsection (1); or (ii) an external independent audit of the credit union's financial statements pursuant to the standards set forth in paragraph (A) of subsection (3).

(C) Notwithstanding anything to the contrary in Section 6, each credit union organized under this Act shall select the annual period it desires to use for purposes of performing the external independent audit, agreed-upon procedures engagement, or internal audit described in this Section. The annual period may end on the final day of any month and shall be construed to mean once every calendar year and not once every 12-month period. Irrespective of the annual period selected, the credit union shall complete its external independent audit report, agreed-upon procedures report, or internal audit report and deliver a copy to the Secretary no later than 120 days after the effective date of the audit or engagement, which shall mean the last day of the selected annual period. ~~The external independent audit report or agreed-upon procedures report shall be completed and a copy thereof delivered to the Secretary no later than 120 days after the end of the calendar or fiscal year under audit or fiscal period for which the agreed-upon procedures are performed.~~ A credit union or group of credit unions may obtain an extension of the due date upon application to and receipt of written approval from the Secretary.

(D) If the credit union engages a licensed certified public accountant or licensed certified public accounting firm to perform an annual external independent audit of the credit union's financial statements pursuant to the standards in paragraph (A) of subsection (3) or an annual agreed-upon procedures engagement pursuant to the standards in paragraph (B) of subsection (3), then the annual internal audit requirements of subsection (1) shall be deemed satisfied and met in all respects.

(4) In determining the appropriate balance in the allowance for loan losses account, a credit union may determine its historical loss rate using a defined period of time of less than 5 years, provided that:

(A) the methodology used to determine the defined period of time is formally documented in the credit union's policies and procedures and is appropriate to the credit union's size, business

strategy, and loan portfolio characteristics and the economic environment of the areas and employers served by the credit union;

(B) supporting documentation is maintained for the technique used to develop the credit union loss rates, including the period of time used to accumulate historical loss data and the factors considered in establishing the time frames; and

(C) the external auditor conducting the credit union's financial statement audit has analyzed the methodology employed by the credit union and concludes that the financial statements, including the allowance for loan losses, are fairly stated in all material respects in accordance with U.S. Generally Accepted Accounting Principles, as promulgated by the Financial Accounting Standards Board.

(5) A majority of the members of the supervisory committee shall constitute a quorum.

(6) On an annual basis commencing January 1, 2015, the members of the supervisory committee shall receive training related to their statutory duties. Supervisory committee members may receive the training through internal credit union training, external training offered by the credit union's retained auditors, trade associations, vendors, regulatory agencies, or any other sources or on-the-job experience, or a combination of those activities. The training may be received through any medium, including, but not limited to, conferences, workshops, audit closing meetings, seminars, teleconferences, webinars, and other Internet-based delivery channels.

(Source: P.A. 100-778, eff. 8-10-18; 101-81, eff. 7-12-19.)

(205 ILCS 305/51) (from Ch. 17, par. 4452)

Sec. 51. Other loan programs.

(1) Subject to such rules and regulations as the Secretary may promulgate, a credit union may participate in loans to credit union members jointly with other credit unions, corporations, or financial institutions. An originating credit union may originate loans only to its own members. A participating credit union that is not the originating lender may participate in loans made to its own members or to members of another participating credit union. "Originating lender" means the participating credit union with which the member contracts. A master participation agreement must be properly executed, and the agreement must include provisions for identifying, either through documents incorporated by reference or directly in the agreement, the participation loan or loans prior to their sale.

(2) Any credit union with assets of $500,000 or more may loan to its members under scholarship programs which are subject to a federal or state law providing 100% repayment guarantee.

(3) A credit union may purchase the conditional sales contracts, notes and similar instruments which evidence an indebtedness of its members. In the management of its assets, liabilities, and liquidity, a credit union may purchase the conditional sales contracts, notes, and other similar instruments that evidence the consumer indebtedness of the members of another credit union. "Consumer indebtedness" means indebtedness incurred for personal, family, or household purposes.

(4) With approval of the board of directors, a credit union may make loans, either on its own or jointly with other credit unions, corporations or financial institutions, to credit union organizations; provided, that the aggregate amount of all such loans outstanding shall not at any time exceed the greater of 6% ~~3%~~ of the paid-in and unimpaired capital and surplus of the credit union or the amount authorized for federal credit unions.

(5) With the approval of the board of directors, a credit union may make loans, either on its own or jointly with other credit unions, corporations, or financial institutions, to community development financial institutions as defined in regulations issued by the U.S. Department of the Treasury and minority depository institutions as defined by the National Credit Union Administration. The aggregate amount of all such loans outstanding shall not at any time exceed 5% of the paid-in and unimpaired capital and surplus of the credit union.

(Source: P.A. 97-133, eff. 1-1-12.)

(205 ILCS 305/57) (from Ch. 17, par. 4458)

Sec. 57. Group purchasing and marketing.

(a) A credit union may, consistent with rules and regulations promulgated by the Secretary, enter into cooperative marketing arrangements to facilitate its members' voluntary purchase of such goods and services as are in the interest of improving economic and social conditions of the members.

(b) A credit union may create and use descriptive and brand references to promote and market its identity, services, and products to its members. In the case of a merger pursuant to Section 63, the surviving credit union may identify the merging credit union as a division, branch, unit, or other descriptive reference

that ensures the members understand they are dealing with one credit union rather than multiple credit unions, as of the effective date of the merger.

(Source: P.A. 100-361, eff. 8-25-17.)

(205 ILCS 305/59) (from Ch. 17, par. 4460)

Sec. 59. Investment of funds.

(a) Funds not used in loans to members may be invested, pursuant to subsection (7) of Section 30 of this Act, and subject to Departmental rules and regulations:

(1) In securities, obligations or other instruments of or issued by or fully guaranteed as to principal and interest by the United States of America or any agency thereof or in any trust or trusts established for investing directly or collectively in the same;

(2) In obligations of any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the several territories organized by Congress, or any political subdivision thereof; however, a credit union may not invest more than 10% of its unimpaired capital and surplus in the obligations of one issuer, exclusive of general obligations of the issuer, and investments in municipal securities must be limited to securities rated in one of the 4 highest rating categories by a nationally recognized statistical rating organization;

(3) In certificates of deposit or passbook type accounts issued by a state or national bank, mutual savings bank or savings and loan association; provided that such institutions have their accounts insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation; but provided, further, that a credit union's investment in an account in any one institution may exceed the insured limit on accounts;

(4) In shares, classes of shares or share certificates of other credit unions, including, but not limited to corporate credit unions; provided that such credit unions have their members' accounts insured by the NCUA or other approved insurers, and that if the members' accounts are so insured, a credit union's investment may exceed the insured limit on accounts;

(5) In shares of a cooperative society organized under the laws of this State or the laws of the United States in the total amount not exceeding 10% of the unimpaired capital and surplus of the credit union; provided that such investment shall first be approved by the Department;

(6) In obligations of the State of Israel, or obligations fully guaranteed by the State of Israel as to payment of principal and interest;

(7) In shares, stocks or obligations of other financial institutions in the total amount not exceeding 5% of the unimpaired capital and surplus of the credit union;

(8) In federal funds and bankers' acceptances;

(9) In shares or stocks of Credit Union Service Organizations in the total amount not exceeding the greater of 6% ~~3%~~ of the unimpaired capital and surplus of the credit union or the amount authorized for federal credit unions;

(10) In corporate bonds identified as investment grade by at least one nationally recognized statistical rating organization, provided that:

(i) the board of directors has established a written policy that addresses corporate bond investment procedures and how the credit union will manage credit risk, interest rate risk, liquidity risk, and concentration risk; and

(ii) the credit union has documented in its records that a credit analysis of a particular investment and the issuing entity was conducted by the credit union, a third party on behalf of the credit union qualified by education or experience to assess the risk characteristics of corporate bonds, or a nationally recognized statistical rating agency before purchasing the investment and the analysis is updated at least annually for as long as it holds the investment;

(11) To aid in the credit union's management of its assets, liabilities, and liquidity in the purchase of an investment interest in a pool of loans, in whole or in part and without regard to the membership of the borrowers, from other depository institutions and financial type institutions, including mortgage banks, finance companies, insurance companies, and other loan sellers, subject to such safety and soundness standards, limitations, and qualifications as the Department may establish by rule or guidance from time to time;

(12) To aid in the credit union's management of its assets, liabilities, and liquidity by receiving funds from another financial institution as evidenced by certificates of deposit, share certificates, or other classes of shares issued by the credit union to the financial institution; ~~and~~

(13) In the purchase and assumption of assets held by other financial institutions, with approval of the Secretary and subject to any safety and soundness standards, limitations, and qualifications as the Department may establish by rule or guidance from time to time; and.

(14) In the shares, stocks, or obligations of community development financial institutions as defined in regulations issued by the U.S. Department of the Treasury and minority depository institutions as defined by the National Credit Union Administration; however the aggregate amount of all such investments shall not at any time exceed 5% of the paid-in and unimpaired capital and surplus of the credit union.

(b) As used in this Section:

"Political subdivision" includes, but is not limited to, counties, townships, cities, villages, incorporated towns, school districts, educational service regions, special road districts, public water supply districts, fire protection districts, drainage districts, levee districts, sewer districts, housing authorities, park districts, and any agency, corporation, or instrumentality of a state or its political subdivisions, whether now or hereafter created and whether herein specifically mentioned or not.

"Financial institution" includes any bank, savings bank, savings and loan association, or credit union established under the laws of the United States, this State, or any other state.

(c) A credit union investing to fund an employee benefit plan obligation is not subject to the investment limitations of this Act and this Section and may purchase an investment that would otherwise be impermissible if the investment is directly related to the credit union's obligation under the employee benefit plan and the credit union holds the investment only for so long as it has an actual or potential obligation under the employee benefit plan.

(d) If a credit union acquires loans from another financial institution or financial-type institution pursuant to this Section, the credit union shall be authorized to provide loan servicing and collection services in connection with those loans.

(Source: P.A. 100-361, eff. 8-25-17; 100-778, eff. 8-10-18; 101-567, eff. 8-23-19.)

(205 ILCS 305/64.7)

Sec. 64.7. Network credit unions.

(a) Two or more credit unions merging pursuant to Section 63 of this Act may elect to request a network credit union designation for the surviving credit union from the Secretary. The request shall be set forth in the plan of merger and certificate of merger executed by the credit unions and submitted to the Secretary pursuant to subsection (4) of Section 63. The Secretary's approval of a certificate of merger containing a network credit union designation request shall constitute approval of the use of the network designation as a brand or other identifier of the surviving credit union. If the surviving credit union desires to include the network designation in its legal name, make any other change to its legal name, or both, it shall proceed with an amendment to the articles of incorporation and bylaws of the surviving credit union pursuant to Section 4 of this Act.

(b) A network credit union is a cooperative business structure comprised of 2 or more merging credit unions with a collective goal of efficiently serving their combined membership and gaining economies of scale through common vision, strategy and initiative. The merging credit unions shall be identified as divisional credit unions, branches, or units of the network credit union or by other descriptive references that ensure the members understand they are dealing with one credit union rather than multiple credit unions. Descriptive and brand references may also be created and used to promote the identity, services, and products of the network credit union to its members.

(c) Each divisional credit union may have an advisory board of directors and a chief management official to assist in maintaining and leveraging its respective local identity for the benefit of the surviving credit union. The divisional credit union advisory boards shall be appointed by the network credit union board of directors. Each divisional credit union's advisory board of directors may appoint a divisional credit union chief management official and may also appoint one of its directors to serve on the network credit union's nominating committee. A divisional credit union may determine to identify its advisory board as a committee and its divisional chief management official with a title it deems reasonable and appropriate. The network credit union board of directors shall require each advisory board member to sign a confidentiality or non-disclosure agreement to ensure that information concerning the credit union remains confidential.

(d) The network credit union is the surviving legal entity in the merger and supervision, examination, audit, reporting, governance, and management shall be conducted or performed at the network credit union level. All share insurance, safety and soundness, and statutory and regulatory requirements and limitations shall be evaluated at the network credit union level.

(Source: P.A. 99-614, eff. 7-22-16; 100-361, eff. 8-25-17.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Muñoz, **Senate Bill No. 1541** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **Senate Bill No. 1672** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was postponed in the Committee on Insurance.

The following amendments were offered in the Committee on Insurance, adopted and ordered printed:

**AMENDMENT NO. 2 TO SENATE BILL 1672**

AMENDMENT NO. 2 . Amend Senate Bill 1672 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 143.10d as follows:

(215 ILCS 5/143.10d new)

Sec. 143.10d. Claim information for a dog-related incident.

(a) An insurance company offering homeowner's insurance coverage or renter's insurance coverage that issues a policy or contract insuring against liability for injury to a person or injury to or destruction of property arising out of the ownership, lease, or rental of residential property shall, for any claim involving a dog-related incident, record circumstances relating to the incident, including, but not limited to:

(1) if the alleged breed of the dog is noted on the claim, whether the determination of the breed was based on visual identification or more accurate methods, such as American Kennel Club registration or DNA testing, and, if the breed was determined by visual identification, who made the visual identification and the qualifications of the person making the visual identification;

(2) the sex of the dog and whether the dog was spayed or neutered;

(3) whether, at the time of the incident, the person or domestic animal who was injured, attacked, or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or domestic animal was not authorized by the owner of the premises to be within the enclosure or structure, including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked;

(4) whether the person or domestic animal who was injured, attacked, or threatened by the dog was a resident, invitee, licensee, trespasser, or had some other status;

(5) whether the dog was on a leash or a chain at the time of the incident and whether the incident occurred indoors or outdoors;

(6) whether the person injured by the dog was engaged in teasing, tormenting, battering, assaulting, injuring, or otherwise provoking the dog;

(7) the age and behavior of the victim when the incident occurred;

(8) the exact location of the dog and the victim prior to the incident;

(9) the type of injury sustained by the victim;

(10) whether the incident occurred on the owner's property or elsewhere;

(11) any training, past behavior, or relevant medical evaluations of the dog;

(12) whether the dog was declared dangerous or vicious pursuant to the Animal Control Act;

(13) whether the person who was injured by the dog was committing a crime upon the person or property of the owner or keeper of the dog; and

(14) whether the dog was protecting or defending itself, its offspring, another domestic animal, or a person from attack or assault.

(b) This information shall be collected for a 3-year period beginning on January 1, 2022 and shall be reported annually to the Department. The Department shall make the information available on the Department's website by July 1, 2023 and shall update the information each July 1 through July 1, 2025.

(c) An insurer offering insurance as defined in subsection (b) of Section 143.13 that does not have any dog breed restrictions or dog breed lists impacting underwriting and rating is exempt from the reporting requirements if the insurer certifies annually in writing to the Department that they do not have or use any dog breed restrictions or dog breed lists.".

**AMENDMENT NO. 3 TO SENATE BILL 1672**

AMENDMENT NO. 3 . Amend Senate Bill 1672, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 4, line 2, by replacing "and" with "or".

There being no further amendments, the foregoing Amendments Numbered 2 and 3 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Bennett, **Senate Bill No. 1690** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hastings, **Senate Bill No. 1749** having been printed, was taken up, read by title a second time.

The following amendments were offered in the Committee on State Government, adopted and ordered printed:

**AMENDMENT NO. 1 TO SENATE BILL 1749**

AMENDMENT NO. 1 . Amend Senate Bill 1749 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Amateur Sports Commission Act.

Section 5. Illinois Amateur Sports Commission; purpose; duties.

(a) The Illinois Amateur Sports Commission is created.

(b) The purpose of the Commission is to research, study, and to make recommendations to the Governor and the General Assembly about the promotion, development, expansion, and fostering of amateur sports, amateur sports programs, and amateur sporting events throughout the State.

(c) Recommendations made by the Commission shall focus generally on the promotion and encouragement of physical fitness through the participation in amateur sports and amateur sports programs and on the development of local and statewide business opportunities and economic development relating to amateur sports, amateur sports programs, competitions, and events. The recommendations reported by the Commission to the Governor and General Assembly shall include, but are not limited to, the following objectives:

(1) To provide workshops, training, and conferences to schools and communities throughout the State to increase youth participation in amateur sports and amateur sports programs.

(2) To connect public, private, local, and State entities to generate funding for amateur sports programs and to facilitate the communication of information statewide about amateur sports programs and events.

(3) To support the development of and investment in an Olympic Training Center in the State.

(4) To promote the participation of community amateur sports programs in national and international amateur athletic competitions and events.

(5) To encourage the inclusion and participation of persons with disabilities in amateur sports and amateur sports programs.

(6) To encourage the inclusion and participation of persons from historically disadvantaged communities in amateur sports and amateur sports programs.

Section 10. Membership.

(a) The Commission shall include the following members:

(1) Four members appointed by the Governor who have recognized experience in promoting, organizing, or administering amateur sports programs or other athletic organizations.

(2) Two members appointed by the Governor who are Olympians and who participated in youth sports.

(3) One member of the Senate appointed by the President of the Senate.

(4) One member of the Senate appointed by the Minority Leader of the Senate.

(5) One member of the House of Representatives appointed by the Speaker of the House of Representatives.

(6) One member of the House of Representatives appointed by the Minority Leader of the House of Representatives.

(7) One member appointed by the Governor who represents an Illinois high school athletic association.

(8) One member appointed by the Governor who represents an Illinois collegiate athletic association.

(9) Fifteen members appointed by the Governor who shall individually represent one category of the following amateur youth sports, but shall as a group represent all of the following categories of amateur youth sports:

(A) Baseball.
(B) Basketball.
(C) Gymnastics.
(D) Cross country running or other track and field sports.
(E) Football.
(F) Golf.
(G) Hockey.
(H) Soccer.
(I) Softball.
(J) Swimming.
(K) Volleyball.
(L) Cheerleading.
(M) Wrestling.
(N) Tennis.
(O) The Special Olympics.

(b) More than 4 members of the General Assembly may be appointed to serve on the Commission as long as the number of members appointed at any time, except during a vacancy, represent equally each of the majority and minority caucuses of each house.

(c) The Governor shall select the chairperson of the Council from among the members.

Section 15. Terms; meetings; support; expenses.

(a) Each member of the Commission shall be appointed for a 2-year term, or until his or her successor is appointed. The Governor may stagger the members' terms to ensure continuity in the performance of the Commission's responsibilities.

(b) The Commission shall meet initially within 30 days after the effective date of this Act, and at least quarterly thereafter, at the times and places in this State that the Commission designates.

(c) The Department of Commerce and Economic Opportunity shall provide administrative and other support to the Commission.

(d) Members of the Commission shall receive no compensation for their participation, but may be reimbursed by the Department of Commerce and Economic Opportunity for expenses in connection with their participation, including travel, subject to the rules of the appropriate travel control board, if funds are available.

Section 20. Reporting. The Commission shall submit a report of its findings, research, and recommendations to the Governor and the General Assembly on or before December 31, 2023 and each December 31 thereafter.

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

**AMENDMENT NO. 2 TO SENATE BILL 1749**

AMENDMENT NO. 2 . Amend Senate Bill 1749 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Commission on Amateur Sports Act.

Section 5. Illinois Commission on Amateur Sports; purpose; duties.

(a) The Illinois Commission on Amateur Sports is created.

(b) The purpose of the Commission is to research, study, and to make recommendations to the Governor, the General Assembly, and the Department of Commerce and Economic Opportunity about the promotion, development, expansion, hosting, and fostering of amateur sports, amateur sports programs, and amateur sporting events and tournaments throughout the State.

(c) Recommendations made by the Commission shall focus generally on the promotion and encouragement of physical fitness through the participation in amateur sports and amateur sports programs and on the development of local and statewide business opportunities and economic development relating to amateur sports, amateur sports programs, competitions, events and tournaments. The recommendations reported by the Commission to the Governor, the General Assembly, and the Department of Commerce and Economic Opportunity shall include, but are not limited to, the following objectives:

(1) To provide workshops, training, and conferences to schools and communities throughout the State to increase youth participation in amateur sports and amateur sports programs.

(2) To connect public, private, local, and State entities to generate funding for amateur sports programs and to facilitate the communication of information statewide about amateur sports programs and events.

(3) To support the development of and investment in an Olympic Training Center in the State.

(4) To promote the participation of community amateur sports programs in national and international amateur athletic competitions and events.

(5) To encourage the inclusion and participation of persons with disabilities in amateur sports and amateur sports programs.

(6) To encourage the inclusion and participation of persons from historically disadvantaged communities in amateur sports and amateur sports programs.

(7) To support and encourage the development of sports tourism.

Section 10. Membership.

(a) The Commission shall include the following members:

(1) Four members appointed by the Governor who have recognized experience in promoting, organizing, or administering amateur sports programs or other athletic organizations.

(2) Two members appointed by the Governor who are Olympians and who participated in youth sports.

(3) One member of the Senate appointed by the President of the Senate.

(4) One member of the Senate appointed by the Minority Leader of the Senate.

(5) One member of the House of Representatives appointed by the Speaker of the House of Representatives.

(6) One member of the House of Representatives appointed by the Minority Leader of the House of Representatives.

(7) One member appointed by the Governor who represents an Illinois high school athletic association.

(8) One member appointed by the Governor who represents an Illinois collegiate athletic association.

(9) One member appointed by the Governor who is a representative of the Illinois Council of Convention and Visitor Bureaus or represents any other similar State-certified entity.

(10) Fifteen members appointed by the Governor who shall individually represent one category of the following amateur youth sports, but shall as a group represent all of the following categories of amateur youth sports:

(A) Baseball.

(B) Basketball.

(C) Gymnastics.

(D) Cross country running or other track and field sports.
(E) Football.
(F) Golf.
(G) Hockey.
(H) Soccer.
(I) Softball.
(J) Swimming.
(K) Volleyball.
(L) Cheerleading.
(M) Wrestling.
(N) Tennis.
(O) The Special Olympics.

(b) More than 4 members of the General Assembly may be appointed to serve on the Commission as long as the number of members appointed at any time, except during a vacancy, represent equally each of the majority and minority caucuses of each house.

(c) The Governor shall select the chairperson of the Council from among the members.

Section 15. Terms; meetings; support; expenses.

(a) Each member of the Commission shall be appointed for a 2-year term, or until his or her successor is appointed. The Governor may stagger the members' terms to ensure continuity in the performance of the Commission's responsibilities.

(b) The Commission shall meet initially within 30 days after the effective date of this Act, and at least quarterly thereafter, at the times and places in this State that the Commission designates.

(c) The Department of Commerce and Economic Opportunity shall provide administrative and other support to the Commission.

(d) Members of the Commission shall receive no compensation for their participation, but may be reimbursed by the Department of Commerce and Economic Opportunity for expenses in connection with their participation, including travel, subject to the rules of the appropriate travel control board, if funds are available.

Section 20. Reporting. The Commission shall submit a report of its findings, research, and recommendations to the Governor, the General Assembly, and the Department of Commerce and Economic Opportunity on or before December 31, 2023 and each December 31 thereafter.

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

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Stadelman, **Senate Bill No. 1721** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 1721**

AMENDMENT NO. 1 . Amend Senate Bill 1721 on page 14, line 20, by replacing "property" with "property, including publication in a newspaper that is in circulation in the county in which the action is pending"; and

on page 32, line 7, by replacing "property" with "property, including publication in a newspaper that is in circulation in the county in which the action is pending".

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

On motion of Senator Pacione-Zayas, **Senate Bill No. 1833** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 1833**

AMENDMENT NO. 1 . Amend Senate Bill 1833 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-1055 as follows:

(20 ILCS 605/605-1055 new)

Sec. 605-1055. State-designated cultural districts.

(a) As used in this Section, "State-designated cultural district" means a geographical area certified under this Section that has a distinct, historic, and cultural identity that does any of the following:

(1) Promotes a distinct historic and cultural community.

(2) Encourages economic development and supports entrepreneurship in the geographic area and community.

(3) Encourages the preservation and development of historic and culturally significant structures, traditions, and languages.

(4) Fosters local cultural development and education.

(5) Provides a focal point for celebrating and strengthening the unique cultural identity of the community.

(6) Promotes growth and opportunity without generating displacement or expanding inequality.

(b) Administrative authority. The Department of Commerce and Economic Opportunity shall establish criteria and guidelines for State-designated cultural districts by rule in accordance with qualifying criteria outlined in subsection (c). In executing its powers and duties under this Section, the Department shall:

(1) establish a competitive application system by which a community may apply for certification as a State-designated cultural district;

(2) provide technical assistance for State-designated cultural districts in identifying and achieving their goals for cultural preservation, including, but not limited to, promotional support of State-designated cultural districts;

(3) collaborate with other State agencies, units of local government, community organizations, and private entities to maximize the benefits of State-designated cultural districts; and

(4) establish an advisory committee to advise the Department on program rules and the certification process. The advisory committee must include:

(A) a representative of the Department appointed by the Director;

(B) a representative of the Department of Agriculture appointed by the Director of Agriculture;

(C) a representative of the Illinois Housing Development Authority appointed by the Executive Director of the Illinois Housing Development Authority;

(D) a representative of Illinois Office of Tourism appointed by the Director;

(E) a Latino Caucus member of the House of Representatives appointed by the Speaker of the House of Representatives;

(F) a Black Caucus member of the House of Representatives appointed by the Speaker of the House of the Representatives;

(G) a Latino Caucus member of the Senate appointed by the President of the Senate;

(H) a Black Caucus member of the Senate appointed by the Senate President; and

(I) two community representatives appointed by the Governor with input from the applying non-profit agencies or local government.

(c) Certification. A geographical area within the State may be certified as a State-designated cultural district by applying to the Department for certification. Certification as a State-designated cultural district shall be for a period of 10 years, after which the district may renew certification every 5 years. A municipality or 501(c)(3) organization may apply for certification on behalf of a geographic area. The applying entity is responsible for complying with reporting requirements under subsection (d). The Department shall develop criteria to assess whether an applicant qualifies for certification under this Section. That criteria must include a demonstration that the applicant and the community:

(1) have been historically impacted and are currently at risk of losing their cultural identity because of gentrification, displacement, or the COVID-19 pandemic;

(2) can demonstrate a history of economic disinvestment;

(3) can demonstrate strong community support for the cultural district designation through active and formal participation by community organizations and municipal and regional government agencies or officials;

(4) have development plans that include and prioritize the preservation of local businesses and retention of existing residents and businesses; and

(5) have an education framework in place informed with a vision of food justice, social justice, community sustainability, and social equity.

(d) Within 12 months after being designated a cultural district, the State-designated cultural district shall submit a report to the Department detailing its current programs and goals for the next 4 years of its designation. For each year thereafter that the district remains a State-designated cultural district, it shall submit a report to the Department on the status of the program and future developments of the district.".

Senator Pacione-Zayas offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO SENATE BILL 1833**

AMENDMENT NO. 2 . Amend Senate Bill 1833, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-1055 as follows:

(20 ILCS 605/605-1055 new)

Sec. 605-1055. State-designated cultural districts.

(a) As used in this Section, "State-designated cultural district" means a geographical area certified under this Section that has a distinct, historic, and cultural identity that does any of the following:

(1) Promotes a distinct historic and cultural community.

(2) Encourages economic development and supports entrepreneurship in the geographic area and community.

(3) Encourages the preservation and development of historic and culturally significant structures, traditions, and languages.

(4) Fosters local cultural development and education.

(5) Provides a focal point for celebrating and strengthening the unique cultural identity of the community.

(6) Promotes growth and opportunity without generating displacement or expanding inequality.

(b) Administrative authority. The Department of Commerce and Economic Opportunity shall establish criteria and guidelines for State-designated cultural districts by rule in accordance with qualifying criteria outlined in subsection (c). In executing its powers and duties under this Section, the Department shall:

(1) establish a competitive application system by which a community may apply for certification as a State-designated cultural district;

(2) provide technical assistance for State-designated cultural districts in identifying and achieving their goals for cultural preservation, including, but not limited to, promotional support of State-designated cultural districts;

(3) collaborate with other State agencies, units of local government, community organizations, and private entities to maximize the benefits of State-designated cultural districts; and

(4) establish an advisory committee to advise the Department on program rules and the certification process. The advisory committee must include:

(A) a representative of the Department appointed by the Director;

(B) a representative of the Department of Agriculture appointed by the Director of Agriculture;

(C) a representative of the Illinois Housing Development Authority appointed by the Executive Director of the Illinois Housing Development Authority;

(D) a representative of the Illinois Office of Tourism appointed by the Director;

(E) a Latino Caucus member of the House of Representatives appointed by the Speaker of the House of Representatives;

(F) a Black Caucus member of the House of Representatives appointed by the Speaker of the House of Representatives;

(G) a Latino Caucus member of the Senate appointed by the President of the Senate;

(H) a Black Caucus member of the Senate appointed by the Senate President; and

(I) four community representatives appointed by the Governor representing diverse racial, ethnic, and geographic groups not captured in the membership of the other designees, with the input of community and stakeholder groups.

(c) Certification. A geographical area within the State may be certified as a State-designated cultural district by applying to the Department for certification. Certification as a State-designated cultural district shall be for a period of 10 years, after which the district may renew certification every 5 years. A municipality or 501(c)(3) organization may apply for certification on behalf of a geographic area. The applying entity is responsible for complying with reporting requirements under subsection (d). The Department shall develop criteria to assess whether an applicant qualifies for certification under this Section. That criteria must include a demonstration that the applicant and the community:

(1) have been historically impacted and are currently at risk of losing their cultural identity because of gentrification, displacement, or the COVID-19 pandemic;

(2) can demonstrate a history of economic disinvestment;

(3) can demonstrate strong community support for the cultural district designation through active and formal participation by community organizations and municipal and regional government agencies or officials;

(4) have development plans that include and prioritize the preservation of local businesses and retention of existing residents and businesses; and

(5) have an education framework in place informed with a vision of food justice, social justice, community sustainability, and social equity.

(d) Within 12 months after being designated a cultural district, the State-designated cultural district shall submit a report to the Department detailing its current programs and goals for the next 4 years of its designation. For each year thereafter that the district remains a State-designated cultural district, it shall submit a report to the Department on the status of the program and future developments of the district.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Morrison, **Senate Bill No. 1905** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 1905**

AMENDMENT NO. 1 . Amend Senate Bill 1905 on page 1, by replacing lines 4 and 5 with the following:

"Section 1. Short title. This Act may be cited as the Consumer Coverage Disclosure Act.".

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

On motion of Senator Bennett, **Senate Bill No. 1983** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 1983**

AMENDMENT NO. 1 . Amend Senate Bill 1983 by replacing everything after the enacting clause with the following:

"Section 5. The Corporate Accountability for Tax Expenditures Act is amended by changing Section 25 as follows:

(20 ILCS 715/25)

Sec. 25. Recapture.

(a) All development assistance agreements shall contain, at a minimum, the following recapture provisions:

(1) The recipient must (i) make the level of capital investment in the economic development project specified in the development assistance agreement; (ii) create or retain, or both, the requisite number of jobs, paying not less than specified wages for the created and retained jobs, within and for the duration of the time period specified in the legislation authorizing, or the administrative rules implementing, the development assistance programs and the development assistance agreement.

(2) If the recipient fails to create or retain the requisite number of jobs within and for the time period specified, in the legislation authorizing, or the administrative rules implementing, the development assistance programs and the development assistance agreement, the recipient shall be deemed to no longer qualify for the State economic assistance and the applicable recapture provisions shall take effect.

(3) If the recipient receives State economic assistance in the form of a High Impact Business designation pursuant to Section 5.5 of the Illinois Enterprise Zone Act and the business receives the benefit of the exemption authorized under Section 5l of the Retailers' Occupation Tax Act (for the sale of building materials incorporated into a High Impact Business location) or the utility tax exemption authorized under Section 9-222.1A of the Public Utilities Act and the recipient fails to create or retain the requisite number of jobs, as determined by the legislation authorizing the development assistance programs or the administrative rules implementing such legislation, or both, within the requisite period of time, the recipient shall be required to pay to the State the full amount of both the State tax exemption and the utility tax exemption that it received as a result of the High Impact Business designation.

(4) If the recipient receives a grant or loan pursuant to the Large Business Development Program, the Business Development Public Infrastructure Program, or the Industrial Training Program and the recipient fails to create or retain the requisite number of jobs for the requisite time period, as provided in the legislation authorizing the development assistance programs or the administrative rules implementing such legislation, or both, or in the development assistance agreement, the recipient shall be required to repay to the State a pro rata amount of the grant; that amount shall reflect the percentage of the deficiency between the requisite number of jobs to be created or retained by the recipient and the actual number of such jobs in existence as of the date the Department determines the recipient is in breach of the job creation or retention covenants contained in the development assistance agreement. If the recipient of development assistance under the Large Business Development Program, the Business Development Public Infrastructure Program, or the Industrial Training Program ceases operations at the specific project site, during the 5-year period commencing on the date of assistance, the recipient shall be required to repay the entire amount of the grant or to accelerate repayment of the loan back to the State.

(5) Except as provided in paragraph (5.1), if ~~If~~ the recipient receives a tax credit under the Economic Development for a Growing Economy tax credit program, the development assistance agreement must provide that (i) if the number of new or retained employees falls below the requisite number set forth in the development assistance agreement, the allowance of the credit shall be automatically suspended until the number of new and retained employees equals or exceeds the requisite number in the development assistance agreement; (ii) if the recipient discontinues operations at the specific project site during the 5-year period after the beginning of the first tax year for which the Department issues a tax credit certificate, the recipient shall forfeit all credits taken by the recipient during such 5-year period; and (iii) in the event of a revocation or suspension of the credit, the Department shall contact the Director of Revenue to initiate proceedings against the recipient to recover wrongfully exempted Illinois State income taxes and the recipient shall promptly repay to the Department of Revenue any wrongfully exempted Illinois State income taxes. The forfeited amount of credits shall be deemed assessed on the date the Department contacts the Department of Revenue and the recipient shall promptly repay to the Department of Revenue any wrongfully exempted Illinois State income taxes.

(5.1) For taxable years that begin on or after January 1, 2020 and begin prior to January 1, 2022, credits awarded under the Economic Development for a Growing Economy tax credit program shall not be revoked or suspended as a result of the recipient's failure to meet the requirements for new or retained employees if that failure is due to a direct and substantial hardship caused by the COVID-19 pandemic and the Taxpayer maintains job creation and retention at the level of 85% of the Agreement requirements. For the Department to grant relief under this paragraph (5.1), proof of a direct and substantial hardship caused by the COVID-19 pandemic must be submitted to the Department during the annual certificate of verification issuance process.

(b) The Director may elect to waive enforcement of any contractual provision arising out of the development assistance agreement required by this Act based on a finding that the waiver is necessary to avert an imminent and demonstrable hardship to the recipient that may result in such recipient's insolvency or discharge of workers. If a waiver is granted, the recipient must agree to a contractual modification, including recapture provisions, to the development assistance agreement. The existence of any waiver granted pursuant to this subsection (b), the date of the granting of such waiver, and a brief summary of the reasons supporting the granting of such waiver shall be disclosed consistent with the provisions of Section 25 of this Act.

(b-5) The Department shall post, on its website, (i) the identity of each recipient from whom amounts were recaptured under this Section on or after the effective date of this amendatory Act of the 97th General Assembly, (ii) the date of the recapture, (iii) a summary of the reasons supporting the recapture, and (iv) the amount recaptured from those recipients.

(c) Beginning June 1, 2004, the Department shall annually compile a report on the outcomes and effectiveness of recapture provisions by program, including but not limited to: (i) the total number of companies that receive development assistance as defined in this Act; (ii) the total number of recipients in violation of development agreements with the Department; (iii) the total number of completed recapture efforts; (iv) the total number of recapture efforts initiated; and (v) the number of waivers granted. This report shall be disclosed consistent with the provisions of Section 20 of this Act.

(d) For the purposes of this Act, recapture provisions do not include the Illinois Department of Transportation Economic Development Program, any grants under the Industrial Training Program that are not given as an incentive to a recipient business organization, or any successor programs as described in the term "development assistance" in Section 5 of this Act.

(Source: P.A. 97-2, eff. 5-6-11; 97-721, eff. 6-29-12; 98-109, eff. 7-25-13; 98-463, eff. 8-16-13.)

Section 10. The Economic Development for a Growing Economy Tax Credit Act is amended by changing Section 5-55 as follows:

(35 ILCS 10/5-55)

Sec. 5-55. Certificate of verification; submission to the Department of Revenue. A Taxpayer claiming a Credit under this Act shall submit to the Department of Revenue a copy of the Director's certificate of verification under this Act for the taxable year. However, failure to submit a copy of the certificate with the Taxpayer's tax return shall not invalidate a claim for a Credit.

For a Taxpayer to be eligible for a certificate of verification, the Taxpayer shall provide proof as required by the Department prior to the end of each calendar year, including, but not limited to, attestation by the Taxpayer that:

(1) The project has substantially achieved the level of new full-time jobs specified in its Agreement.

(2) The project has substantially achieved the level of annual payroll in Illinois specified in its Agreement.

(3) The project has substantially achieved the level of capital investment in Illinois specified in its Agreement.

(4) For taxable years that begin on or after January 1, 2020 and begin prior to January 1, 2022, the Department shall not find a Taxpayer out of compliance with an Agreement on the basis of a failure to maintain the job creation or retention requirements of an Agreement so long as the level of job creation or retention is maintained at 85% of the Agreement requirements during the modification period and the Taxpayer demonstrates to the Department, to the Department's satisfaction, that the failure to maintain the contractually-required job creation and retention levels is due to a direct and substantial hardship caused the COVID-19 pandemic. The Department shall require proof of a direct

and substantial hardship caused by the COVID-19 pandemic; that determination shall be left to the sole and absolute discretion of the Department.

(Source: P.A. 91-476, eff. 8-11-99.)

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

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

On motion of Senator Castro, **Senate Bill No. 2077** having been printed, was taken up, read by title a second time.

The following amendments were offered in the Committee on Licensed Activities, adopted and ordered printed:

**AMENDMENT NO. 1 TO SENATE BILL 2077**

AMENDMENT NO. 1 . Amend Senate Bill 2077 on page 2, by replacing lines 17 through 21 with the following:

"(2) Inspectors under this Section shall certify that all fire and smoke dampers inspected meet the standards established in the applicable code or codes adopted by any authority having jurisdiction.".

**AMENDMENT NO. 2 TO SENATE BILL 2077**

AMENDMENT NO. 2 . Amend Senate Bill 2077 on page 2, immediately below line 21, by inserting the following:

"(c) The provisions of this Act do not apply to facilities licensed by the federal Nuclear Regulatory Commission under the provisions of 10 CFR 50 or 10 CFR 52 or to employees of those facilities while engaged in the performance of their official duties.".

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Belt, **Senate Bill No. 1767** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 1767**

AMENDMENT NO. 1 . Amend Senate Bill 1767 by replacing everything after the enacting clause with the following:

"Section 5. The Prevailing Wage Act is amended by changing Section 5.1 as follows:

(820 ILCS 130/5.1)

Sec. 5.1. Electronic database. The Department shall develop and maintain an electronic database capable of accepting and retaining certified payrolls submitted under this Act no later than April 1, 2020. The database shall accept certified payroll forms provided by the Department that are fillable and designed to accept electronic signatures. Beginning January 1, 2022, the Department shall make accessible to the public on its website by the 16th day of each month following the month the work was performed the following information from certified payrolls submitted under this Act: each worker's (i) name, (ii) classification or classifications, (iii) skill level, such as apprentice or journeyman, (iv) gross wages paid in each pay period, (v) number of hours worked each day, (vi) starting and ending times of work each day, (vii) hourly wage rate, (viii) hourly overtime wage rate, and (ix) hourly fringe benefit rate. The database shall be searchable by contractor name, project name, county in which the work was performed, and contracting public body.

(Source: P.A. 100-1177, eff. 6-1-19.)

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

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

On motion of Senator Harris, **Senate Bill No. 2112** having been printed, was taken up, read by title a second time.

Senator Harris offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 2112**

AMENDMENT NO. 1 . Amend Senate Bill 2112 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 235.1 as follows:

(215 ILCS 5/235.1 new)

Sec. 235.1. Notice of cancellation; secondary addressee.

(a) A life company issuing an individual life insurance contract on or after January 1, 2022 shall notify an applicant, in writing on a form prescribed by the company at the time of application for the policy, of the applicant's right to designate a secondary addressee to receive notice of cancellation of the policy based on nonpayment of premium. The applicant may make such designation at the time of application for such policy or at any time such policy is in force by submitting a written notice to the insurer containing the name and address of the secondary addressee.

(b) The insurer's transmission to a secondary addressee of a copy of a notice of cancellation based on nonpayment of premium shall be in addition to the transmission of the original document to the policyholder. The copy of the notice of cancellation transmitted to the secondary addressee shall be made in the same manner and form required for the transmission of the notice to the policyholder.

(c) The designation of a secondary addressee shall not constitute acceptance of any liability on the part of the secondary addressee or insurer for services provided to the policyholder.

(d) This Section does not apply to any individual life insurance contract under which premiums are payable monthly or more frequently and are regularly collected by a licensed agent or are paid by credit card or any preauthorized check processing or automatic debit service of a financial institution.

(e) Nothing in this Section shall prohibit an applicant or policyholder from designating a life insurance agent of record as his or her secondary addressee.

Section 99. Effective date. This Act takes effect January 1, 2022.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Murphy, **Senate Bill No. 2232** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bennett, **Senate Bill No. 2290** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2290**

AMENDMENT NO. 1 . Amend Senate Bill 2290 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-1055 as follows:

(20 ILCS 605/605-1055 new)

Sec. 605-1055. Illinois Innovation Voucher Program.

(a) The Department is authorized to establish the Illinois Innovation Voucher Program to be administered in accordance with this Section for the purpose of fostering research and development in key industry clusters leading to the creation of new products and services that can be marketed by Illinois businesses. Subject to appropriation, the Department may award innovation vouchers to eligible businesses to offset a portion of expenses incurred through a collaborative research engagement with an Illinois institution of higher education.

(b) Subject to appropriation, the Department may award matching funds in the form of innovation vouchers up to 75% of the cost of the research engagement not to exceed $75,000. A business may receive only one innovation voucher under this Section per year.

(c) The Department, if administering the Program under this Section:

(1) must encourage participation among small and mid-sized businesses;

(2) must encourage participation in the Program in diverse geographic and economic areas, including urban, suburban, and rural areas of the State; and

(3) must encourage participation in the Program from businesses that operate in key industries, as defined by the Department. These industries include, but are not limited to, the following: (i) agribusiness and agtech; (ii) energy; (iii) information technology; (iv) life sciences and healthcare; (v) manufacturing; and (vi) transportation and logistics.

(d) In order to be eligible for an innovation voucher under this Section, a business must satisfy all of the following conditions:

(1) the business must be an Illinois-based business. For the purposes of this Section, "Illinois-based business" means a business that has its principal place of business in this State or that employs at least 100 full-time employees, as defined under Section 5-5 of the Economic Development for a Growing Economy Tax Credit Act, in this State;

(2) the business must remain in this State for the duration of research engagement; and

(3) the partnering institution of higher education must be an Illinois-based institution of higher education and non-profit. For the purposes of this Section, "Illinois-based institution of higher education" means an institution of higher education that has its main physical campus in this State.

(e) The Illinois Innovation Voucher Program shall, when not administered by the Department, be administered by an Illinois non-profit organization or governmental entity with expertise in innovation, technology, economic development, research and development, and public private partnerships. Subject to appropriation, the Department shall be authorized to provide to the entity administering the Program an administrative fee in an amount not to exceed 10% of the total value of vouchers estimated by the Department to be issued in each fiscal year.

(f) The Department may adopt any rules necessary to administer the provisions of this Section.

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

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

On motion of Senator Harris, **Senate Bill No. 2403** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2403**

AMENDMENT NO. 1 . Amend Senate Bill 2403 as follows:

on page 10, line 1, by changing "Contribution" to "Recovery"; and

on page 10, line 4, by changing "contribution" to "recovery".

Floor Amendment No. 2 was postponed in the Committee on Executive.

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

On motion of Senator Harris, **Senate Bill No. 2410** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harris, **Senate Bill No. 2420** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hastings, **Senate Bill No. 2350** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villivalam, **Senate Bill No. 2486** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2486**

AMENDMENT NO. 1 . Amend Senate Bill 2486 on page 2, line 12, by changing "7" to "3".

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

On motion of Senator Bush, **Senate Bill No. 2535** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connor, **Senate Bill No. 2368** having been printed, was taken up, read by title a second time and ordered to a third reading.

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Feigenholtz, **Senate Bill No. 105** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Stadelman |
| Aquino | Feigenholtz | Loughran Cappel | Syverson |
| Bailey | Fine | Martwick | Tracy |
| Barickman | Fowler | McClure | Turner, D. |
| Belt | Gillespie | McConchie | Turner, S. |
| Bennett | Glowiak Hilton | Morrison | Van Pelt |
| Bryant | Harris | Muñoz | Villa |
| Bush | Hastings | Murphy | Villanueva |
| Castro | Holmes | Pacione-Zayas | Villivalam |
| Collins | Hunter | Peters | Wilcox |
| Connor | Johnson | Rezin | Mr. President |
| Crowe | Jones, E. | Rose | |
| Cullerton, T. | Joyce | Simmons | |
| Cunningham | Koehler | Sims | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Stadelman, **Senate Bill No. 134** was recalled from the order of third reading to the order of second reading.

Senator Stadelman offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 134**

AMENDMENT NO. 1 . Amend Senate Bill 134 on page 2, line 15, after "Council;" by inserting "one representative of the Illinois News Broadcasters Association; one representative of the University of Illinois at Urbana-Champaign;".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILLS OF THE SENATE A THIRD TIME**

On motion of Senator Stadelman, **Senate Bill No. 134** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Loughran Cappel | Stewart |
| Aquino | Feigenholtz | Martwick | Stoller |
| Bailey | Fine | McClure | Syverson |
| Barickman | Fowler | McConchie | Tracy |
| Belt | Gillespie | Morrison | Turner, D. |
| Bennett | Glowiak Hilton | Muñoz | Turner, S. |
| Bryant | Harris | Murphy | Van Pelt |
| Bush | Hastings | Pacione-Zayas | Villa |
| Castro | Holmes | Peters | Villanueva |
| Collins | Hunter | Plummer | Villivalam |
| Connor | Johnson | Rezin | Wilcox |
| Crowe | Jones, E. | Rose | Mr. President |
| Cullerton, T. | Joyce | Simmons | |
| Cunningham | Koehler | Sims | |
| Curran | Landek | Stadelman | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Murphy, **Senate Bill No. 140** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Loughran Cappel | Stewart |
| Aquino | Feigenholtz | Martwick | Stoller |
| Bailey | Fine | McClure | Syverson |
| Barickman | Fowler | McConchie | Tracy |
| Belt | Gillespie | Morrison | Turner, D. |
| Bennett | Glowiak Hilton | Muñoz | Turner, S. |
| Bryant | Harris | Murphy | Van Pelt |
| Bush | Hastings | Pacione-Zayas | Villa |
| Castro | Holmes | Peters | Villanueva |
| Collins | Hunter | Plummer | Villivalam |
| Connor | Johnson | Rezin | Wilcox |
| Crowe | Jones, E. | Rose | Mr. President |
| Cullerton, T. | Joyce | Simmons | |
| Cunningham | Koehler | Sims | |
| Curran | Landek | Stadelman | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

## SENATE BILL RECALLED

On motion of Senator Holmes, **Senate Bill No. 153** was recalled from the order of third reading to the order of second reading.

Senator Holmes offered the following amendment and moved its adoption:

## AMENDMENT NO. 1 TO SENATE BILL 153

AMENDMENT NO. 1 . Amend Senate Bill 153 on page 1, line 13, after "student", by inserting: "authorized to provide services under Supreme Court Rule 711"; and

on page 2, by deleting line 8 through line 12.

The motion prevailed.

And the amendment was adopted and ordered printed.

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

## READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Holmes, **Senate Bill No. 153** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 44; NAYS 10.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Aquino | Fine | Loughran Cappel | Stadelman |
| Belt | Gillespie | Martwick | Tracy |
| Bennett | Glowiak Hilton | McClure | Turner, D. |
| Bush | Harris | McConchie | Villa |
| Castro | Hastings | Morrison | Villanueva |
| Collins | Holmes | Muñoz | Villivalam |
| Connor | Hunter | Murphy | Wilcox |

| | | | |
|---|---|---|---|
| Crowe | Johnson | Pacione-Zayas | Mr. President |
| Cullerton, T. | Jones, E. | Peters | |
| Cunningham | Joyce | Plummer | |
| DeWitte | Koehler | Simmons | |
| Feigenholtz | Landek | Sims | |

The following voted in the negative:

| | | | |
|---|---|---|---|
| Bailey | Fowler | Stewart | Turner, S. |
| Barickman | Rezin | Stoller | |
| Bryant | Rose | Syverson | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Villanueva, **Senate Bill No. 225** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 37; NAYS 14.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Aquino | Fine | Loughran Cappel | Stadelman |
| Barickman | Gillespie | Martwick | Van Pelt |
| Belt | Harris | McConchie | Villa |
| Bennett | Hastings | Morrison | Villanueva |
| Bush | Holmes | Muñoz | Villivalam |
| Collins | Hunter | Murphy | Wilcox |
| Connor | Johnson | Pacione-Zayas | Mr. President |
| Cullerton, T. | Jones, E. | Peters | |
| Cunningham | Koehler | Simmons | |
| Feigenholtz | Landek | Sims | |

The following voted in the negative:

| | | | |
|---|---|---|---|
| Anderson | Fowler | Rose | Tracy |
| Bailey | McClure | Stewart | Turner, S. |
| Bryant | Plummer | Stoller | |
| DeWitte | Rezin | Syverson | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Castro asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 225**.

## SENATE BILL RECALLED

On motion of Senator Castro, **Senate Bill No. 294** was recalled from the order of third reading to the order of second reading.

Senator Castro offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 294**

AMENDMENT NO. 1 . Amend Senate Bill 294 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Wipes Labeling Act.

Section 5. Findings. The General Assembly finds that creating labeling standards for disposable wipes products will protect public health, the environment, water quality, and public infrastructure used for the collection, transport, and treatment of wastewater. It is not the intent of the General Assembly to address standards for flushability with this Act.

Section 10. Definitions. In this Act:

"Covered entity" means:

(1) the manufacturer of a covered product that is sold or offered for sale in this State; and

(2) a wholesaler, supplier, or retailer that is responsible for the labeling or packaging of a covered product.

"Covered product" means a consumer product sold or offered for sale in the State that is either of the following:

(1) A premoistened nonwoven disposable wipe marketed as a baby wipe or diapering wipe.

(2) A premoistened nonwoven disposable wipe that is both of the following:

(A) Composed entirely of or in part of petrochemical-derived fibers.

(B) Likely to be used in a bathroom and has significant potential to be flushed, including baby wipes, bathroom cleaning wipes, toilet cleaning wipes, hard surface cleaning wipes, disinfecting wipes, hand sanitizing wipes, antibacterial wipes, facial and makeup removal wipes, general purpose cleaning wipes, personal care wipes for use on the body, feminine hygiene wipes, adult incontinence wipes, adult hygiene wipes, and body cleansing wipes.

"Jurisdictional wastewater authority" means a sanitary district, water reclamation district, municipality, county, or other unit of local government in this State responsible for the collection or treatment of wastewater.

"Label" means to represent by statement, word, picture, design, or emblem on a covered product package.

"Label notice" means the phrase "Do Not Flush" in a size equal to at least 2% of the surface area of the principal display panel. For covered products regulated pursuant to the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) by the United States Consumer Product Safety Commission under Section 1500.121 of Title 16 of the Code of Federal Regulations, if the label notice requirements in this paragraph would result in a type size larger than first aid instructions pursuant to the Federal Hazardous Substances Act, then the type size for the label notice shall, to the extent permitted by federal law, be equal to or greater than the type size required for the first aid instructions. For covered products required to be registered by the United States Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), if the label notice requirements in this paragraph would result in a type size on the principal display panel larger than a warning pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, then the type size for the label notice shall, to the extent permitted by federal law, be equal to or greater than the type size required for the "Keep Out of Reach of Children" statement under 40 CFR 156.66.

"Principal display panel" means the side of the product package that is most likely to be displayed, presented, or shown under customary conditions of display for retail sale. In the case of a cylindrical or nearly cylindrical package, the surface area of the principal display panel constitutes 40% of the product package as measured by multiplying the height of the container by the circumference. In the case of a flexible film package in which a rectangular prism or nearly rectangular prism stack of wipes is housed within the film, the surface area of the principal display panel is measured by multiplying the length by the width of the side of the package when the flexible packaging film is pressed flat against the stack of wipes on all sides of the stack.

"Symbol" means the "Do Not Flush" symbol, or a gender equivalent thereof, as depicted in the INDA/EDANA Code of Practice Second Edition and published within "Guidelines for Assessing the

Flushability of Disposable Nonwoven Products," Edition 4, May 2018. The symbol shall be sized equal to at least 2% of the surface area of the principal display panel, except as specified in subdivision (iii) of paragraph (B) of subsection (a) of Section 15.

Section 15. Labeling requirements.

(a) Except as provided in subsections (b), (c), (d), and (f), a covered product manufactured on or after July 1, 2022 shall be labeled clearly and conspicuously in adherence to the following labeling requirements:

(1) In the case of cylindrical or near cylindrical packaging intended to dispense individual wipes, a covered entity shall comply with one of the following options:

(A) Place the symbol and label notice on the principal display panel in a location reasonably viewable each time a wipe is dispensed.

(B) Place the symbol on the principal display panel and either the symbol or label notice, or the symbol and label notice in combination, on the flip lid, subject to the following:

(i) If the label notice does not appear on the flip lid, the label notice shall be placed on the principal display panel.

(ii) The symbol or label notice, or the symbol and label notice in combination, on the flip lid may be embossed, and in that case are not required to comply with paragraph (6).

(iii) The symbol or label notice, or the symbol and label notice in combination, on the flip lid shall cover a minimum of 8% of the surface area of the flip lid.

(2) In the case of flexible film packaging intended to dispense individual wipes, a covered entity shall place the symbol on the principal display panel and dispensing side panel and shall place the label notice on either the principal display panel or dispensing side panel in a prominent location reasonably visible to the user each time a wipe is dispensed. If the principal display panel is on the dispensing side of the package, 2 symbols are not required.

(3) In the case of refillable tubs or other rigid packaging intended to dispense individual wipes and be reused by the consumer for that purpose, a covered entity shall place the symbol and label notice on the principal display panel in a prominent location reasonably visible to the user each time a wipe is dispensed.

(4) In the case of packaging not intended to dispense individual wipes, a covered entity shall place the symbol and label notice on the principal display panel in a prominent and reasonably visible location.

(5) A covered entity shall ensure that the packaging seams, folds, or other package design elements do not obscure the symbol or the label notice.

(6) A covered entity shall ensure that the symbol and label notice have sufficiently high contrast with the immediate background of the packaging to render it likely to be seen and read by the ordinary individual under customary conditions of purchase and use.

(b) For covered products sold in bulk at retail, both the outer package visible at retail and the individual packages contained within shall comply with the labeling requirements in subsection (a) applicable to the particular packaging types, except the following:

(1) Individual packages contained within the outer package that are not intended to dispense individual wipes and contain no retail labeling.

(2) Outer packages that do not obscure the symbol and label notice on individual packages contained within.

(c) If a covered product is provided within the same packaging as another consumer product for use in combination with the other consumer product, the outside retail packaging of the other consumer product does not need to comply with the labeling requirements of subsection (a).

(d) If a covered product is provided within the same package as another consumer product for use in combination with the other product and is in a package smaller than 3 inches by 3 inches, the covered entity of the covered product may comply with the requirements of subsection (a) by placing the symbol and label notice in a prominent location reasonably visible to the user of the covered product.

(e) A covered entity, directly or through a corporation, partnership, subsidiary, division, trade name, or association in connection to the manufacturing, labeling, packaging, advertising, promotion, offering for sale, sale, or distribution of a covered product, shall not make any representation, in any manner, expressly or by implication, including through the use of a product name, endorsement, depiction, illustration,

trademark, or trade name, about the flushable attributes, flushable benefits, flushable performance, or flushable efficacy of a covered product.

(f) If a covered product is required to be registered by the United States Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.) and the Illinois Department of Agricultural under the Illinois Pesticide Act, then the covered entity shall submit a label compliant with the labeling requirements of subsection (a) no later than July 1, 2023 to the United States Environmental Protection Agency.

If the United States Environmental Protection Agency or the Illinois Department of Agriculture does not approve a product label that otherwise complies with the labeling requirements of subsection (a), the covered entity shall use a label with as many of the requirements of this Section as the relevant agency has approved.

(g) A covered entity may include on a covered product words or phrases in addition to those required for the label notice if the words or phrases are consistent with the purposes of this Section.

Section 20. Nonconfidential business information. Upon a request by a jurisdictional wastewater authority, a covered entity must submit to the requesting entity, within 90 days after the request, nonconfidential business information and documentation demonstrating compliance with this Act in a format that is easy to understand.

Section 25. Jurisdictional wastewater authority; authority to enforce; civil penalties.

(a) Jurisdictional wastewater authorities have the concurrent and exclusive authority to enforce this Act and to collect civil penalties for violations of this Act, subject to the conditions in this Section. A jurisdictional wastewater authority may impose a civil penalty in the amount of up to $2,000 for the first violation of this Act, up to $5,000 for the second violation, and up to $10,000 for the third and any subsequent violation. If a covered entity has paid a prior penalty for the same violation to a different jurisdictional wastewater authority with enforcement authority under this Section, the penalty imposed by a jurisdictional wastewater authority shall be reduced by the amount of the payment.

(b) Any civil penalties collected pursuant to this Section must be paid to the enforcing jurisdictional wastewater authority that brought the action.

(c) The remedies provided by this Section are not exclusive and are in addition to the remedies that may be available under relevant consumer protection laws, if applicable.

(d) In addition to penalties recovered under this Section, the enforcing jurisdictional wastewater authority may recover reasonable enforcement costs and attorneys' fees from the liable covered entity.

Section 30. Noncompliant covered entities. Covered entities that violate the requirements of this Act are subject to the civil penalties described in Section 25. A specific violation is deemed to have occurred upon the sale of a noncompliant product package. The sale of multiple units of the same noncompliant product package is considered part of the same, single violation. A jurisdictional wastewater authority must send a written notice of an alleged violation and a copy of the requirements of this Act to a noncompliant covered entity, which will have 90 days to become compliant. A jurisdictional wastewater authority may assess a first penalty if the covered entity has not met the requirements of this Act 90 days after the date the notification was sent. A jurisdictional wastewater authority may impose a second, third, and subsequent penalty on a covered entity that remains noncompliant with the requirements of this Act for every month of noncompliance.

Section 35. Home rule. A home rule unit may not regulate the labeling of covered products in a manner inconsistent with the regulation by the State of the labeling of covered products under this Act. This Section is a 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 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect July 1, 2022.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Castro, **Senate Bill No. 294** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Loughran Cappel | Stewart |
| Aquino | Feigenholtz | Martwick | Stoller |
| Bailey | Fine | McClure | Syverson |
| Barickman | Fowler | McConchie | Tracy |
| Belt | Gillespie | Morrison | Turner, D. |
| Bennett | Glowiak Hilton | Muñoz | Turner, S. |
| Bryant | Harris | Murphy | Van Pelt |
| Bush | Hastings | Pacione-Zayas | Villa |
| Castro | Holmes | Peters | Villanueva |
| Collins | Hunter | Plummer | Villivalam |
| Connor | Johnson | Rezin | Wilcox |
| Crowe | Jones, E. | Rose | Mr. President |
| Cullerton, T. | Joyce | Simmons | |
| Cunningham | Koehler | Sims | |
| Curran | Landek | Stadelman | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Crowe, **Senate Bill No. 335** was recalled from the order of third reading to the order of second reading.

Senator Crowe offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 335**

AMENDMENT NO. 1 . Amend Senate Bill 335 as follows:

on page 1, line 5, after "Sections 4", by inserting ", 9,"; and

on page 6, immediately below line 17, by inserting the following:

"(225 ILCS 25/9) (from Ch. 111, par. 2309)

(Section scheduled to be repealed on January 1, 2026)

Sec. 9. Qualifications of applicants for dental licenses. The Department shall require that each applicant for a license to practice dentistry shall:

(a) (Blank).

(b) Be at least 21 years of age and of good moral character.

(c) (1) Present satisfactory evidence of completion of dental education by graduation from a dental college or school in the United States or Canada approved by the Department. The Department shall not approve any dental college or school which does not require at least (A) 60 semester hours of collegiate credit or the equivalent in acceptable subjects from a college or university before admission, and (B) completion of at least 4 academic years of instruction or the equivalent in an approved dental college or school that is accredited by the Commission on Dental Accreditation of the American Dental Association; or

(2) Present satisfactory evidence of completion of dental education by graduation from a dental college or school outside the United States or Canada and provide satisfactory evidence that the applicant has: (A) completed a minimum of 2 academic years of general dental clinical training and obtained a doctorate of dental surgery (DDS) or doctorate of dental medicine (DMD) at a dental college or school in the United States or Canada approved by the Department; or (B) met the program requirements approved by rule by the Department.

Nothing in this Act shall be construed to prevent either the Department or any dental college or school from establishing higher standards than specified in this Act.

(d) (Blank).

(e) Present satisfactory evidence that the applicant has passed the integrated ~~both parts of the~~ National Board Dental Examination administered by the Joint Commission on National Dental Examinations and has successfully completed an examination conducted by one of the following regional testing services: the Central Regional Dental Testing Service, Inc. (CRDTS), the Southern Regional Testing Agency, Inc. (SRTA), the Western Regional Examining Board (WREB), the Commission on Dental Competency Assessments (CDCA) ~~North East Regional Board (NERB)~~, or the Council of Interstate Testing Agencies (CITA). For purposes of this Section, successful completion shall mean that the applicant has achieved a minimum passing score as determined by the applicable regional testing service. The Secretary may suspend a regional testing service under this subsection (e) if, after proper notice and hearing, it is established that (i) the integrity of the examination has been breached so as to make future test results unreliable or (ii) the test is fundamentally deficient in testing clinical competency.

In determining professional capacity under this Section, any individual who has not been actively engaged in the practice of dentistry, has not been a dental student, or has not been engaged in a formal program of dental education during the 5 years immediately preceding the filing of an application may be required to complete such additional testing, training, or remedial education as the Board may deem necessary in order to establish the applicant's present capacity to practice dentistry with reasonable judgment, skill, and safety.

(Source: P.A. 99-366, eff. 1-1-16; 100-215, eff. 1-1-18.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Crowe offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO SENATE BILL 335**

AMENDMENT NO. 2 . Amend Senate Bill 335, AS AMENDED, as follows:

in Section 5, in the introductory clause, by changing "4, 9, and 17" to "4 and 9"; and

in Section 5, Sec. 4, by replacing the sentence starting with ""Teledentistry"" with the following:

""Teledentistry" means the use of telehealth systems and methodologies in dentistry and includes patient care and education delivery using synchronous and asynchronous communications under a dentist's authority as provided under this Act."; and

in Section 5, by deleting Sec. 17.

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

**READING BILLS OF THE SENATE A THIRD TIME**

On motion of Senator Crowe, **Senate Bill No. 335** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Curran | Koehler | Stadelman |
| Aquino | DeWitte | Landek | Stewart |
| Bailey | Feigenholtz | Loughran Cappel | Stoller |
| Barickman | Fine | McClure | Syverson |
| Belt | Fowler | McConchie | Tracy |
| Bennett | Gillespie | Morrison | Turner, D. |
| Bryant | Glowiak Hilton | Muñoz | Turner, S. |
| Bush | Harris | Murphy | Van Pelt |
| Castro | Hastings | Peters | Villa |
| Collins | Holmes | Plummer | Villanueva |
| Connor | Hunter | Rezin | Villivalam |
| Crowe | Johnson | Rose | Wilcox |
| Cullerton, T. | Jones, E. | Simmons | Mr. President |
| Cunningham | Joyce | Sims | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Crowe, **Senate Bill No. 336** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Loughran Cappel | Stewart |
| Aquino | Feigenholtz | Martwick | Stoller |
| Bailey | Fine | McClure | Syverson |
| Barickman | Fowler | McConchie | Tracy |
| Belt | Gillespie | Morrison | Turner, D. |
| Bennett | Glowiak Hilton | Muñoz | Turner, S. |
| Bryant | Harris | Murphy | Van Pelt |
| Bush | Hastings | Pacione-Zayas | Villa |
| Castro | Holmes | Peters | Villanueva |
| Collins | Hunter | Plummer | Villivalam |
| Connor | Johnson | Rezin | Wilcox |
| Crowe | Jones, E. | Rose | Mr. President |
| Cullerton, T. | Joyce | Simmons | |
| Cunningham | Koehler | Sims | |
| Curran | Landek | Stadelman | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Barickman, **Senate Bill No. 500** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Loughran Cappel | Stewart |
| Aquino | Feigenholtz | Martwick | Stoller |
| Bailey | Fine | McClure | Syverson |
| Barickman | Fowler | McConchie | Tracy |
| Belt | Gillespie | Morrison | Turner, D. |
| Bennett | Glowiak Hilton | Muñoz | Turner, S. |
| Bryant | Harris | Murphy | Van Pelt |
| Bush | Hastings | Pacione-Zayas | Villa |
| Castro | Holmes | Peters | Villanueva |
| Collins | Hunter | Plummer | Villivalam |
| Connor | Johnson | Rezin | Wilcox |
| Crowe | Jones, E. | Rose | Mr. President |
| Cullerton, T. | Joyce | Simmons | |
| Cunningham | Koehler | Sims | |
| Curran | Landek | Stadelman | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

## SENATE BILL RECALLED

On motion of Senator DeWitte, **Senate Bill No. 508** was recalled from the order of third reading to the order of second reading.

Senator DeWitte offered the following amendment and moved its adoption:

## AMENDMENT NO. 1 TO SENATE BILL 508

AMENDMENT NO. 1 . Amend Senate Bill 508 by replacing everything from line 11 on page 19 through line 3 on page 20 with the following:

"(35 ILCS 200/18-233 new)

Sec. 18-233. Adjustments for certificates of error, certain court orders, or final administrative decisions of the Property Tax Appeal Board. Beginning in levy year 2021, a taxing district levy shall be increased by a prior year adjustment whenever an assessment decrease due to the issuance of a certificate of error, a court order issued pursuant to an assessment valuation complaint under Section 23-15, or a final administrative decision of the Property Tax Appeal Board results in a refund from the taxing district of a portion of the property tax revenue distributed to the taxing district. Whenever an adjustment is required under this Section, the aggregate levy of the taxing district shall be increased by a supplemental levy to recapture the property tax revenue lost by the refunds paid by the taxing district. The supplemental levy shall be applied by the county clerk annually to the taxing district's total levy in an amount determined by the county treasurer who shall certify to the county clerk the aggregate refunds paid by a taxing district for purposes of this Section. The supplemental levy may not exceed an amount equal to the aggregate refunds paid by the taxing district for the 12-month period prior to November 1 of each year. On or before

November 15 of each year, the county treasurer shall certify the aggregate refunds paid by a taxing district during such 12-month period for purposes of this Section. For purposes of this Division, the taxing district's aggregate extension base shall not include the supplemental levy authorized under this Section.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator DeWitte, **Senate Bill No. 508** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Loughran Cappel | Stewart |
| Aquino | Feigenholtz | Martwick | Stoller |
| Bailey | Fine | McClure | Syverson |
| Barickman | Fowler | McConchie | Tracy |
| Belt | Gillespie | Morrison | Turner, D. |
| Bennett | Glowiak Hilton | Muñoz | Turner, S. |
| Bryant | Harris | Murphy | Van Pelt |
| Bush | Hastings | Pacione-Zayas | Villa |
| Castro | Holmes | Peters | Villanueva |
| Collins | Hunter | Plummer | Villivalam |
| Connor | Johnson | Rezin | Wilcox |
| Crowe | Jones, E. | Rose | Mr. President |
| Cullerton, T. | Joyce | Simmons | |
| Cunningham | Koehler | Sims | |
| Curran | Landek | Stadelman | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Morrison, **Senate Bill No. 512** was recalled from the order of third reading to the order of second reading.

Senator Morrison offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 512**

AMENDMENT NO. 1 . Amend Senate Bill 512 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Preventing Youth Vaping Act.

Section 5. Definitions. In this Act:

"Additive" means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in it becoming a component or otherwise affecting the characteristic of any

tobacco product, including, but not limited to, any substances intended for use as a flavoring or coloring or in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding. "Additive" does not include tobacco or a pesticide chemical residue in or on raw tobacco or a pesticide chemical.

"Consumer" means an individual who acquires or seeks to acquire electronic cigarettes for personal use.

"Distributor" means a person who sells, offers for sale, or transfers any tobacco, electronic cigarette, or tobacco product for resale and not for use or consumption. "Distributor" includes a distributor as defined in Section 1 of the Cigarette Tax Act, Section 1 of the Cigarette Use Tax Act, and Section 10-5 of the Tobacco Products Tax Act of 1995.

"Electronic cigarette" means:

(1) any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation;

(2) any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or

(3) any solution or substance, whether or not it contains nicotine, intended for use in the device.

"Electronic cigarette" includes, but is not limited to, any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any component, part, or accessory of a device used during the operation of the device even if the part or accessory was sold separately. "Electronic cigarette" does not include: cigarettes, as defined in Section 1 of the Cigarette Tax Act; any product approved by the United States Food and Drug Administration for sale as a smoking cessation product, a tobacco dependence product, or for other medical purposes that is marketed and sold solely for that approved purpose; any asthma inhaler prescribed by a physician for that condition that is marketed and sold solely for that approved purpose; any device that meets the definition of cannabis paraphernalia under Section 1-10 of the Cannabis Regulation and Tax Act; or any cannabis product sold by a dispensing organization pursuant to the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act.

"Manufacturer" means any person, wherever resident or located, who manufactures and sells tobacco products. "Manufacturer" does not include a person who makes, manufactures, or fabricates tobacco products as a part of a correctional industries program for sale to persons incarcerated in penal institutions or resident patients of a State-operated mental health facility.

"Modified risk tobacco product" means any tobacco product that is sold or distributed to reduce harm or the risk of tobacco related disease associated with commercially marketed tobacco products.

"Person" means any individual, corporation, partnership, limited liability company, association, or other organization that engages in any for-profit or not-for-profit activities.

"Retailer" means a person who engages in this State in the sale of or offers for sale electronic cigarettes for use or consumption and not for resale in any form. "Retailer" includes a retailer as defined in Section 1 of the Cigarette Tax Act and Section 10-5 of the Tobacco Products Tax Act of 1995.

"Secondary distributor" has the same meaning as defined in Section 1 of the Cigarette Tax Act and Section 1 of the Cigarette Use Tax Act.

"Tobacco product" has the same meaning as defined in Section 10-5 of the Tobacco Products Tax Act of 1995.

"Vapor product" means any noncombustible product that employs a heating element, battery, electronic circuit, or other means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution. "Vapor product" includes, but is not limited to, any vapor cartridge or other container of nicotine in a solution or other form that may be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any component, part, or accessory of a device used during the operation of the device, even if the part or accessory was sold separately.

Section 10. Enforcement; rulemaking.

(a) The Department of Agriculture, Department of Revenue, Department of Public Health, and Illinois State Police shall have equal and joint authority to administer and enforce this Act and may adopt rules for the purpose of administering and enforcing this Act.

(b) The Department of Agriculture, Department of Revenue, Department of Public Health, and Illinois State Police may inspect any business that sells, manufactures, transports, or distributes electronic cigarettes in the State to ensure compliance with this Act.

Section 15. Prohibitions.

(a) It is unlawful for a person to do any of the following:

(1) To sell or distribute in this State; to acquire, hold, own, possess, or transport, for sale or distribution in this State; or to import, or cause to be imported into this State for sale or distribution in this State:

(A) any electronic cigarette with packaging that:

(i) bears any statement, label, stamp, sticker, or notice indicating that the manufacturer did not intend the electronic cigarette to be sold, distributed, or used in the United States, including, but not limited to, labels stating "For Export Only", "U.S. Tax Exempt", "For Use Outside U.S.", or similar wording; or

(ii) does not comply with:

(I) all requirements imposed by or pursuant to federal law regarding warnings and other information on packages of electronic cigarettes manufactured, packaged, or imported for sale, distribution, or use in the United States; and

(II) all federal trademark and copyright laws; and

(B) any electronic cigarette that the person otherwise knows or has reason to know the manufacturer did not intend to be sold, distributed, or used in the United States.

(2) To alter the packaging of an electronic cigarette, prior to sale or distribution to the ultimate consumer, so as to remove, conceal, or obscure any statement, label, stamp, sticker, or notice required under this Section or federal law.

(3) To affix any stamp required under this Act to the packaging of any electronic cigarettes described in subparagraph (A) of paragraph (1) or altered in violation of subparagraph (A) of paragraph (1).

(4) To adulterate an electronic cigarette for sale in this State. An electronic cigarette is adulterated if:

(A) it consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise contaminated by any added poisonous or deleterious substance that may render the product injurious to health;

(B) it is held or packaged in containers composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health; or

(C) it is required by 21 U.S.C. 387j(a) to have premarket review and does not have an order in effect under 21 U.S.C. 387j(c)(1)(A)(i) or is in violation of an order under 21 U.S.C. 387j(c)(1)(A).

Electronic cigarettes first sold prior to August 8, 2016 and for which a premarket tobacco product application was submitted to the U.S. Food and Drug Administration by September 9, 2020 shall not be deemed to be in violation of this subsection.

(b) A distributor, secondary distributor, retailer, or person who violates this Section shall be guilty of a Class 4 felony.

Section 20. Additives. An electronic cigarette for sale in this State shall not include the following additives:

(1) polyethylene glycol (PEG);

(2) vitamin E acetate; or

(3) medium chain triglycerides (MCT oil).

Section 25. Advertising.

(a) A manufacturer, distributor, or retailer may not advertise, market, or promote an electronic cigarette as a modified risk tobacco product unless it has been designated as a modified risk tobacco product by the United States Food and Drug Administration.

(b) A manufacturer, distributor, or retailer may not advertise, market, or promote or advertise an electronic cigarette as providing smoking cessation benefits to consumers unless it has approval from the United States Food and Drug Administration to market its electronic cigarette as a medical product for such purpose.

(c) A manufacturer, distributor, or retailer may not advertise, market, or promote an electronic cigarette in a manner that includes fraudulent or misleading terms or statements.

(d) A manufacturer, distributor, or retailer may not advertise, market, or promote an electronic cigarette in a manner that:

(1) encourages persons under 21 years of age to use an electronic cigarette; or

(2) is attractive to persons under 21 years of age, including, but not limited to, inclusion of the following:

(A) cartoons;

(B) an image, character, or phrase that is similar to one popularly used to advertise to children; or

(C) a video game, movie, video, or animated television show known to appeal primarily to persons under 21 years of age.

Section 30. Manufacturer requirements. A manufacturer shall ensure that the label on an electronic cigarette container meets the nicotine addictiveness warning statement requirements under 21 CFR 1143.3.

Section 35. Violations.

(a) Upon a finding that a distributor, secondary distributor, retailer, or person has committed any of the conduct prohibited under this Act or any rule adopted under this Act, knowing or having reason to know that he or she has done so, the Department of Revenue may: revoke or suspend the license or licenses of the distributor, secondary distributor, retailer, or person pursuant to the procedures set forth in the Cigarette Tax Act, Cigarette Use Tax Act, or the Tobacco Products Tax Act of 1995; and impose on the distributor, secondary distributor, retailer, or person a civil penalty in an amount not to exceed the greater of 500% of the retail value of the electronic cigarettes involved or $10,000.

(b) Electronic cigarettes that are acquired in, held in, owned in, possessed in, transported within, imported into, or sold or distributed across this State in violation of this Act shall be deemed contraband under this Act and are subject to seizure and forfeiture as provided in subsection (g) of Section 1 of the Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act, and all such electronic cigarettes seized and forfeited shall be destroyed or maintained and used in an undercover capacity. Such electronic cigarettes shall be deemed contraband whether the violation of this Act is knowing or otherwise.

(c) The Attorney General may enforce violations of Section 15 or 25 of this Act as an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act.

Section 40. The Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act is amended by changing Section 1 as follows:

(720 ILCS 675/1) (from Ch. 23, par. 2357)

Sec. 1. Prohibition on sale of tobacco products, electronic cigarettes, and alternative nicotine products to persons under 21 years of age; prohibition on the distribution of tobacco product samples, electronic cigarette samples, and alternative nicotine product samples to any person; use of identification cards; vending machines; lunch wagons; out-of-package sales.

(a) No person under 21 years of age shall buy any tobacco product, electronic cigarette, or alternative nicotine product. No person shall sell, buy for, distribute samples of or furnish any tobacco product, electronic cigarette, or any alternative nicotine product to any person under 21 years of age.

(a-5) No person under 16 years of age may sell any tobacco product, electronic cigarette, or alternative nicotine product at a retail establishment selling tobacco products, electronic cigarettes, or alternative nicotine products. This subsection does not apply to a sales clerk in a family-owned business which can prove that the sales clerk is in fact a son or daughter of the owner.

(a-5.1) Before selling, offering for sale, giving, or furnishing a tobacco product, electronic cigarette, or alternative nicotine product to another person, the person selling, offering for sale, giving, or furnishing the tobacco product, electronic cigarette, or alternative nicotine product shall verify that the person is at least 21 years of age by:

(1) examining from any person that appears to be under 30 years of age a government-issued photographic identification that establishes the person to be 21 years of age or older; or

(2) for sales of tobacco products, electronic cigarettes, or alternative nicotine products made through the Internet or other remote sales methods, performing an age verification through an independent, third party age verification service that compares information available from public

records to the personal information entered by the person during the ordering process that establishes the person is 21 years of age or older.

(a-6) No person under 21 years of age in the furtherance or facilitation of obtaining any tobacco product, electronic cigarette, or alternative nicotine product shall display or use a false or forged identification card or transfer, alter, or deface an identification card.

(a-7) (Blank).

(a-8) A person shall not distribute without charge samples of any tobacco product to any other person, regardless of age, except for smokeless tobacco in an adult-only facility.

This subsection (a-8) does not apply to the distribution of a tobacco product, electronic cigarette, or alternative nicotine product sample in any adult-only facility.

(a-9) For the purpose of this Section:

"Adult-only facility" means a facility or restricted area (whether open-air or enclosed) where the operator ensures or has a reasonable basis to believe (such as by checking identification as required under State law, or by checking the identification of any person appearing to be under the age of 30) that no person under legal age is present. A facility or restricted area need not be permanently restricted to persons under 21 years of age to constitute an adult-only facility, provided that the operator ensures or has a reasonable basis to believe that no person under 21 years of age is present during the event or time period in question.

"Alternative nicotine product" means a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. "Alternative nicotine product" does not include: cigarettes as defined in Section 1 of the Cigarette Tax Act and tobacco products as defined in Section 10-5 of the Tobacco Products Tax Act of 1995; tobacco product and electronic cigarette as defined in this Section; or any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

"Electronic cigarette" means:

(1) any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation;

(2) any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or

(3) any solution or substance, whether or not it contains nicotine intended for use in the device.

"Electronic cigarette" includes, but is not limited to, any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, ~~and~~ any components or parts that can be used to build the product or device, and any component, part, or accessory of a device used during the operation of the device, even if the part or accessory was sold separately. "Electronic cigarette" does not include: cigarettes as defined in Section 1 of the Cigarette Tax Act ~~and tobacco products as defined in Section 10-5 of the Tobacco Products Tax Act of 1995~~; tobacco product and alternative nicotine product as defined in this Section; any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose; any asthma inhaler prescribed by a physician for that condition and is being marketed and sold solely for that approved purpose; any device that meets the definition of cannabis paraphernalia under Section 1-10 of the Cannabis Regulation and Tax Act; or any cannabis ~~therapeutic~~ product sold by a dispensing organization pursuant to the Cannabis Regulation and Tax Act or ~~approved for use under~~ the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act.

"Lunch wagon" means a mobile vehicle designed and constructed to transport food and from which food is sold to the general public.

"Nicotine" means any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived.

"Tobacco product" means any product containing or made from tobacco that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and any other smokeless tobacco product which contains tobacco

that is finely cut, ground, powdered, or leaf and intended to be placed in the oral cavity. "Tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include: an ~~electronic cigarette and~~ alternative nicotine product as defined in this Section; or any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

(b) Tobacco products, electronic cigarettes, and alternative nicotine products may be sold through a vending machine only if such tobacco products, electronic cigarettes, and alternative nicotine products are not placed together with any non-tobacco product, other than matches, in the vending machine and the vending machine is in any of the following locations:

(1) (Blank).

(2) Places to which persons under 21 years of age are not permitted access at any time.

(3) Places where alcoholic beverages are sold and consumed on the premises and vending machine operation is under the direct supervision of the owner or manager.

(4) (Blank).

(5) (Blank).

(c) (Blank).

(d) The sale or distribution by any person of a tobacco product as defined in this Section, including but not limited to a single or loose cigarette, that is not contained within a sealed container, pack, or package as provided by the manufacturer, which container, pack, or package bears the health warning required by federal law, is prohibited.

(e) It is not a violation of this Act for a person under 21 years of age to purchase a tobacco product, electronic cigarette, or alternative nicotine product if the person under the age of 21 purchases or is given the tobacco product, electronic cigarette, or alternative nicotine product in any of its forms from a retail seller of tobacco products, electronic cigarettes, or alternative nicotine products or an employee of the retail seller pursuant to a plan or action to investigate, patrol, or otherwise conduct a "sting operation" or enforcement action against a retail seller of tobacco products, electronic cigarettes, or alternative nicotine products or a person employed by the retail seller of tobacco products, electronic cigarettes, or alternative nicotine products or on any premises authorized to sell tobacco products, electronic cigarettes, or alternative nicotine products to determine if tobacco products, electronic cigarettes, or alternative nicotine products are being sold or given to persons under 21 years of age if the "sting operation" or enforcement action is approved by, conducted by, or conducted on behalf of the Department of State Police, the county sheriff, a municipal police department, the Department of Revenue, the Department of Public Health, or a local health department. The results of any sting operation or enforcement action, including the name of the clerk, shall be provided to the retail seller within 7 business days.

(f) No person shall honor or accept any discount, coupon, or other benefit or reduction in price that is inconsistent with 21 CFR 1140, subsequent United States Food and Drug Administration industry guidance, or any rules adopted under 21 CFR 1140.

(g) Any peace officer or duly authorized member of the Department of Revenue or the Department of Public Health, upon discovering a violation of subsection (a), (a-5), (a-5.1), (a-8), (b), or (d) of this Section or a violation of the Preventing Youth Vaping Act, may seize any tobacco products or electronic cigarettes of the specific type involved in that violation that are located at that place of business. The tobacco products or electronic cigarettes so seized are subject to confiscation and forfeiture.

(h) If, within 60 days after any seizure under subsection (g), a person having any property interest in the seized property is charged with an offense under this Section or a violation of the Preventing Youth Vaping Act, the court that renders judgment upon the charge shall, within 30 days after the judgment, conduct a forfeiture hearing to determine whether the seized tobacco products or electronic cigarettes were part of the inventory located at the place of business when a violation of subsection (a), (a-5), (a-5.1), (a-8), (b), or (d) of this Section or a violation of the Preventing Youth Vaping Act occurred and whether any seized tobacco products or electronic cigarettes were of a type involved in that violation. The hearing shall be commenced by a written petition by the State, which shall include material allegations of fact, the name and address of every person determined by the State to have any property interest in the seized property, a representation that written notice of the date, time, and place of the hearing has been mailed to every such person by certified mail at least 10 days before the date, and a request for forfeiture. Every such person may appear as a party and present evidence at the hearing. The quantum of proof required shall be a preponderance of the evidence, and the burden of proof shall be on the State. If the court determines that the

seized property was subject to forfeiture, an order of forfeiture and disposition of the seized property shall be entered and the property shall be received by the prosecuting office, who shall affect its destruction.

(i) If a seizure under subsection (g) is not followed by a charge under subsection (a), (a-5), (a-5.1), (a-8), (b), or (d) of this Section or under the Preventing Youth Vaping Act, or if the prosecution of the charge is permanently terminated or indefinitely discontinued without any judgment of conviction or acquittal:

(1) the prosecuting office may commence in the circuit court an in rem proceeding for the forfeiture and destruction of any seized tobacco products or electronic cigarettes; and

(2) any person having any property interest in the seized tobacco products or electronic cigarettes may commence separate civil proceedings in the manner provided by law.

(Source: P.A. 101-2, eff. 7-1-19.)

Section 45. The Prevention of Cigarette Sales to Persons under 21 Years of Age Act is amended by changing Sections 1, 2, 5, 6, 7, 8, 10, and 20 as follows:

(720 ILCS 678/1)

Sec. 1. Short title. This Act may be cited as the Prevention of Cigarette and Electronic Cigarette Sales to Persons under 21 Years of Age Act.

(Source: P.A. 101-2, eff. 7-1-19.)

(720 ILCS 678/2)

Sec. 2. Definitions. For the purpose of this Act:

"Cigarette", when used in this Act, means any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not the tobacco is flavored, adulterated, or mixed with any other ingredient, and the wrapper or cover of which is made of paper or any other substance or material except whole leaf tobacco.

"Clear and conspicuous statement" means the statement is of sufficient type size to be clearly readable by the recipient of the communication.

"Consumer" means an individual who acquires or seeks to acquire cigarettes or electronic cigarettes for personal use.

"Delivery sale" means any sale of cigarettes or electronic cigarettes to a consumer if:

(a) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

(b) the cigarettes or electronic cigarettes are delivered by use of a common carrier, private delivery service, or the mails, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or electronic cigarettes.

"Delivery service" means any person (other than a person that makes a delivery sale) who delivers to the consumer the cigarettes or electronic cigarettes sold in a delivery sale.

"Department" means the Department of Revenue.

"Electronic cigarette" means:

(1) any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation;

(2) any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or

(3) any solution or substance, whether or not it contains nicotine, intended for use in the device.

"Electronic cigarette" includes, but is not limited to, any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any component, part, or accessory of a device used during the operation of the device, even if the part or accessory was sold separately. "Electronic cigarette" does not include: cigarettes, as defined in Section 1 of the Cigarette Tax Act; any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, a tobacco dependence product, or for other medical purposes that is marketed and sold solely for that approved purpose; any asthma inhaler prescribed by a physician for that condition that is marketed and sold solely for that approved purpose; any device that meets the definition of cannabis paraphernalia under Section 1-10 of the Cannabis Regulation and Tax Act; or any cannabis product sold by a dispensing organization pursuant to the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act.

"Government-issued identification" means a State driver's license, State identification card, passport, a military identification or an official naturalization or immigration document, such as an alien registration recipient card (commonly known as a "green card") or an immigrant visa.

"Mails" or "mailing" mean the shipment of cigarettes or electronic cigarettes through the United States Postal Service.

"Out-of-state sale" means a sale of cigarettes or electronic cigarettes to a consumer located outside of this State where the consumer submits the order for such sale by means of a telephonic or other method of voice transmission, the mails or any other delivery service, facsimile transmission, or the Internet or other online service and where the cigarettes or electronic cigarettes are delivered by use of the mails or other delivery service.

"Person" means any individual, corporation, partnership, limited liability company, association, or other organization that engages in any for-profit or not-for-profit activities.

"Shipping package" means a container in which packs or cartons of cigarettes or electronic cigarettes are shipped in connection with a delivery sale.

"Shipping documents" means bills of lading, air bills, or any other documents used to evidence the undertaking by a delivery service to deliver letters, packages, or other containers.

(Source: P.A. 95-1053, eff. 1-1-10; 96-782, eff. 1-1-10.)

(720 ILCS 678/5)

Sec. 5. Unlawful shipment or transportation of cigarettes or electronic cigarettes.

(a) It is unlawful for any person engaged in the business of selling cigarettes or electronic cigarettes to ship or cause to be shipped any cigarettes or electronic cigarettes unless the person shipping the cigarettes or electronic cigarettes:

(1) is licensed as a distributor or, in the case of electronic cigarettes, a retailer, under ~~either~~ the Cigarette Tax Act, ~~or~~ the Cigarette Use Tax Act, or the Tobacco Products Tax Act of 1995; or delivers the cigarettes or electronic cigarettes to a distributor, or in the case of electronic cigarettes, a retailer, licensed under ~~either~~ the Cigarette Tax Act, ~~or~~ the Cigarette Use Tax Act, or the Tobacco Products Tax Act of 1995; or

(2) ships them to an export warehouse proprietor pursuant to Chapter 52 of the Internal Revenue Code, or an operator of a customs bonded warehouse pursuant to Section 1311 or 1555 of Title 19 of the United States Code.

For purposes of this subsection (a), a person is a licensed distributor if the person's name appears on a list of licensed distributors published by the Illinois Department of Revenue. The term cigarette has the same meaning as defined in Section 1 of the Cigarette Tax Act and Section 1 of the Cigarette Use Tax Act. Nothing in this Act prohibits a person licensed as a distributor under the Cigarette Tax Act, ~~or~~ the Cigarette Use Tax Act, or the Tobacco Products Tax Act of 1995 from shipping or causing to be shipped any cigarettes or electronic cigarettes to a registered retailer under the Retailers' Occupation Tax Act provided the cigarette tax, ~~or~~ cigarette use tax, or tobacco product tax has been paid.

In this Section, "retailer" means a person who engages in this State in the sale of or offering for sale of electronic cigarettes for use or consumption and not for resale in any form. "Retailer" includes a retailer as defined in Section 1 of the Cigarette Tax Act and Section 10-5 of the Tobacco Products Tax Act of 1995.

(b) A common or contract carrier may transport cigarettes or electronic cigarettes to any individual person in this State only if the carrier reasonably believes such cigarettes or electronic cigarettes have been received from a person described in paragraph (a)(1). Common or contract carriers may make deliveries of cigarettes or electronic cigarettes to licensed distributors described in paragraph (a)(1) of this Section. Nothing in this subsection (b) shall be construed to prohibit a person other than a common or contract carrier from transporting not more than 1,000 cigarettes at any one time to any person in this State.

(c) A common or contract carrier may not complete the delivery of any cigarettes or electronic cigarettes to persons other than those described in paragraph (a)(1) of this Section without first obtaining from the purchaser an official written identification from any state or federal agency that displays the person's date of birth or a birth certificate that includes a reliable confirmation that the purchaser is at least 21 years of age; that the cigarettes or electronic cigarettes purchased are not intended for consumption by an individual who is younger than 21 years of age; and a written statement signed by the purchaser that certifies the purchaser's address and that the purchaser is at least 21 years of age. The statement shall also confirm: (1) that the purchaser understands that signing another person's name to the certification is illegal; (2) that the sale of cigarettes to individuals under 21 years of age is illegal; and (3) that the purchase of cigarettes by individuals under 21 years of age is illegal under the laws of Illinois.

(d) When a person engaged in the business of selling cigarettes or electronic cigarettes ships or causes to be shipped any cigarettes or electronic cigarettes to any person in this State, other than in the cigarette or electronic cigarette manufacturer's or tobacco products manufacturer's original container or wrapping, the container or wrapping must be plainly and visibly marked with the word "cigarettes" or "electronic cigarettes".

(e) When a peace officer of this State or any duly authorized officer or employee of the Illinois Department of Public Health or Department of Revenue discovers any cigarettes or electronic cigarettes which have been or which are being shipped or transported in violation of this Section, he or she shall seize and take possession of the cigarettes or electronic cigarettes, and the cigarettes or electronic cigarettes shall be subject to a forfeiture action pursuant to the procedures provided under the Cigarette Tax Act, ~~or~~ Cigarette Use Tax Act, or Tobacco Products Tax Act of 1995.

(Source: P.A. 101-2, eff. 7-1-19.)

(720 ILCS 678/6)

Sec. 6. Prevention of delivery sales to persons under 21 years of age.

(a) No person shall make a delivery sale of cigarettes or electronic cigarettes to any individual who is under 21 years of age.

(b) Each person accepting a purchase order for a delivery sale shall comply with the provisions of this Act and all other laws of this State generally applicable to sales of cigarettes or electronic cigarettes that occur entirely within this State.

(Source: P.A. 101-2, eff. 7-1-19.)

(720 ILCS 678/7)

Sec. 7. Age verification and shipping requirements to prevent delivery sales to persons under 21 years of age.

(a) No person, other than a delivery service, shall mail, ship, or otherwise cause to be delivered a shipping package in connection with a delivery sale unless the person:

(1) prior to the first delivery sale to the prospective consumer, obtains from the prospective consumer a written certification which includes a statement signed by the prospective consumer that certifies:

(A) the prospective consumer's current address; and

(B) that the prospective consumer is at least the legal minimum age;

(2) informs, in writing, such prospective consumer that:

(A) the signing of another person's name to the certification described in this Section is illegal;

(B) sales of cigarettes or electronic cigarettes to individuals under 21 years of age are illegal;

(C) the purchase of cigarettes or electronic cigarettes by individuals under 21 years of age is illegal; and

(D) the name and identity of the prospective consumer may be reported to the state of the consumer's current address under the Act of October 19, 1949 (15 U.S.C. § 375, et seq.), commonly known as the Jenkins Act;

(3) makes a good faith effort to verify the date of birth of the prospective consumer provided pursuant to this Section by:

(A) comparing the date of birth against a commercially available database; or

(B) obtaining a photocopy or other image of a valid, government-issued identification stating the date of birth or age of the prospective consumer;

(4) provides to the prospective consumer a notice that meets the requirements of subsection (b);

(5) receives payment for the delivery sale from the prospective consumer by a credit or debit card that has been issued in such consumer's name, or by a check or other written instrument in such consumer's name; however, no money order or cash payment shall be received or permitted and the seller shall submit to each credit card acquiring company with which it has credit card sales identification information in an appropriate form and format so that the words "tobacco product" may be printed in the purchaser's credit card statement when a purchase of a cigarette or electronic cigarette is made by credit card payment; and

(6) ensures that the shipping package is delivered to the same address as is shown on the government-issued identification or contained in the commercially available database. No delivery described under this Section shall be permitted to any post office box.

(b) The notice required under this Section shall include:

(1) a statement that cigarette and electronic cigarette sales to consumers below 21 years of age are illegal;

(2) a statement that sales of cigarettes and electronic cigarettes are restricted to those consumers who provide verifiable proof of age in accordance with subsection (a);

(3) a statement that cigarette or electronic cigarette sales are subject to tax under Section 2 of the Cigarette Tax Act ~~(35 ILCS 130/2)~~, Section 2 of the Cigarette Use Tax Act, ~~and~~ Section 3 of the Use Tax Act, and Section 10-10 of the Tobacco Products Tax Act of 1995 and an explanation of how the correct tax has been, or is to be, paid with respect to such delivery sale.

(c) A statement meets the requirement of this Section if:

(1) the statement is clear and conspicuous;

(2) the statement is contained in a printed box set apart from the other contents of the communication;

(3) the statement is printed in bold, capital letters;

(4) the statement is printed with a degree of color contrast between the background and the printed statement that is no less than the color contrast between the background and the largest text used in the communication; and

(5) for any printed material delivered by electronic means, the statement appears at both the top and the bottom of the electronic mail message or both the top and the bottom of the Internet website homepage.

(d) Each person, other than a delivery service, who mails, ships, or otherwise causes to be delivered a shipping package in connection with a delivery sale shall:

(1) include as part of the shipping documents a clear and conspicuous statement stating: "Cigarettes or Electronic Cigarettes: Illinois Law Prohibits Shipping to Individuals Under 21 and Requires the Payment of All Applicable Taxes";

(2) use a method of mailing, shipping, or delivery that requires a signature before the shipping package is released to the consumer; and

(3) ensure that the shipping package is not delivered to any post office box.

(Source: P.A. 101-2, eff. 7-1-19; revised 4-29-19.)

(720 ILCS 678/8)

Sec. 8. Registration and reporting requirements to prevent delivery sales to persons under 21 years of age.

(a) Not later than the 15th day of each month, each person making a delivery sale during the previous calendar month shall file a report with the Department containing the following information:

(1) the seller's name, trade name, and the address of such person's principal place of business and any other place of business;

(2) the name and address of the consumer to whom such delivery sale was made;

(3) the brand style or brand styles of the cigarettes or electronic cigarettes that were sold in such delivery sale;

(4) the quantity of cigarettes that were sold in such delivery sale;

(5) an indication of whether or not the cigarettes or electronic cigarettes sold in the delivery sale bore a tax stamp evidencing payment of the tax under Section 2 of the Cigarette Tax Act ~~(35 ILCS 130/2)~~; and

(6) such other information the Department may require.

(b) Each person engaged in business within this State who makes an out-of-state sale shall, for each individual sale, submit to the appropriate tax official of the state in which the consumer is located the information required in subsection (a).

(c) Any person that satisfies the requirements of 15 U.S.C. Section 376 shall be deemed to satisfy the requirements of subsections (a) and (b).

(d) The Department is authorized to disclose to the Attorney General any information received under this title and requested by the Attorney General. The Department and the Attorney General shall share with each other the information received under this title and may share the information with other federal, State, or local agencies for purposes of enforcement of this title or the laws of the federal government or of other states.

(e) This Section shall not be construed to impose liability upon any delivery service, or officers or employees thereof, when acting within the scope of business of the delivery service.

(f) The Department may establish procedures requiring electronic transmission of the information required by this Section directly to the Department on forms prescribed and furnished by the Department.
(Source: P.A. 101-2, eff. 7-1-19.)

(720 ILCS 678/10)

Sec. 10. Violation.

(a) A person who violates subsection (a), (b), or (c) of Section 5 or Section 6, 7, 8, or 9 is guilty of a Class A misdemeanor. A second or subsequent violation of subsection (a), (b), or (c) of Section 5 or Section 6, 7, 8, or 9 is a Class 4 felony.

(b) The Department of Revenue shall impose a civil penalty not to exceed $5,000 on any person who violates subsection (a), (b), or (c) of Section 5 or Section 6, 7, 8, or 9. The Department of Revenue shall impose a civil penalty not to exceed $5,000 on any person engaged in the business of selling cigarettes or electronic cigarettes who ships or causes to be shipped any such cigarettes or electronic cigarettes to any person in this State in violation of subsection (d) of Section 5. Civil penalties imposed and collected by the Department shall be deposited into the Tax Compliance and Administration Fund.

(c) All cigarettes or electronic cigarettes sold or attempted to be sold in a delivery sale that does not meet the requirements of this Act shall be forfeited to the State. All cigarettes or electronic cigarettes forfeited to this State under this Act shall be destroyed or maintained and used in an undercover capacity. The Department may, prior to any destruction of cigarettes or electronic cigarettes, permit the true holder of the trademark rights in the cigarette or electronic cigarette brand to inspect such contraband cigarettes or electronic cigarettes, in order to assist the Department in any investigation regarding such cigarettes or electronic cigarettes.

(d) Any person aggrieved by any decision of the Department of Revenue may, within 60 days after notice of that decision, protest in writing and request a hearing. The Department of Revenue shall give notice to the person of the time and place for the hearing and shall hold a hearing before it issues a final administrative decision. Absent a written protest within 60 days, the Department's decision shall become final without any further determination made or notice given.

(e) The penalties provided for in this Section are in addition to any other penalties provided for by law.
(Source: P.A. 95-1053, eff. 1-1-10; 96-782, eff. 1-1-10.)

(720 ILCS 678/20)

Sec. 20. Tip line.

(a) Not later than 120 days after January 1, 2010 (the effective date of Public Act 95-1053 ~~this amendatory Act of the 95th General Assembly~~), the Department shall establish, publicize, and maintain a toll-free telephone number to receive information related to the sale and delivery of contraband cigarettes or electronic cigarettes.

(b) The Attorney General may pay a reward of up to $5,000 to any person who furnishes information leading to the Department's collection of excise taxes imposed upon delivery sales which otherwise would not have been collected but for the information provided by the person.
(Source: P.A. 95-1053, eff. 1-1-10.)

Section 97. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILLS OF THE SENATE A THIRD TIME**

On motion of Senator Morrison, **Senate Bill No. 512** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Lightford | Stewart |
| Aquino | Feigenholtz | Loughran Cappel | Stoller |
| Bailey | Fine | Martwick | Syverson |
| Barickman | Fowler | McClure | Tracy |
| Belt | Gillespie | McConchie | Turner, D. |
| Bennett | Glowiak Hilton | Morrison | Turner, S. |
| Bryant | Harris | Muñoz | Van Pelt |
| Bush | Hastings | Murphy | Villa |
| Castro | Holmes | Pacione-Zayas | Villanueva |
| Collins | Hunter | Peters | Villivalam |
| Connor | Johnson | Rezin | Wilcox |
| Crowe | Jones, E. | Rose | Mr. President |
| Cullerton, T. | Joyce | Simmons | |
| Cunningham | Koehler | Sims | |
| Curran | Landek | Stadelman | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Bush, **Senate Bill No. 536** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 47; NAYS 8.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Aquino | Fine | Landek | Simmons |
| Barickman | Fowler | Lightford | Sims |
| Belt | Gillespie | Loughran Cappel | Stadelman |
| Bush | Glowiak Hilton | Martwick | Tracy |
| Castro | Harris | McClure | Turner, S. |
| Collins | Hastings | McConchie | Van Pelt |
| Connor | Holmes | Morrison | Villa |
| Cullerton, T. | Hunter | Muñoz | Villanueva |
| Cunningham | Johnson | Murphy | Villivalam |
| Curran | Jones, E. | Pacione-Zayas | Wilcox |
| DeWitte | Joyce | Peters | Mr. President |
| Feigenholtz | Koehler | Rezin | |

The following voted in the negative:

| | | |
|---|---|---|
| Anderson | Plummer | Stoller |
| Bailey | Rose | Syverson |
| Bryant | Stewart | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Holmes, **Senate Bill No. 154** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 46; NAYS 9.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Feigenholtz | Landek | Simmons |
| Aquino | Fine | Lightford | Sims |
| Belt | Fowler | Loughran Cappel | Stadelman |
| Bennett | Gillespie | Martwick | Tracy |
| Bush | Glowiak Hilton | McConchie | Turner, D. |
| Castro | Harris | Morrison | Van Pelt |
| Collins | Hastings | Muñoz | Villa |
| Connor | Holmes | Murphy | Villanueva |
| Crowe | Hunter | Pacione-Zayas | Villivalam |
| Cullerton, T. | Johnson | Peters | Mr. President |
| Cunningham | Jones, E. | Rezin | |
| Curran | Koehler | Rose | |

The following voted in the negative:

| | | |
|---|---|---|
| Bailey | DeWitte | Stoller |
| Barickman | Plummer | Turner, S. |
| Bryant | Stewart | Wilcox |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

## SENATE BILL RECALLED

On motion of Senator Bush, **Senate Bill No. 555** was recalled from the order of third reading to the order of second reading.

Senator Bush offered the following amendment and moved its adoption:

## AMENDMENT NO. 1 TO SENATE BILL 555

AMENDMENT NO. 1 . Amend Senate Bill 555 on page 2, line 10, by replacing "enforcement." with "enforcement and the Illinois State Police. The Illinois State Police shall communicate with local police departments and sheriff departments to ensure coordination and collaboration and to ensure its efforts do not duplicate any local compliance check activities.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Bush, **Senate Bill No. 555** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Feigenholtz | Loughran Cappel | Stewart |
| Aquino | Fine | Martwick | Stoller |
| Bailey | Fowler | McClure | Syverson |
| Barickman | Gillespie | McConchie | Tracy |
| Belt | Glowiak Hilton | Morrison | Turner, D. |
| Bennett | Harris | Muñoz | Turner, S. |
| Bryant | Hastings | Murphy | Van Pelt |
| Bush | Holmes | Pacione-Zayas | Villa |
| Castro | Hunter | Peters | Villanueva |
| Collins | Johnson | Plummer | Villivalam |
| Connor | Jones, E. | Rezin | Wilcox |
| Crowe | Joyce | Rose | Mr. President |
| Cullerton, T. | Koehler | Simmons | |
| Cunningham | Landek | Sims | |
| DeWitte | Lightford | Stadelman | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Villivalam, **Senate Bill No. 567** was recalled from the order of third reading to the order of second reading.

Senator Villivalam offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 567**

AMENDMENT NO. 1 . Amend Senate Bill 567 as follows:

on page 4, line 4, immediately after "Telehealth Act.", by inserting "If there is any conflict between the provisions of this Act and the provisions of the Telehealth Act, the provisions of this Act control."; and

on page 4, line 21, immediately after "care.", by inserting "An optometrist may treat a patient through telehealth in the absence of a provider-patient relationship when, in the professional judgment of the optometrist, emergency care is required."; and

on page 4, line 23, immediately after "perform", by inserting "at least".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILLS OF THE SENATE A THIRD TIME**

On motion of Senator Villivalam, **Senate Bill No. 567** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Feigenholtz | Loughran Cappel | Stewart |
| Aquino | Fine | Martwick | Stoller |
| Bailey | Fowler | McClure | Syverson |
| Barickman | Gillespie | McConchie | Tracy |
| Belt | Glowiak Hilton | Morrison | Turner, D. |
| Bennett | Harris | Muñoz | Turner, S. |
| Bryant | Hastings | Murphy | Van Pelt |
| Bush | Holmes | Pacione-Zayas | Villa |
| Castro | Hunter | Peters | Villanueva |
| Collins | Johnson | Plummer | Villivalam |
| Connor | Jones, E. | Rezin | Wilcox |
| Crowe | Joyce | Rose | Mr. President |
| Cullerton, T. | Koehler | Simmons | |
| Cunningham | Landek | Sims | |
| DeWitte | Lightford | Stadelman | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Collins, **Senate Bill No. 626** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 35; NAYS 16.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Aquino | Feigenholtz | Joyce | Peters |
| Belt | Fine | Koehler | Simmons |
| Bennett | Gillespie | Landek | Sims |
| Bush | Harris | Lightford | Van Pelt |
| Castro | Hastings | Martwick | Villanueva |
| Collins | Holmes | Morrison | Villivalam |
| Connor | Hunter | Muñoz | Wilcox |
| Cullerton, T. | Johnson | Murphy | Mr. President |
| Cunningham | Jones, E. | Pacione-Zayas | |

The following voted in the negative:

| | | | |
|---|---|---|---|
| Anderson | Fowler | Rose | Turner, S. |
| Bailey | McClure | Stewart | |
| Barickman | McConchie | Stoller | |
| Bryant | Plummer | Syverson | |
| DeWitte | Rezin | Tracy | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Wilcox asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the negative on **Senate Bill No. 626**.

On motion of Senator Peters, **Senate Bill No. 654** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 36; NAYS 16.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Aquino | Fine | Landek | Turner, D. |
| Belt | Gillespie | Lightford | Van Pelt |
| Bennett | Glowiak Hilton | Loughran Cappel | Villa |
| Bush | Harris | Martwick | Villanueva |
| Castro | Hastings | Muñoz | Villivalam |
| Collins | Holmes | Pacione-Zayas | Mr. President |
| Connor | Hunter | Peters | |
| Crowe | Johnson | Simmons | |
| Cunningham | Joyce | Sims | |
| Feigenholtz | Koehler | Stadelman | |

The following voted in the negative:

| | | | |
|---|---|---|---|
| Anderson | McClure | Stewart | Wilcox |
| Barickman | McConchie | Stoller | |
| Bryant | Plummer | Syverson | |
| DeWitte | Rezin | Tracy | |
| Fowler | Rose | Turner, S. | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Murphy, **Senate Bill No. 658** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Feigenholtz | Martwick | Stoller |
| Aquino | Fine | McClure | Syverson |
| Bailey | Fowler | McConchie | Tracy |
| Barickman | Gillespie | Morrison | Turner, D. |
| Belt | Glowiak Hilton | Muñoz | Turner, S. |
| Bennett | Harris | Murphy | Van Pelt |
| Bryant | Hastings | Pacione-Zayas | Villa |

| | | | |
|---|---|---|---|
| Bush | Holmes | Peters | Villanueva |
| Castro | Hunter | Plummer | Villivalam |
| Collins | Johnson | Rezin | Wilcox |
| Connor | Jones, E. | Rose | Mr. President |
| Crowe | Koehler | Simmons | |
| Cullerton, T. | Landek | Sims | |
| Cunningham | Lightford | Stadelman | |
| DeWitte | Loughran Cappel | Stewart | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

## SENATE BILL RECALLED

On motion of Senator Villivalam, **Senate Bill No. 677** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 3 was held in the Committee on Assignments.

Senator Villivalam offered the following amendment and moved its adoption:

## AMENDMENT NO. 4 TO SENATE BILL 677

AMENDMENT NO. 4 . Amend Senate Bill 677, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, as follows:

on page 2, line 16 after "services to", by inserting ", and have direct patient interactions with,".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

## READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Villivalam, **Senate Bill No. 677** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Feigenholtz | Loughran Cappel | Stewart |
| Aquino | Fine | Martwick | Stoller |
| Bailey | Fowler | McClure | Syverson |
| Barickman | Gillespie | McConchie | Tracy |
| Belt | Glowiak Hilton | Morrison | Turner, D. |
| Bennett | Harris | Muñoz | Turner, S. |
| Bryant | Hastings | Murphy | Van Pelt |
| Bush | Holmes | Pacione-Zayas | Villa |
| Castro | Hunter | Peters | Villanueva |
| Collins | Johnson | Plummer | Villivalam |
| Connor | Jones, E. | Rezin | Mr. President |
| Crowe | Joyce | Rose | |

| | | |
|---|---|---|
| Cullerton, T. | Koehler | Simmons |
| Cunningham | Landek | Sims |
| DeWitte | Lightford | Stadelman |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Bush, **Senate Bill No. 693** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Feigenholtz | Loughran Cappel | Stewart |
| Aquino | Fine | Martwick | Stoller |
| Bailey | Fowler | McClure | Syverson |
| Barickman | Gillespie | McConchie | Tracy |
| Belt | Glowiak Hilton | Morrison | Turner, D. |
| Bennett | Harris | Muñoz | Turner, S. |
| Bryant | Hastings | Murphy | Van Pelt |
| Bush | Holmes | Pacione-Zayas | Villa |
| Castro | Hunter | Peters | Villanueva |
| Collins | Johnson | Plummer | Villivalam |
| Connor | Jones, E. | Rezin | Wilcox |
| Crowe | Joyce | Rose | Mr. President |
| Cullerton, T. | Koehler | Simmons | |
| Cunningham | Landek | Sims | |
| DeWitte | Lightford | Stadelman | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Crowe, **Senate Bill No. 700** was recalled from the order of third reading to the order of second reading.

Senator Crowe offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 700**

AMENDMENT NO. 1 . Amend Senate Bill 700 by replacing everything after the enacting clause with the following:

"Section 5. The Adult Protective Services Act is amended by changing Sections 4, 4.1, 4.2, 5, and 8 as follows:

(320 ILCS 20/4) (from Ch. 23, par. 6604)

Sec. 4. Reports of abuse or neglect.

(a) Any person who suspects the abuse, neglect, financial exploitation, or self-neglect of an eligible adult may report this suspicion or information about the suspicious death of an eligible adult to an agency designated to receive such reports under this Act or to the Department.

(a-5) If any mandated reporter has reason to believe that an eligible adult, who because of a disability or other condition or impairment is unable to seek assistance for himself or herself, has, within the previous 12 months, been subjected to abuse, neglect, or financial exploitation, the mandated reporter shall, within 24 hours after developing such belief, report this suspicion to an agency designated to receive such reports under this Act or to the Department. The agency designated to receive such reports under this Act or the Department may establish a manner in which a mandated reporter can make the required report through an Internet reporting tool. Information sent and received through the Internet reporting tool is subject to the same rules in this Act as other types of confidential reporting established by the designated agency or the Department. Whenever a mandated reporter is required to report under this Act in his or her capacity as a member of the staff of a medical or other public or private institution, facility, or agency, he or she shall make a report to an agency designated to receive such reports under this Act or to the Department in accordance with the provisions of this Act and may also notify the person in charge of the institution, facility, or agency or his or her designated agent that the report has been made. Under no circumstances shall any person in charge of such institution, facility, or agency, or his or her designated agent to whom the notification has been made, exercise any control, restraint, modification, or other change in the report or the forwarding of the report to an agency designated to receive such reports under this Act or to the Department. The privileged quality of communication between any professional person required to report and his or her patient or client shall not apply to situations involving abused, neglected, or financially exploited eligible adults and shall not constitute grounds for failure to report as required by this Act.

(a-6) If a mandated reporter has reason to believe that the death of an eligible adult may be the result of abuse or neglect, the matter shall be reported to an agency designated to receive such reports under this Act or to the Department for subsequent referral to the appropriate law enforcement agency and the coroner or medical examiner in accordance with subsection (c-5) of Section 3 of this Act.

(a-7) A person making a report under this Act in the belief that it is in the alleged victim's best interest shall be immune from criminal or civil liability or professional disciplinary action on account of making the report, notwithstanding any requirements concerning the confidentiality of information with respect to such eligible adult which might otherwise be applicable.

(a-9) Law enforcement officers shall continue to report incidents of alleged abuse pursuant to the Illinois Domestic Violence Act of 1986, notwithstanding any requirements under this Act.

(b) Any person, institution or agency participating in the making of a report, providing information or records related to a report, assessment, or services, or participating in the investigation of a report under this Act in good faith, or taking photographs or x-rays as a result of an authorized assessment, shall have immunity from any civil, criminal or other liability in any civil, criminal or other proceeding brought in consequence of making such report or assessment or on account of submitting or otherwise disclosing such photographs or x-rays to any agency designated to receive reports of alleged or suspected abuse or neglect. Any person, institution or agency authorized by the Department to provide assessment, intervention, or administrative services under this Act shall, in the good faith performance of those services, have immunity from any civil, criminal or other liability in any civil, criminal, or other proceeding brought as a consequence of the performance of those services. For the purposes of any civil, criminal, or other proceeding, the good faith of any person required to report, permitted to report, or participating in an investigation of a report of alleged or suspected abuse, neglect, financial exploitation, or self-neglect shall be presumed.

(c) The identity of a person making a report of alleged or suspected abuse, neglect, financial exploitation, or self-neglect or a report concerning information about the suspicious death of an eligible adult under this Act may be disclosed by the Department or other agency provided for in this Act only with such person's written consent or by court order, but is otherwise confidential.

(d) The Department shall by rule establish a system for filing and compiling reports made under this Act.

(e) Any physician who willfully fails to report as required by this Act shall be referred to the Illinois State Medical Disciplinary Board for action in accordance with subdivision (A)(22) of Section 22 of the Medical Practice Act of 1987. Any dentist or dental hygienist who willfully fails to report as required by this Act shall be referred to the Department of Professional Regulation for action in accordance with paragraph 19 of Section 23 of the Illinois Dental Practice Act. Any optometrist who willfully fails to report as required by this Act shall be referred to the Department of Financial and Professional Regulation for action in accordance with paragraph (15) of subsection (a) of Section 24 of the Illinois Optometric Practice Act of

1987. Any other mandated reporter required by this Act to report suspected abuse, neglect, or financial exploitation who willfully fails to report the same is guilty of a Class A misdemeanor.
(Source: P.A. 97-860, eff. 7-30-12; 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14.)

(320 ILCS 20/4.1)

Sec. 4.1. Employer discrimination. No employer shall discharge, demote or suspend, or threaten to discharge, demote or suspend, or in any manner discriminate against any employee: (i) who makes any good faith oral or written report of suspected abuse, neglect, or financial exploitation; (ii) who makes any good faith oral or written report concerning information about the suspicious death of an eligible adult; or (iii) who is or will be a witness or testify in any investigation or proceeding concerning a report of suspected abuse, neglect, or financial exploitation.
(Source: P.A. 98-49, eff. 7-1-13.)

(320 ILCS 20/4.2)

Sec. 4.2. Testimony by mandated reporter and investigator. Any mandated reporter who makes a report or any person who investigates a report under this Act shall testify fully in any judicial proceeding resulting from such report, as to any evidence of abuse, neglect, or financial exploitation or the cause thereof. Any mandated reporter who is required to report a suspected case of or a suspicious death due to abuse, neglect, or financial exploitation under Section 4 of this Act shall testify fully in any administrative hearing resulting from such report, as to any evidence of abuse, neglect, or financial exploitation or the cause thereof. No evidence shall be excluded by reason of any common law or statutory privilege relating to communications between the alleged abuser or the eligible adult subject of the report under this Act and the person making or investigating the report.
(Source: P.A. 90-628, eff. 1-1-99.)

(320 ILCS 20/5) (from Ch. 23, par. 6605)

Sec. 5. Procedure.

(a) A provider agency designated to receive reports of alleged or suspected abuse, neglect, financial exploitation, or self-neglect under this Act shall, upon receiving such a report, conduct a face-to-face assessment with respect to such report, in accord with established law and Department protocols, procedures, and policies. Face-to-face assessments, casework, and follow-up of reports of self-neglect by the provider agencies designated to receive reports of self-neglect shall be subject to sufficient appropriation for statewide implementation of assessments, casework, and follow-up of reports of self-neglect. In the absence of sufficient appropriation for statewide implementation of assessments, casework, and follow-up of reports of self-neglect, the designated adult protective services provider agency shall refer all reports of self-neglect to the appropriate agency or agencies as designated by the Department for any follow-up. The assessment shall include, but not be limited to, a visit to the residence of the eligible adult who is the subject of the report and shall include interviews or consultations regarding the allegations with service agencies, immediate family members, and individuals who may have knowledge of the eligible adult's circumstances based on the consent of the eligible adult in all instances, except where the provider agency is acting in the best interest of an eligible adult who is unable to seek assistance for himself or herself and where there are allegations against a caregiver who has assumed responsibilities in exchange for compensation. If, after the assessment, the provider agency determines that the case is substantiated it shall develop a service care plan for the eligible adult and may report its findings at any time during the case to the appropriate law enforcement agency in accord with established law and Department protocols, procedures, and policies. In developing a case plan, the provider agency may consult with any other appropriate provider of services, and such providers shall be immune from civil or criminal liability on account of such acts. The plan shall include alternative suggested or recommended services which are appropriate to the needs of the eligible adult and which involve the least restriction of the eligible adult's activities commensurate with his or her needs. Only those services to which consent is provided in accordance with Section 9 of this Act shall be provided, contingent upon the availability of such services.

(b) A provider agency shall refer evidence of crimes against an eligible adult to the appropriate law enforcement agency according to Department policies. A referral to law enforcement may be made at intake, at ~~or~~ any time during the case, or after a report of a suspicious death, depending upon the circumstances. Where a provider agency has reason to believe the death of an eligible adult may be the result of abuse or neglect, the agency shall immediately report the matter to the coroner or medical examiner and shall cooperate fully with any subsequent investigation.

(c) If any person other than the alleged victim refuses to allow the provider agency to begin an investigation, interferes with the provider agency's ability to conduct an investigation, or refuses to give

access to an eligible adult, the appropriate law enforcement agency must be consulted regarding the investigation.

(Source: P.A. 101-496, eff. 1-1-20.)

(320 ILCS 20/8) (from Ch. 23, par. 6608)

Sec. 8. Access to records. All records concerning reports of abuse, neglect, financial exploitation, or self-neglect or reports of suspicious deaths due to abuse, neglect, financial exploitation, or self-neglect and all records generated as a result of such reports shall be confidential and shall not be disclosed except as specifically authorized by this Act or other applicable law. In accord with established law and Department protocols, procedures, and policies, access to such records, but not access to the identity of the person or persons making a report of alleged abuse, neglect, financial exploitation, or self-neglect as contained in such records, shall be provided, upon request, to the following persons and for the following persons:

(1) Department staff, provider agency staff, other aging network staff, and regional administrative agency staff, including staff of the Chicago Department on Aging while that agency is designated as a regional administrative agency, in the furtherance of their responsibilities under this Act;

(1.5) A representative of the public guardian acting in the course of investigating the appropriateness of guardianship for the eligible adult or while pursuing a petition for guardianship of the eligible adult pursuant to the Probate Act of 1975;

(2) A law enforcement agency or State's Attorney's office investigating known or suspected abuse, neglect, financial exploitation, or self-neglect. Where a provider agency has reason to believe that the death of an eligible adult may be the result of abuse or neglect, including any reports made after death, the agency shall immediately provide the appropriate law enforcement agency with all records pertaining to the eligible adult;

(2.5) A law enforcement agency, fire department agency, or fire protection district having proper jurisdiction pursuant to a written agreement between a provider agency and the law enforcement agency, fire department agency, or fire protection district under which the provider agency may furnish to the law enforcement agency, fire department agency, or fire protection district a list of all eligible adults who may be at imminent risk of abuse, neglect, financial exploitation, or self-neglect;

(3) A physician who has before him or her or who is involved in the treatment of an eligible adult whom he or she reasonably suspects may be abused, neglected, financially exploited, or self-neglected or who has been referred to the Adult Protective Services Program;

(4) An eligible adult reported to be abused, neglected, financially exploited, or self-neglected, or such adult's authorized guardian or agent, unless such guardian or agent is the abuser or the alleged abuser;

(4.5) An executor or administrator of the estate of an eligible adult who is deceased;

(5) In cases regarding abuse, neglect, or financial exploitation, a court or a guardian ad litem, upon its or his or her finding that access to such records may be necessary for the determination of an issue before the court. However, such access shall be limited to an in camera inspection of the records, unless the court determines that disclosure of the information contained therein is necessary for the resolution of an issue then pending before it;

(5.5) In cases regarding self-neglect, a guardian ad litem;

(6) A grand jury, upon its determination that access to such records is necessary in the conduct of its official business;

(7) Any person authorized by the Director, in writing, for audit or bona fide research purposes;

(8) A coroner or medical examiner who has reason to believe that an eligible adult has died as the result of abuse, neglect, financial exploitation, or self-neglect. The provider agency shall immediately provide the coroner or medical examiner with all records pertaining to the eligible adult;

(8.5) A coroner or medical examiner having proper jurisdiction, pursuant to a written agreement between a provider agency and the coroner or medical examiner, under which the provider agency may furnish to the office of the coroner or medical examiner a list of all eligible adults who may be at imminent risk of death as a result of abuse, neglect, financial exploitation, or self-neglect;

(9) Department of Financial and Professional Regulation staff and members of the Illinois Medical Disciplinary Board or the Social Work Examining and Disciplinary Board in the course of investigating alleged violations of the Clinical Social Work and Social Work Practice Act by provider agency staff or other licensing bodies at the discretion of the Director of the Department on Aging;

(9-a) Department of Healthcare and Family Services staff and provider agency staff when that Department is funding services to the eligible adult, including access to the identity of the eligible adult;

(9-b) Department of Human Services staff and provider agency staff when that Department is funding services to the eligible adult or is providing reimbursement for services provided by the abuser or alleged abuser, including access to the identity of the eligible adult;

(10) Hearing officers in the course of conducting an administrative hearing under this Act; parties to such hearing shall be entitled to discovery as established by rule;

(11) A caregiver who challenges placement on the Registry shall be given the statement of allegations in the abuse report and the substantiation decision in the final investigative report; and

(12) The Illinois Guardianship and Advocacy Commission and the agency designated by the Governor under Section 1 of the Protection and Advocacy for Persons with Developmental Disabilities Act shall have access, through the Department, to records, including the findings, pertaining to a completed or closed investigation of a report of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult.

(Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14; 99-143, eff. 7-27-15; 99-287, eff. 1-1-16; 99-547, eff. 7-15-16; 99-642, eff. 7-28-16.)

Section 99. Effective date. This Act takes effect January 1, 2022.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Crowe, **Senate Bill No. 700** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Feigenholtz | Loughran Cappel | Stewart |
| Aquino | Fine | Martwick | Stoller |
| Bailey | Fowler | McClure | Syverson |
| Barickman | Gillespie | McConchie | Tracy |
| Belt | Glowiak Hilton | Morrison | Turner, D. |
| Bennett | Harris | Muñoz | Turner, S. |
| Bryant | Hastings | Murphy | Van Pelt |
| Bush | Holmes | Pacione-Zayas | Villa |
| Castro | Hunter | Peters | Villanueva |
| Collins | Johnson | Plummer | Villivalam |
| Connor | Jones, E. | Rezin | Wilcox |
| Crowe | Joyce | Rose | Mr. President |
| Cullerton, T. | Koehler | Simmons | |
| Cunningham | Landek | Sims | |
| DeWitte | Lightford | Stadelman | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Crowe, **Senate Bill No. 730** was recalled from the order of third reading to the order of second reading.

Senator Crowe offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 730**

AMENDMENT NO. 1 . Amend Senate Bill 730 by replacing everything after the enacting clause with the following:

"Article 1. General Provisions

Section 1-1. Short title. This Act may be cited as the Electronic Wills and Remote Witnesses Act.

Section 1-5. Purpose. The purpose of this Act is to provide for: (1) the valid execution, attestation, self-proving, and probate of electronic wills, paper copies of electronic wills, and wills attested to by witnesses through audio-video communication; and (2) the valid execution, attestation, and witnessing of documents, other than wills, through audio-video communication.

Section 1-10. Applicability. Any document executed under this Act is executed in this State; however, executing a document under this Act does not automatically confer jurisdiction in the courts of this State.

Section 1-15. Relation to Probate Act of 1975 and common law. All electronic wills, paper copies of electronic wills, and wills attested to under this Act are subject to all requirements of the Probate Act of 1975 and the common law, but to the extent the common law or any provision of the Probate Act of 1975 conflicts with or is modified by this Act, the requirements of this Act control.

Section 1-20. Definitions. As used in this Act:

"Audio-video communication" means communication by which a person can hear, see, and communicate with another person in real time using electronic means. A person's visual or hearing impairment does not prohibit or limit that person's use of audio-visual communication under this Act.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

"Electronic signature" means a signature in electronic form that uses a security procedure under the Electronic Commerce Security Act and attached to or logically associated with an electronic record.

"Electronic will" is a will that is created and maintained as a tamper-evident electronic record.

"Identity proofing" means a process or service through which a third person affirms the identity of an individual through a review of personal information from public and proprietary data sources, including: (1) by means of dynamic knowledge-based authentication, including a review of personal information from public or proprietary data sources; or (2) by means of an analysis of biometric data, including, but not limited to, facial recognition, voiceprint analysis, or fingerprint analysis.

"Paper copy" means a tamper-evident electronic record that is printed and contains the following: (1) the text of the document; (2) the electronic signature of the signer; (3) a readable copy of the evidence of any changes displayed in the electronic record; and (4) any exhibits, attestation clauses, affidavits, or other items forming a part of the document or contained in the electronic record.

"Paper document" means a document that is written or printed on paper.

"Physical presence" means being in the same physical location as another person and close enough to see and know the other person is signing a document.

"Presence" includes: (1) physical presence; or (2) being in a different physical location from another person, but able, using audio-video communication, to know the person is signing a document in real time.

"Remote witness" means a person attesting to a document who is in the presence of the signer or testator through audio-video communication.

"Rule of law" means any statute, ordinance, common law rule, court decision, or other rule of law enacted, established, or promulgated by this State or any agency, commission, department, court, other authority, or political subdivision of this State.

"Signature" includes an electronic signature and an ink signature.

"Tamper-evident" means a feature of an electronic record by which any change to the electronic record is displayed.

Article 5. Electronic Wills

Section 5-5. Signing electronic wills.

(a) To be valid under this Act, an electronic will shall be executed by the testator or by some person in the testator's presence and at the testator's direction, and attested to in the testator's presence by 2 or more credible witnesses.

(b) The testator may sign the electronic will with the testator's electronic signature or may direct another person in the presence of the testator to sign the electronic will. A person signing at the testator's direction shall not be an attesting witness, a person receiving a beneficial legacy or interest under the will, or the spouse or child of a person receiving a beneficial legacy or interest under the will.

(c) Each witness shall sign the electronic will with an electronic signature in the presence of the testator after seeing the testator sign, seeing the testator direct another person in the testator's presence to sign, or seeing the testator acknowledge the signature as the testator's act.

(d) If the will is attested to by a remote witness, the requirements for an attestation by a remote witness under Section 15-10 also apply.

Section 5-10. Revocation.

(a) An electronic will may be revoked in the following ways:

(1) execution of a later will declaring the revocation;

(2) execution of a later will to the extent that it is inconsistent with the prior will; or

(3) execution of a written instrument by the testator declaring the revocation.

(b) If there is evidence that a testator signed an electronic will and neither an electronic will nor a certified paper copy of the electronic will can be located after a testator's death, there is a presumption that the testator revoked the electronic will even if no instrument or later will revoking the electronic will can be located.

Section 5-15. Digital assets and electronic commerce.

(a) At any time during the administration of the estate without further notice or, if there is no grant of administration, upon such notice and in such a manner as the court directs, the court may issue an order under the Revised Uniform Fiduciary Access to Digital Assets Act (2015) for a custodian of an account held under a terms-of-service agreement to disclose digital assets for the purposes of obtaining an electronic will from a deceased user's account. If there is no grant of administration at the time the court issues the order, the court's order shall grant disclosure to the petitioner who is deemed a personal representative under the Revised Uniform Fiduciary Access to Digital Assets Act (2015).

(b) Except as specified in this Act, the Electronic Commerce Security Act does not apply to the execution or revocation of an electronic will.

Article 10. Certified Paper Copies

Section 10-5. Certified paper copy. Where a rule of law requires information to be presented or retained in its original form, or provides consequences for the information not being presented or retained in its original form, that rule of law is satisfied by a certified paper copy of the electronic record.

Section 10-10. Creation of a certified paper copy.

(a) A certified paper copy is a paper copy of an electronic record that has been certified by the person who converts the electronic record to a paper copy.

(b) The person certifying a paper copy shall state the following:

(1) the date that the person prepared the paper copy;

(2) the name of the person who prepared the paper copy;

(3) the date that the person who prepared the paper copy came into possession of the electronic record;

(4) a description of how the person who prepared the paper copy came into possession of the electronic record;

(5) confirmation that the paper copy is a complete and correct copy of the electronic record; and

(6) confirmation that the electronic record is a tamper-evident electronic record.

(c) The statements by a person who prepares a certified paper copy shall be made by:

(1) testimony before the court;

(2) a written statement certified under Section 1-109 of the Code of Civil Procedure attached to the paper copy; or

(3) an affidavit attached to the paper copy.

(d) A certified paper copy of a tamper-evident electronic record, other than an electronic will, may be created any time after the signer signs the electronic record under the Electronic Commerce Security Act.

(e) A certified paper copy of an electronic will may be created any time after the testator signs the electronic will or directs another person in the testator's presence to sign the electronic will.

Section 10-15. Witnessing a certified paper copy.

(a) A certified paper copy of an electronic record may be witnessed after it is prepared. The witness shall be in the signer's presence when the signer acknowledges the electronic signature as the signer's act.

(b) If an electronic will is not attested to by 2 or more credible witnesses, a certified paper copy of the electronic will may be attested to by witnesses in the testator's presence after the testator acknowledges the electronic signature as the testator's act.

Article 15. Remote Witnesses

Section 15-5. Remote witness for document other than a will.

(a) A person may witness any document, other than a will, using audio-video communication between the individual signing the document and the witness. The signatures may be contained in a single document or the document may be signed in counterparts. The counterparts of a document may be electronic records, paper copies, or any combination thereof.

(b) During the audio-video communication:

(1) the witness shall determine the identity of the signer;

(2) the signer of the document shall sign the document; if the document is an electronic record, it shall be a tamper-evident electronic record; and

(3) the witness shall sign the document previously signed or acknowledged by the signer, or if signed in counterparts, a separate witness's signature page of the document.

(c) If the witness is signing a document in counterparts, then the witness's signed signature page or a copy of the same shall be attached to the document within 10 business days of the signing and before the signer's death or incapacity. The document becomes effective when the witness's signed signature page or a copy of the same is attached to the document.

Section 15-10. Remote attestation for will.

(a) To be valid under this Act, a will attested to through audio-video communication shall designate this State as its place of execution, be signed by the testator or by some person at the testator's direction and in the testator's presence, and be attested to in the presence of the testator by 2 or more credible witnesses who are located in the United States at the time of the attestation.

(b) The will being attested to by audio-video communication may be an electronic will, a paper copy of an electronic will, or a paper document. An electronic will being attested to shall be a single document containing all the signature pages, attestation clauses, and affidavits forming a part of the will. A will that is a paper copy of an electronic will or a paper document may have separate signature pages, attestation clauses, or affidavits that are electronic records or paper documents. Separate signature pages, attestation clauses, or affidavits may be distributed to the witness before the audio-video communication.

(c) The testator shall sign the will or direct a person in the testator's presence to sign. A person signing at the testator's direction shall not be an attesting witness, a person receiving a beneficial legacy or interest under the will, or the spouse or child of a person receiving a beneficial legacy or interest under the will.

(d) During an audio-video communication:

(1) the witness shall determine the testator's identity;

(2) the testator shall sign the will, direct another person in the testator's presence to sign the will, or acknowledge the signature as the testator's act; and

(3) the witness shall attest to the will in the testator's presence.

(e) If the will consists of separate signature pages, attestation clauses, or affidavits forming a part of the will, the testator or a person appointed by the testator shall attach the witness's signed signature page, attestation clause, or affidavit forming a part of the will or a copy of the same to the paper document containing the testator's signature or a paper copy of the electronic will within 10 business days of the attestation.

Section 15-15. Determining a signer's or testator's identity. A witness shall determine a signer's or testator's identity by one or more of the following methods:

(1) personal knowledge;

(2) a government-issued identification;

(3) another form of identification that includes a photograph of the holder; or

(4) identity proofing.

Article 20. Admission of Wills to Probate

Section 20-5. Electronic will. In addition to the requirements of Section 6-2 of the Probate Act of 1975, the petitioner shall state in the petition to have an electronic will admitted to probate that the electronic will is a tamper-evident electronic record and it has not been altered apart from the electronic signatures and other information that arises in the normal course of communication, storage, and display.

Section 20-10. Admission of paper copy of electronic will. Before being admitted to probate, a paper copy of an electronic will shall be:

(1) certified under Section 10-10; or

(2) supported by sufficient evidence to overcome the presumption under subsection (b) of Section 5-10 that the testator revoked the electronic will.

Section 20-15. Admission of wills attested to by witnesses who are physically present. An electronic will or paper copy of an electronic will attested to by witnesses who are all in the testator's physical presence at the time of attestation shall be sufficiently proved under Section 6-4 of the Probate Act of 1975 to be admitted to probate.

Section 20-20. Admission of wills attested to by a remote witness.

(a) A will, other than a will signed under Section 95-20 of the Electronic Commerce Security Act, attested to by one or more remote witnesses is sufficiently proved to be admitted to probate when each of at least 2 of the attesting witnesses make the statements described in subsection (b), and if the testator appointed a person to attach any separate signature pages, attestation clauses, or affidavits forming a part of a paper copy of an electronic will or paper document, each appointed person, other than the testator, makes the statements described in subsection (d).

(b) Each attesting witness shall state that:

(1) the attesting witness was present and saw the testator or some person in the testator's presence and by the testator's direction sign the will in the presence of the witness or the testator acknowledged it to the witness as the testator's act;

(2) the will was attested to by the witness in the presence of the testator;

(3) the witness believed the testator to be of sound mind and memory at the time of signing or acknowledging the will; and

(4) if the attesting witness is a remote witness, the method used to determine the testator's identity.

(c) The statements of an attesting witness under subsection (b) may be made by:

(1) testimony before the court;

(2) an attestation clause signed by the witness and attached to the will within 10 business days of the execution;

(3) an affidavit that is signed by the witness at the time of attestation and is attached to the will within 10 business days; or

(4) an affidavit that is signed after the time of attestation and is attached to an accurate copy of the will.

(d) Any person appointed by the testator to attach to the will the witnesses' signed signature pages, attestation clauses, or affidavits forming a part of the will or copies of the same shall state:

(1) that the signed signature pages, attestation clauses, or affidavits forming a part of the will or copies of the same were attached within 10 business days of each witness's attestation;

(2) that the person attached the signed signature pages, attestation clauses, or affidavits forming a part of the will or copies of the same to the testator's complete and correct will; and

(3) if the signed signature pages, attestation clauses, or affidavits forming a part of the will were signed as electronic records, the statements required to certify the paper copies of the electronic records under Section 10-10.

(e) The statements under subsection (d) by any person, other than the testator, attaching the attesting witnesses signature pages, attestation clauses, affidavits, or copies of the same may be made by:

(1) testimony before the court;

(2) a written statement certified under Section 1-109 of the Code of Civil Procedure that is signed and attached to the will when attaching the signature pages, attestation clauses, affidavits of the witnesses, or copies of the same; or

(3) an affidavit signed at or after the time of attaching the signature pages, attestation clauses, affidavits of the witnesses, or copies of the same and attached to the will or an accurate copy of the will.

Section 20-25. Admission of a will signed under the Electronic Commerce Security Act. A will attested to by a remote witness under Section 95-20 of the Electronic Commerce Security Act is sufficiently proved to be admitted to probate when each of at least 2 attesting witnesses:

(1) sign an attestation clause or affidavit substantially complying with the statements required under subsection (a) of Section 6-4 of the Probate Act of 1975 within 48 hours of the act of witnessing, and the attestation clause, affidavit, or a copy of the same is attached to the will signed by the testator or an accurate copy of the will;

(2) sign an attestation clause or affidavit at or after the act of witnessing that is attached to the will or an accurate copy of the will stating the testator and remote witness to the will substantially complied with Section 95-20 of the Electronic Commerce Security Act and the remote witness believed the testator to be of sound mind and memory at the time of the signing; or

(3) testify in court that the testator and remote witness substantially complied with Section 95-20 of the Electronic Commerce Security Act and that the remote witness believed the testator to be of sound mind and memory at the time of the signing.

Section 20-30. Evidence of fraud, forgery, compulsion, or other improper conduct. Nothing in this Article prohibits any party from introducing evidence of fraud, forgery, compulsion, or other improper conduct that in the opinion of the court is deemed sufficient to invalidate the will when being admitted. The proponent may also introduce any other evidence competent to establish the validity of a will. If the proponent establishes the validity of the will by sufficient competent evidence, it shall be admitted to probate unless there is proof of fraud, forgery, compulsion, or other improper conduct that in the opinion of the court is deemed sufficient to invalidate the will.

Section 20-35. Formal proof of will with remote witness under Section 20-20. If a will has been admitted to probate under Section 20-20 before notice, any person entitled to notice under Section 6-10 of the Probate Act of 1975 may file a petition within 42 days after the effective date of the original order admitting the will to probate to require proof of the will, pursuant to this Section. The court shall set the matter for hearing upon such notice to interested persons as the court directs. At the hearing, the proponent shall establish the will by testimony of the relevant parties as provided in paragraph (1) of subsection (c) of Section 10-10, paragraph (1) of subsection (c) of Section 20-20, or paragraph (1) of subsection (e) of Section 20-20 or deposition of the relevant parties following the procedures in Section 6-5 of the Probate Act of 1975 or other evidence as provided in the Probate Act of 1975, but not as provided by paragraph (2) or (3) of subsection (c) of Section 10-10, paragraph (2) or (3) of subsection (c) of Section 20-20, or paragraph (2) or (3) of subsection (e) of Section 20-20, as if the will had not originally been admitted to probate. If the proponent establishes the will by sufficient competent evidence, the original order admitting it to probate and the original order appointing the representative shall be confirmed and effective as to all persons, including creditors, as of the dates of their entries, unless there is proof of fraud, forgery,

compulsion, or other improper conduct that in the opinion of the court is sufficient to invalidate or destroy the will. The time for filing a petition to contest a will under Section 8-1 of the Probate Act of 1975 is not extended by the filing of the petition under this Section if the order admitting the will to probate is confirmed, but if that order is vacated, the time for filing the petition under Section 8-2 of the Probate Act of 1975 runs from the date of vacation of the order admitting the will to probate.

Section 20-40. Formal proof of an electronic will. If a petition is filed for proof of an electronic will under Section 6-21 of the Probate Act of 1975 or Section 20-35 of this Act, the Court shall determine whether the electronic will is a tamper-evident electronic record and has not been altered apart from the electronic signatures and other information that arises in the normal course of communication, storage, and display.

Section 20-45. Formal proof of will witnessed under the Electronic Commerce Security Act. Testimony or other evidence at a hearing for formal proof of a will under Section 6-21 of the Probate of 1975 by a remote witness who witnessed the will under Section 95-20 of the Electronic Commerce Security Act shall establish the testator and remote witness substantially complied with the requirements of Section 95-20 of the Electronic Commerce Security Act and the remote witness believed the testator to be of sound mind and memory at the time of the signing. Formal proof of a will signed under Section 95-20 of the Electronic Commerce Security Act does not require testimony or other evidence that the remote witness attested to the will in the presence of the testator. Testimony by the remote witness that conflicts with a statement in the attestation clause or affidavit that the remote witness attested to the will in the presence of the testator does not affect proof of the will or the credibility of the remote witness.

Article 95. Amendatory Provisions

Section 95-5. The Electronic Commerce Security Act is amended by changing Sections 5-115, 5-120, 5-125, and 10-130 as follows:

(5 ILCS 175/5-115)

Sec. 5-115. Electronic records.

(a) Where a rule of law requires information to be "written" or "in writing", or provides for certain consequences if it is not, an electronic record satisfies that rule of law.

(b) The provisions of this Section shall not apply:

(1) when its application would involve a construction of a rule of law that is clearly inconsistent with the manifest intent of the lawmaking body or repugnant to the context of the same rule of law, provided that the mere requirement that information be "in writing", "written", or "printed" shall not by itself be sufficient to establish such intent;

(2) to any rule of law governing the creation or execution of a will ~~or trust~~; and

(3) to any record that serves as a unique and transferable instrument of rights and obligations under the Uniform Commercial Code including, without limitation, negotiable instruments and other instruments of title wherein possession of the instrument is deemed to confer title, unless an electronic version of such record is created, stored, and transferred in a manner that allows for the existence of only one unique, identifiable, and unalterable original with the functional attributes of an equivalent physical instrument, that can be possessed by only one person, and which cannot be copied except in a form that is readily identifiable as a copy.

(Source: P.A. 101-163, eff. 1-1-20.)

(5 ILCS 175/5-120)

Sec. 5-120. Electronic signatures.

(a) Where a rule of law requires a signature, or provides for certain consequences if a document is not signed, an electronic signature satisfies that rule of law.

(a-5) In the course of exercising any permitting, licensing, or other regulatory function, a municipality may accept, but shall not require, documents with an electronic signature, including, but not limited to, the technical submissions of a design professional with an electronic signature.

(b) An electronic signature may be proved in any manner, including by showing that a procedure existed by which a party must of necessity have executed a symbol or security procedure for the purpose of verifying that an electronic record is that of such party in order to proceed further with a transaction.

(c) The provisions of this Section shall not apply:

(1) when its application would involve a construction of a rule of law that is clearly inconsistent with the manifest intent of the lawmaking body or repugnant to the context of the same rule of law, provided that the mere requirement of a "signature" or that a record be "signed" shall not by itself be sufficient to establish such intent;

(2) to any rule of law governing the creation or execution of a will ~~or trust~~; and

(3) to any record that serves as a unique and transferable instrument of rights and obligations under the Uniform Commercial Code including, without limitation, negotiable instruments and other instruments of title wherein possession of the instrument is deemed to confer title, unless an electronic version of such record is created, stored, and transferred in a manner that allows for the existence of only one unique, identifiable, and unalterable original with the functional attributes of an equivalent physical instrument, that can be possessed by only one person, and which cannot be copied except in a form that is readily identifiable as a copy.

(Source: P.A. 101-163, eff. 1-1-20.)

(5 ILCS 175/5-125)

Sec. 5-125. Original.

(a) Where a rule of law requires information to be presented or retained in its original form, or provides consequences for the information not being presented or retained in its original form, that rule of law is satisfied by an electronic record if there exists reliable assurance as to the integrity of the information from the time when it was first generated in its final form, as an electronic record or otherwise.

(b) The criteria for assessing integrity shall be whether the information has remained complete and unaltered, apart from the addition of any endorsement or other information that arises in the normal course of communication, storage and display. The standard of reliability required to ensure that information has remained complete and unaltered shall be assessed in the light of the purpose for which the information was generated and in the light of all the relevant circumstances.

(c) The provisions of this Section do not apply to any record that serves as a unique and transferable instrument of rights and obligations under the Uniform Commercial Code including, without limitation, negotiable instruments and other instruments of title wherein possession of the instrument is deemed to confer title, unless an electronic version of such record is created, stored, and transferred in a manner that allows for the existence of only one unique, identifiable, and unalterable original with the functional attributes of an equivalent physical instrument, that can be possessed by only one person, and which cannot be copied except in a form that is readily identifiable as a copy.

(Source: P.A. 90-759, eff. 7-1-99.)

(5 ILCS 175/10-130)

Sec. 10-130. Attribution of signature.

(a) Except as provided by another applicable rule of law, a secure electronic signature is attributable to the person to whom it correlates, whether or not authorized, if:

(1) the electronic signature resulted from acts of a person that obtained the signature device or other information necessary to create the signature from a source under the control of the alleged signer, creating the appearance that it came from that party;

(2) the access or use occurred under circumstances constituting a failure to exercise reasonable care by the alleged signer; and

(3) the relying party relied reasonably and in good faith to its detriment on the apparent source of the electronic record.

(b) The provisions of this Section shall not apply to transactions and documents intended primarily for personal, family, or household use, or otherwise defined as consumer transactions by applicable law including, but not limited to, credit card and automated teller machine transactions except to the extent allowed by applicable consumer law, trust agreements, powers of attorney for property or health care, beneficiary designation forms, and deeds transferring residential real property.

(Source: P.A. 90-759, eff. 7-1-99.)

Section 95-10. The Probate Act of 1975 is amended by changing Sections 1-2.18, 6-5, 6-6, 8-1, and 8-2 and by adding Sections 1-2.25 and 1-2.26 as follows:

(755 ILCS 5/1-2.18) (from Ch. 110 1/2, par. 1-2.18)

Sec. 1-2.18. "Will" includes electronic will, certified paper copy of an electronic will, testament and codicil.

(Source: P.A. 81-213.)

(755 ILCS 5/1-2.25 new)

Sec. 1-2.25. Where this Act requires information to be "written" or "in writing", or provides for certain consequences if it is not, an electronic record under the Electronic Wills and Remote Witnesses Act satisfies the provisions of this Act.

(755 ILCS 5/1-2.26 new)

Sec. 1-2.26. "In the presence of" and any variation thereof includes:

(1) being in the same physical location as another person and close enough to see and know the other person is signing a document; or

(2) being in a different physical location from another person, but able, using electronic means, to see, hear, communicate, and know that the person is signing a document in real time.

(755 ILCS 5/6-5) (from Ch. 110 1/2, par. 6-5)

Sec. 6-5. Deposition of witness.~~)~~ When a witness to a will or other party who shall testify to have a will admitted to probate resides outside the county in which the will is offered for probate or is unable to attend court and can be found and is mentally and physically capable of testifying, the court, upon the petition of any person seeking probate of the will and upon such notice of the petition to persons interested as the court directs, may issue a commission with the will or a photographic copy thereof attached. The commission shall be directed to any judge, notary public, mayor or other chief magistrate of a city or United States consul, vice-consul, consular agent, secretary of legation or commissioned officer in active service of the armed forces of the United States and shall authorize and require the authorized person ~~him~~ to cause that witness or other party to come before the authorized person ~~him~~ at such time and place as the authorized person ~~he~~ designates and to take the deposition of the witness or other party on oath or affirmation and upon all such written interrogatories and cross-interrogatories as may be enclosed with the commission. With the least possible delay the person taking the deposition shall certify it, the commission, and the interrogatories to the court from which the commission issued. When the deposition of a witness or other party is so taken and returned to the court, the ~~his~~ testimony of the witness or other party has the same effect as if the witness or other party ~~he~~ testified in the court from which the commission issued. When the commission is issued to the officer by ~~his~~ official title only and not by name, the seal of the ~~his~~ office attached to the officer's ~~his~~ certificate is sufficient evidence of the officer's ~~his~~ identity and official character.

(Source: P.A. 95-331, eff. 8-21-07.)

(755 ILCS 5/6-6) (from Ch. 110 1/2, par. 6-6)

Sec. 6-6. Proof of handwriting of a deceased or inaccessible witness or a witness with a disability.~~)~~

(a) If a witness to a will or other party who shall testify to have a will admitted (1) is dead, (2) is blind, (3) is mentally or physically incapable of testifying, (4) cannot be found, (5) is in active service of the armed forces of the United States or (6) is outside this State, the court may admit proof of the handwriting of the witness or other party and such other secondary evidence as is admissible in any court of record to establish electronic records or written contracts and may admit the will to probate as though it had been proved by the testimony of the witness or other party. On motion of any interested person or on its own motion, the court may require that the deposition of any such witness or other party, who can be found, is mentally and physically capable of testifying and is not in the active service of the armed forces of the United States outside of the continental United States, be taken as the best evidence thereof.

(b) As used in this Section, "continental United States" means the States of the United States and the District of Columbia.

(Source: P.A. 99-143, eff. 7-27-15.)

(755 ILCS 5/8-1) (from Ch. 110 1/2, par. 8-1)

Sec. 8-1. Contest of admission of will to probate; notice.

(a) Within 6 months after the admission to probate of a domestic will in accordance with the provisions of Section 6-4 or Section 20-20 or 20-25 of the Electronic Wills and Remote Witnesses Act, or of a foreign will in accordance with the provisions of Article VII of this Act, any interested person may file a petition in the proceeding for the administration of the testator's estate or, if no proceeding is pending, in the court in which the will was admitted to probate, to contest the validity of the will.

(b) The petitioner shall cause a copy of the petition to be mailed or delivered to the representative, to his or her attorney of record, and to each heir and legatee whose name is listed in the petition to admit the will to probate and in any amended petition filed in accordance with Section 6-11, at the address stated in the petition or amended petition. Filing a pleading constitutes a waiver of the mailing or delivery of the notice to the person filing the pleading. Failure to mail or deliver a copy of the petition to an heir or a

legatee does not extend the time within which a petition to contest the will may be filed under subsection (a) of this Section or affect the validity of the judgement entered in the proceeding.

(c) Any contestant or proponent may demand a trial by jury. An issue shall be made whether or not the instrument produced is the will of the testator. The contestant shall in the first instance proceed with proof to establish the invalidity of the will. At the close of the contestant's case, the proponent may present evidence to sustain the will. An authenticated transcript of the testimony of any witness or other party taken at the time of the hearing on the admission of the will to probate, or an affidavit of any witness or other party received as evidence under subsection 6-4(b), paragraphs (c) and (e) of Section 20-20 of the Electronic Wills and Remote Witnesses Act, or Section 20-25 of the Electronic Wills and Remote Witnesses Act, is admissible in evidence.

(d) The right to institute or continue a proceeding to contest the validity of a will survives and descends to the heir, legatee, representative, grantee or assignee of the person entitled to institute the proceeding.

(e) It is the duty of the representative to defend a proceeding to contest the validity of the will. The court may order the representative to defend the proceeding or prosecute an appeal from the judgment. If the representative fails or refuses to do so when ordered by the court, or if there is no representative then acting, the court, upon its motion or on application of any interested person, may appoint a special administrator to defend or appeal in his stead.

(f) An action to set aside or contest the validity of a revocable inter vivos trust agreement or declaration of trust to which a legacy is provided by the settlor's will which is admitted to probate shall be commenced within and not after the time to contest the validity of a will as provided in subsection (a) of this Section and Section 13-223 of the Code of Civil Procedure.

(g) This amendatory Act of 1995 applies to pending cases as well as cases commenced on or after its effective date.

(Source: P.A. 89-364, eff. 8-18-95.)

(755 ILCS 5/8-2) (from Ch. 110 1/2, par. 8-2)

Sec. 8-2. Contest of denial of admission of will to probate.

(a) Within 6 months after the entry of an order denying admission to probate of a domestic will in accordance with the provisions of Section 6-4 or Section 20-20 or 20-25 of the Electronic Wills and Remote Witnesses Act, or of a foreign will in accordance with the provisions of Article VII of this Act, any interested person desiring to contest the denial of admission may file a petition to admit the will to probate in the proceeding for the administration of the decedent's estate or, if no proceeding is pending, in the court which denied admission of the will to probate. The petition must state the facts required to be stated in Section 6-2 or 6-20, whichever is applicable.

(b) The petitioner shall cause a copy of the petition to be mailed or delivered to the representative, to his or her attorney of record, and to each heir and legatee whose name is listed in the petition to admit the will to probate and in any amended petition filed in accordance with Section 6-11, at the address stated in the petition or amended petition. Filing a pleading constitutes a waiver of the mailing or delivery of the notice to the person filing the pleading. Failure to mail or deliver a copy of the petition to an heir or legatee does not extend the time within which a petition to admit the will to probate may be filed under subsection (a) of Section 8-1 or affect the validity of the judgment entered in the proceeding.

(c) Any proponent or contestant may demand a trial by jury. An issue shall be made whether or not the instrument produced is the will of the testator. The proponent shall in the first instance proceed with proof to establish the validity of the will and may introduce any evidence competent to establish a will. Any interested person may oppose the petition and may introduce any evidence admissible in a will contest under Section 8-1. At the close of the contestant's case, the proponent may present further evidence to sustain the will.

(d) The right to institute or continue a proceeding to contest the denial of admission of a will to probate survives and descends to the heir, legatee, representative, grantee or assignee of the person entitled to institute the proceeding.

(e) The court may order the representative to defend a proceeding to probate the will or prosecute an appeal from the judgment. If the representative fails or refuses to do so when ordered by the court, or if there is no representative then acting, the court, upon its motion or on application of any interested person, may appoint a special administrator to do so in his stead.

(f) A person named as executor in a will that has been denied admission to probate has no duty to file or support a petition under Section 8-2.

(g) This amendatory Act of 1995 applies to pending cases as well as cases commenced on or after its effective date.
(Source: P.A. 89-364, eff. 8-18-95.)

Article 99. Effective Date

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

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Crowe, **Senate Bill No. 730** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.
And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 56; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Feigenholtz | Loughran Cappel | Stoller |
| Aquino | Fine | Martwick | Syverson |
| Bailey | Fowler | McClure | Tracy |
| Barickman | Gillespie | McConchie | Turner, D. |
| Belt | Glowiak Hilton | Muñoz | Turner, S. |
| Bennett | Harris | Murphy | Van Pelt |
| Bryant | Hastings | Pacione-Zayas | Villa |
| Bush | Holmes | Peters | Villanueva |
| Castro | Hunter | Plummer | Villivalam |
| Collins | Johnson | Rezin | Wilcox |
| Connor | Jones, E. | Rose | Mr. President |
| Crowe | Joyce | Simmons | |
| Cullerton, T. | Koehler | Sims | |
| Cunningham | Landek | Stadelman | |
| DeWitte | Lightford | Stewart | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).
Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Morrison, **Senate Bill No. 755** was recalled from the order of third reading to the order of second reading.
Senator Morrison offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 755**

AMENDMENT NO. 1 . Amend Senate Bill 755 by replacing everything after the enacting clause with the following:

"Section 5. The Children and Family Services Act is amended by changing Section 5e and by adding Section 6b-1 as follows:

(20 ILCS 505/5e)

Sec. 5e. Advocacy Office for Children and Families.

(a) The Department of Children and Family Services shall establish and maintain an Advocacy Office for Children and Families that shall, in addition to other duties assigned by the Director, receive and respond to complaints that may be filed by children, parents, caretakers, and relatives of children receiving child welfare services from the Department of Children and Family Services or its agents. The Department shall promulgate policies and procedures for filing, processing, investigating, and resolving the complaints. The Department shall make a final report to the complainant of its findings. If a final report is not completed, the Department shall report on its disposition every 30 days.

(b) If a youth in care, current foster parent or caregiver, or caseworker requests the information, the Advocacy Office shall make available the name, electronic mail address, and telephone number for each youth's court-appointed guardian ad litem and, if applicable, the guardian ad litem's supervisor.

(c) The Advocacy Office shall include a statewide toll-free telephone number and an electronic mail address that may be used to file complaints, ~~or~~ to obtain information about the delivery of child welfare services by the Department or its agents, and to obtain the contact information for the guardian ad litem. This telephone number and electronic mail address shall be included in all appropriate notices and handbooks regarding services available through the Department.

(d) The Department shall provide a flyer to all youth entering care describing the responsibilities of the Advocacy Office listed in this Section, the toll-free telephone number and electronic mailing address for the Advocacy Office, and a description of the role of a guardian ad litem. The Department shall also provide this flyer to youth at every administrative case review.

(Source: P.A. 92-334, eff. 8-10-01; 92-651, eff. 7-11-02.)

(20 ILCS 505/6b-1 new)

Sec. 6b-1. Maintaining and tracking information on guardians ad litem. The Department must maintain the name, electronic mail address, and telephone number for each youth in care's court-appointed guardian ad litem and, if applicable, the guardian ad litem's supervisor. The Department must update this contact information within 5 days of receiving notice of a change. The Advocacy Office for Children and Families, established pursuant to Section 5e, must make this contact information available to the youth in care, current foster parent or caregiver, or caseworker, if requested. By December 31, 2021, the Department shall adopt rules for maintaining and providing this information.

Section 10. The Juvenile Court Act of 1987 is amended by changing Section 2-17 as follows:

(705 ILCS 405/2-17) (from Ch. 37, par. 802-17)

Sec. 2-17. Guardian ad litem.

(1) Immediately upon the filing of a petition alleging that the minor is a person described in Sections 2-3 or 2-4 of this Article, the court shall appoint a guardian ad litem for the minor if:

(a) such petition alleges that the minor is an abused or neglected child; or

(b) such petition alleges that charges alleging the commission of any of the sex offenses defined in Article 11 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, have been filed against a defendant in any court and that such minor is the alleged victim of the acts of defendant in the commission of such offense.

Unless the guardian ad litem appointed pursuant to this paragraph (1) is an attorney at law, he or she shall be represented in the performance of his or her duties by counsel. The guardian ad litem shall represent the best interests of the minor and shall present recommendations to the court consistent with that duty.

(2) Before proceeding with the hearing, the court shall appoint a guardian ad litem for the minor if:

(a) no parent, guardian, custodian or relative of the minor appears at the first or any subsequent hearing of the case;

(b) the petition prays for the appointment of a guardian with power to consent to adoption; or

(c) the petition for which the minor is before the court resulted from a report made pursuant to the Abused and Neglected Child Reporting Act.

(3) The court may appoint a guardian ad litem for the minor whenever it finds that there may be a conflict of interest between the minor and his parents or other custodian or that it is otherwise in the minor's best interest to do so.

(4) Unless the guardian ad litem is an attorney, he or she shall be represented by counsel.

(4.5) Pursuant to Section 6b-1 of the Children and Family Services Act, the Department of Children and Family Services must maintain the name, electronic mail address, and telephone number for each minor's court-appointed guardian ad litem and, if applicable, the guardian ad litem's supervisor. The Department of Children and Family Services must update this contact information within 5 days of receiving notice of a change. The Advocacy Office for Children and Families, established pursuant to Section 5e of the Children and Family Services Act, must make this contact information available to the minor, current foster parent or caregiver, or caseworker, if requested.

(5) The reasonable fees of a guardian ad litem appointed under this Section shall be fixed by the court and charged to the parents of the minor, to the extent they are able to pay. If the parents are unable to pay those fees, they shall be paid from the general fund of the county.

(6) A guardian ad litem appointed under this Section, shall receive copies of any and all classified reports of child abuse and neglect made under the Abused and Neglected Child Reporting Act in which the minor who is the subject of a report under the Abused and Neglected Child Reporting Act, is also the minor for whom the guardian ad litem is appointed under this Section.

(6.5) A guardian ad litem appointed under this Section or attorney appointed under this Act shall receive a copy of each significant event report that involves the minor no later than 3 days after the Department learns of an event requiring a significant event report to be written, or earlier as required by Department rule.

(7) The appointed guardian ad litem shall remain the minor's ~~child's~~ guardian ad litem throughout the entire juvenile trial court proceedings, including permanency hearings and termination of parental rights proceedings, unless there is a substitution entered by order of the court.

(8) The guardian ad litem or an agent of the guardian ad litem shall have a minimum of one in-person contact with the minor and one contact with one of the current foster parents or caregivers prior to the adjudicatory hearing, and at least one additional in-person contact with the child and one contact with one of the current foster parents or caregivers after the adjudicatory hearing but prior to the first permanency hearing and one additional in-person contact with the child and one contact with one of the current foster parents or caregivers each subsequent year. For good cause shown, the judge may excuse face-to-face interviews required in this subsection.

(9) In counties with a population of 100,000 or more but less than 3,000,000, each guardian ad litem must successfully complete a training program approved by the Department of Children and Family Services. The Department of Children and Family Services shall provide training materials and documents to guardians ad litem who are not mandated to attend the training program. The Department of Children and Family Services shall develop and distribute to all guardians ad litem a bibliography containing information including but not limited to the juvenile court process, termination of parental rights, child development, medical aspects of child abuse, and the child's need for safety and permanence.

(Source: P.A. 100-689, eff. 1-1-19; 101-81, eff. 7-12-19.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Morrison, **Senate Bill No. 755** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Feigenholtz | Martwick | Stoller |
| Aquino | Fine | McClure | Syverson |
| Bailey | Fowler | McConchie | Tracy |
| Barickman | Gillespie | Morrison | Turner, D. |
| Belt | Glowiak Hilton | Muñoz | Turner, S. |
| Bennett | Harris | Murphy | Van Pelt |
| Bryant | Hastings | Pacione-Zayas | Villa |
| Bush | Holmes | Peters | Villanueva |
| Castro | Hunter | Plummer | Villivalam |
| Collins | Johnson | Rezin | Wilcox |
| Connor | Jones, E. | Rose | Mr. President |
| Crowe | Joyce | Simmons | |
| Cullerton, T. | Koehler | Sims | |
| Cunningham | Landek | Stadelman | |
| DeWitte | Loughran Cappel | Stewart | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Bennett, **Senate Bill No. 765** was recalled from the order of third reading to the order of second reading.

Senator Bennett offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 765**

AMENDMENT NO. 1 . Amend Senate Bill 765 by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Section 5-6-3.6 as follows:

(730 ILCS 5/5-6-3.6)

(Section scheduled to be repealed on January 1, 2023)

Sec. 5-6-3.6. First Time Weapon Offender Program.

(a) The General Assembly has sought to promote public safety, reduce recidivism, and conserve valuable resources of the criminal justice system through the creation of diversion programs for non-violent offenders. This amendatory Act of the 100th General Assembly establishes a pilot program for first-time, non-violent offenders charged with certain weapons offenses. The General Assembly recognizes some persons, particularly young adults in areas of high crime or poverty, may have experienced trauma that contributes to poor decision making skills, and the creation of a diversionary program poses a greater benefit to the community and the person than incarceration. Under this program, a court, with the consent of the defendant and the State's Attorney, may sentence a defendant charged with an unlawful use of weapons offense under Section 24-1 of the Criminal Code of 2012 or aggravated unlawful use of a weapon offense under Section 24-1.6 of the Criminal Code of 2012, if punishable as a Class 4 felony or lower, to a First Time Weapon Offender Program.

(b) A defendant is not eligible for this Program if:

(1) the offense was committed during the commission of a violent offense as defined in subsection (h) of this Section;

(2) he or she has previously been convicted or placed on probation or conditional discharge for any violent offense under the laws of this State, the laws of any other state, or the laws of the United States;

(3) he or she had a prior successful completion of the First Time Weapon Offender Program under this Section;

(4) he or she has previously been adjudicated a delinquent minor for the commission of a violent offense;

(5) he or she is 21 years of age or older; or

(6) he or she has an existing order of protection issued against him or her.

(b-5) In considering whether a defendant shall be sentenced to the First Time Weapon Offender Program, the court shall consider the following:

(1) the age, immaturity, or limited mental capacity of the defendant;

(2) the nature and circumstances of the offense;

(3) whether participation in the Program is in the interest of the defendant's rehabilitation, including any employment or involvement in community, educational, training, or vocational programs;

(4) whether the defendant suffers from trauma, as supported by documentation or evaluation by a licensed professional; and

(5) the potential risk to public safety.

(c) For an offense committed on or after the effective date of this amendatory Act of the 100th General Assembly and before January 1, 2023, whenever an eligible person pleads guilty to an unlawful use of weapons offense under Section 24-1 of the Criminal Code of 2012 or aggravated unlawful use of a weapon offense under Section 24-1.6 of the Criminal Code of 2012, which is punishable as a Class 4 felony or lower, the court, with the consent of the defendant and the State's Attorney, may, without entering a judgment, sentence the defendant to complete the First Time Weapon Offender Program. When a defendant is placed in the Program, the court shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of the Program. Upon violation of a term or condition of the Program, the court may enter a judgment on its original finding of guilt and proceed as otherwise provided by law. Upon fulfillment of the terms and conditions of the Program, the court shall discharge the person and dismiss the proceedings against the person.

(d) The Program shall be at least 18 months and not to exceed 24 months, as determined by the court at the recommendation of the Program ~~program~~ administrator and the State's Attorney. The Program administrator may be appointed by the Chief Judge of each Judicial Circuit.

(e) The conditions of the Program shall be that the defendant:

(1) not violate any criminal statute of this State or any other jurisdiction;

(2) refrain from possessing a firearm or other dangerous weapon;

(3) obtain or attempt to obtain employment;

(4) attend educational courses designed to prepare the defendant for obtaining a high school diploma or to work toward passing high school equivalency testing or to work toward completing a vocational training program;

(5) refrain from having in his or her body the presence of any illicit drug prohibited by the Methamphetamine Control and Community Protection Act, the Cannabis Control Act, or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(6) perform a minimum of 50 hours of community service;

(7) attend and participate in any Program activities deemed required by the Program administrator, including but not limited to: counseling sessions, in-person and over the phone check-ins, and educational classes; and

(8) pay all fines, assessments, fees, and costs.

(f) The Program may, in addition to other conditions, require that the defendant:

(1) wear an ankle bracelet with GPS tracking;

(2) undergo medical or psychiatric treatment, or treatment or rehabilitation approved by the Department of Human Services; and

(3) attend or reside in a facility established for the instruction or residence of defendants on probation.

(g) There may be only one discharge and dismissal under this Section. If a person is convicted of any offense which occurred within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section shall be admissible in the sentencing proceeding for that conviction as evidence in aggravation.

(h) For purposes of this Section, "violent offense" means any offense in which bodily harm was inflicted or force was used against any person or threatened against any person; any offense involving the

possession of a firearm or dangerous weapon; any offense involving sexual conduct, sexual penetration, or sexual exploitation; violation of an order of protection, stalking, hate crime, domestic battery, or any offense of domestic violence.

(i) This Section is repealed on January 1, 2023.

(Source: P.A. 100-3, eff. 1-1-18.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILLS OF THE SENATE A THIRD TIME**

On motion of Senator Bennett, **Senate Bill No. 765** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Feigenholtz | Loughran Cappel | Stewart |
| Aquino | Fine | Martwick | Stoller |
| Bailey | Fowler | McClure | Syverson |
| Barickman | Gillespie | McConchie | Tracy |
| Belt | Glowiak Hilton | Morrison | Turner, D. |
| Bennett | Harris | Muñoz | Turner, S. |
| Bryant | Hastings | Murphy | Van Pelt |
| Bush | Holmes | Pacione-Zayas | Villa |
| Castro | Hunter | Peters | Villanueva |
| Collins | Johnson | Plummer | Villivalam |
| Connor | Jones, E. | Rezin | Wilcox |
| Crowe | Joyce | Rose | Mr. President |
| Cullerton, T. | Koehler | Simmons | |
| Cunningham | Landek | Sims | |
| DeWitte | Lightford | Stadelman | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Aquino, **Senate Bill No. 148** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 37; NAYS 15.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Aquino | Fine | Landek | Simmons |
| Belt | Gillespie | Lightford | Sims |
| Bennett | Harris | Loughran Cappel | Van Pelt |

| | | | |
|---|---|---|---|
| Bush | Hastings | Martwick | Villa |
| Castro | Holmes | Morrison | Villanueva |
| Collins | Hunter | Muñoz | Villivalam |
| Connor | Johnson | Murphy | Mr. President |
| Cullerton, T. | Jones, E. | Pacione-Zayas | |
| Cunningham | Joyce | Peters | |
| Feigenholtz | Koehler | Rezin | |

The following voted in the negative:

| | | | |
|---|---|---|---|
| Anderson | Fowler | Rose | Tracy |
| Bailey | McClure | Stewart | Turner, S. |
| Barickman | McConchie | Stoller | Wilcox |
| DeWitte | Plummer | Syverson | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

## SENATE BILL RECALLED

On motion of Senator Belt, **Senate Bill No. 805** was recalled from the order of third reading to the order of second reading.

Senator Belt offered the following amendment and moved its adoption:

## AMENDMENT NO. 1 TO SENATE BILL 805

AMENDMENT NO. 1 . Amend Senate Bill 805 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 2-3.182 as follows:

(105 ILCS 5/2-3.182 new)

Sec. 2-3.182. School Unused Food Program. The State Board of Education shall develop and implement a School Unused Food Program that allows public schools in this State to provide food that is unused by the school to needy children who are students of that school. Unused food under the Program shall be provided at no cost to the student. A school participating in the Program may contract with third parties to provide services under the Program. The State Board shall adopt rules necessary to implement and administer the Program established under this Section. For the purposes of this Section, "needy children" means children who qualify for the free breakfast program, free lunch program, school breakfast program, or school lunch program as provided under the School Breakfast and Lunch Program Act.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

## READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Belt, **Senate Bill No. 805** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Feigenholtz | Martwick | Stoller |
| Aquino | Fine | McClure | Syverson |
| Bailey | Fowler | McConchie | Tracy |
| Barickman | Gillespie | Morrison | Turner, D. |
| Belt | Glowiak Hilton | Muñoz | Turner, S. |
| Bennett | Harris | Murphy | Van Pelt |
| Bryant | Hastings | Pacione-Zayas | Villa |
| Bush | Holmes | Peters | Villanueva |
| Castro | Hunter | Plummer | Villivalam |
| Collins | Johnson | Rezin | Wilcox |
| Connor | Jones, E. | Rose | Mr. President |
| Crowe | Joyce | Simmons | |
| Cullerton, T. | Koehler | Sims | |
| Cunningham | Landek | Stadelman | |
| DeWitte | Lightford | Stewart | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Loughran Cappel asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 805**.

## SENATE BILLS RECALLED

On motion of Senator Murphy, **Senate Bill No. 808** was recalled from the order of third reading to the order of second reading.

Senator Murphy offered the following amendment and moved its adoption:

### AMENDMENT NO. 1 TO SENATE BILL 808

AMENDMENT NO. 1 . Amend Senate Bill 808 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 21B-30 as follows:

(105 ILCS 5/21B-30)

Sec. 21B-30. Educator testing.

(a) (Blank).

(b) The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, shall design and implement a system of examinations, which shall be required prior to the issuance of educator licenses. These examinations and indicators must be based on national and State professional teaching standards, as determined by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board. The State Board of Education may adopt such rules as may be necessary to implement and administer this Section.

(c) (Blank).

(c-5) The State Board must adopt rules to implement a paraprofessional competency test. This test would allow an applicant seeking an Educator License with Stipulations with a paraprofessional educator endorsement to obtain the endorsement if he or she passes the test and meets the other requirements of subparagraph (J) of paragraph (2) of Section 21B-20 other than the higher education requirements.

(d) All applicants seeking a State license shall be required to pass a test of content area knowledge for each area of endorsement for which there is an applicable test. There shall be no exception to this

requirement. No candidate shall be allowed to student teach or serve as the teacher of record until he or she has passed the applicable content area test.

(e) (Blank).

(f) Except as otherwise provided in this Article, beginning on September 1, 2015, all candidates completing teacher preparation programs in this State and all candidates subject to Section 21B-35 of this Code are required to pass a teacher performance assessment approved by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board. Subject to appropriation, an individual who holds a Professional Educator License and is employed for a minimum of one school year by a school district designated as Tier 1 under Section 18-8.15 may, after application to the State Board, receive from the State Board a refund for any costs associated with completing the teacher performance assessment under this subsection.

(g) The content area knowledge test and the teacher performance assessment shall be the tests that from time to time are designated by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board, and may be tests prepared by an educational testing organization or tests designed by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board. The test of content area knowledge shall assess content knowledge in a specific subject field. The tests must be designed to be racially neutral to ensure that no person taking the tests is discriminated against on the basis of race, color, national origin, or other factors unrelated to the person's ability to perform as a licensed employee. The score required to pass the tests shall be fixed by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board. The tests shall be administered not fewer than 3 times a year at such time and place as may be designated by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board.

The State Board shall implement a test or tests to assess the speaking, reading, writing, and grammar skills of applicants for an endorsement or a license issued under subdivision (G) of paragraph (2) of Section 21B-20 of this Code in the English language and in the language of the transitional bilingual education program requested by the applicant.

(h) Except as provided in Section 34-6 of this Code, the provisions of this Section shall apply equally in any school district subject to Article 34 of this Code.

(i) The rules developed to implement and enforce the testing requirements under this Section shall include without limitation provisions governing test selection, test validation and determination of a passing score, administration of the tests, frequency of administration, applicant fees, frequency of applicants taking the tests, the years for which a score is valid, and appropriate special accommodations. The State Board of Education shall develop such rules as may be needed to ensure uniformity from year to year in the level of difficulty for each form of an assessment.

(j) Beginning with the 2021-2022 school year, in order to obtain a license under this Article, a student teacher candidate may not be required to videotape himself or herself or his or her students in a classroom setting.

(Source: P.A. 100-596, eff. 7-1-18; 100-863, eff. 8-14-18; 100-932, eff. 8-17-18; 101-81, eff. 7-12-19; 101-220, eff. 8-7-19; 101-594, eff. 12-5-19.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Murphy, **Senate Bill No. 808** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 47; NAYS 5.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Aquino | Cunningham | Koehler | Stadelman |
| Bailey | Feigenholtz | Landek | Stewart |
| Barickman | Fine | Loughran Cappel | Syverson |
| Belt | Gillespie | Martwick | Tracy |
| Bennett | Glowiak Hilton | McConchie | Turner, D. |
| Bryant | Harris | Morrison | Van Pelt |
| Bush | Hastings | Muñoz | Villa |
| Castro | Holmes | Murphy | Villanueva |
| Collins | Hunter | Pacione-Zayas | Villivalam |
| Connor | Johnson | Peters | Wilcox |
| Crowe | Jones, E. | Simmons | Mr. President |
| Cullerton, T. | Joyce | Sims | |

The following voted in the negative:

| | | |
|---|---|---|
| Anderson | McClure | Turner, S. |
| Fowler | Rezin | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Lightford asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 808**.

## SENATE BILL RECALLED

On motion of Senator Bennett, **Senate Bill No. 812** was recalled from the order of third reading to the order of second reading.

Senator Bennett offered the following amendment and moved its adoption:

## AMENDMENT NO. 1 TO SENATE BILL 812

AMENDMENT NO. 1 . Amend Senate Bill 812 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Sections 2-3.182, 10-20.75, and 34-18.67 as follows:

(105 ILCS 5/2-3.182 new)

Sec. 2-3.182. Annual census of personnel holding school support personnel endorsements.

(a) In this Section:

"Pupil-to-school support personnel ratio" means the total number of students in a school district divided by the total number of school support personnel in each endorsement area providing services to students in that school district.

"School support personnel endorsement" means an endorsement affixed to a Professional Educator License as referenced in subparagraph (G) of paragraph (2) of Section 21B-25 of this Code.

"Special education joint agreement" means an entity formed pursuant to Section 10-22.31 of this Code.

(b) Not later than January 1, 2023 and annually thereafter, the State Board of Education must make available on its website the following information for each school district as of November 1st of each year beginning in 2022:

(1) The total number of personnel with a school support personnel endorsement and, for each endorsement area:

(A) those actively employed on a full-time basis by the school district;

(B) those actively employed on a part-time basis by the school district;

(C) those actively employed by a special education joint agreement providing services to students in the school district; and

(D) individuals who are not full-time or part-time employees of the school district or of a special education joint agreement who provide school support services to students in the school district under a contract with the individuals or with an agency or organization that employs the individuals.

(2) The pupil-to-school support personnel ratio disaggregated by (i) school support personnel endorsement area and (ii) students with an individualized education program or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 and students without an individualized education program or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973.

(105 ILCS 5/10-20.75 new)

Sec. 10-20.75. School support personnel reporting. No later than November 16, 2022 and each November 16th annually thereafter, each school district must report to the State Board of Education the information with regard to the school district as of November 1st of each year beginning in 2022 as described in subsection (b) of Section 2-3.182 of this Code and must make that information available on its website.

(105 ILCS 5/34-18.67 new)

Sec. 34-18.67. School support personnel reporting. No later than November 16, 2022 and each November 16th annually thereafter, the school district must report to the State Board of Education the information with regard to the school district as of November 1st of each year beginning in 2022 as described in subsection (b) of Section 2-3.182 of this Code and must make that information available on its website.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Bennett, **Senate Bill No. 812** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Feigenholtz | Martwick | Stoller |
| Aquino | Fine | McClure | Syverson |
| Bailey | Fowler | McConchie | Tracy |
| Barickman | Gillespie | Morrison | Turner, D. |
| Belt | Glowiak Hilton | Muñoz | Turner, S. |
| Bennett | Harris | Murphy | Van Pelt |
| Bryant | Hastings | Pacione-Zayas | Villa |
| Bush | Holmes | Peters | Villanueva |
| Castro | Hunter | Plummer | Villivalam |
| Collins | Johnson | Rezin | Wilcox |
| Connor | Jones, E. | Rose | Mr. President |
| Crowe | Joyce | Simmons | |
| Cullerton, T. | Koehler | Sims | |
| Cunningham | Landek | Stadelman | |
| DeWitte | Loughran Cappel | Stewart | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Lightford asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 812**.

## SENATE BILL RECALLED

On motion of Senator Johnson, **Senate Bill No. 813** was recalled from the order of third reading to the order of second reading.

Senator Johnson offered the following amendment and moved its adoption:

## AMENDMENT NO. 1 TO SENATE BILL 813

AMENDMENT NO. 1 . Amend Senate Bill 813 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 18-8.15 as follows:

(105 ILCS 5/18-8.15)

Sec. 18-8.15. Evidence-Based Funding for student success for the 2017-2018 and subsequent school years.

(a) General provisions.

(1) The purpose of this Section is to ensure that, by June 30, 2027 and beyond, this State has a kindergarten through grade 12 public education system with the capacity to ensure the educational development of all persons to the limits of their capacities in accordance with Section 1 of Article X of the Constitution of the State of Illinois. To accomplish that objective, this Section creates a method of funding public education that is evidence-based; is sufficient to ensure every student receives a meaningful opportunity to learn irrespective of race, ethnicity, sexual orientation, gender, or community-income level; and is sustainable and predictable. When fully funded under this Section, every school shall have the resources, based on what the evidence indicates is needed, to:

(A) provide all students with a high quality education that offers the academic, enrichment, social and emotional support, technical, and career-focused programs that will allow them to become competitive workers, responsible parents, productive citizens of this State, and active members of our national democracy;

(B) ensure all students receive the education they need to graduate from high school with the skills required to pursue post-secondary education and training for a rewarding career;

(C) reduce, with a goal of eliminating, the achievement gap between at-risk and non-at-risk students by raising the performance of at-risk students and not by reducing standards; and

(D) ensure this State satisfies its obligation to assume the primary responsibility to fund public education and simultaneously relieve the disproportionate burden placed on local property taxes to fund schools.

(2) The Evidence-Based Funding formula under this Section shall be applied to all Organizational Units in this State. The Evidence-Based Funding formula outlined in this Act is based on the formula outlined in Senate Bill 1 of the 100th General Assembly, as passed by both legislative chambers. As further defined and described in this Section, there are 4 major components of the Evidence-Based Funding model:

(A) First, the model calculates a unique Adequacy Target for each Organizational Unit in this State that considers the costs to implement research-based activities, the unit's student demographics, and regional wage differences.

(B) Second, the model calculates each Organizational Unit's Local Capacity, or the amount each Organizational Unit is assumed to contribute toward its Adequacy Target from local resources.

(C) Third, the model calculates how much funding the State currently contributes to the Organizational Unit and adds that to the unit's Local Capacity to determine the unit's overall current adequacy of funding.

(D) Finally, the model's distribution method allocates new State funding to those Organizational Units that are least well-funded, considering both Local Capacity and State funding, in relation to their Adequacy Target.

(3) An Organizational Unit receiving any funding under this Section may apply those funds to any fund so received for which that Organizational Unit is authorized to make expenditures by law.

(4) As used in this Section, the following terms shall have the meanings ascribed in this paragraph (4):

"Adequacy Target" is defined in paragraph (1) of subsection (b) of this Section.

"Adjusted EAV" is defined in paragraph (4) of subsection (d) of this Section.

"Adjusted Local Capacity Target" is defined in paragraph (3) of subsection (c) of this Section.

"Adjusted Operating Tax Rate" means a tax rate for all Organizational Units, for which the State Superintendent shall calculate and subtract for the Operating Tax Rate a transportation rate based on total expenses for transportation services under this Code, as reported on the most recent Annual Financial Report in Pupil Transportation Services, function 2550 in both the Education and Transportation funds and functions 4110 and 4120 in the Transportation fund, less any corresponding fiscal year State of Illinois scheduled payments excluding net adjustments for prior years for regular, vocational, or special education transportation reimbursement pursuant to Section 29-5 or subsection (b) of Section 14-13.01 of this Code divided by the Adjusted EAV. If an Organizational Unit's corresponding fiscal year State of Illinois scheduled payments excluding net adjustments for prior years for regular, vocational, or special education transportation reimbursement pursuant to Section 29-5 or subsection (b) of Section 14-13.01 of this Code exceed the total transportation expenses, as defined in this paragraph, no transportation rate shall be subtracted from the Operating Tax Rate.

"Allocation Rate" is defined in paragraph (3) of subsection (g) of this Section.

"Alternative School" means a public school that is created and operated by a regional superintendent of schools and approved by the State Board.

"Applicable Tax Rate" is defined in paragraph (1) of subsection (d) of this Section.

"Assessment" means any of those benchmark, progress monitoring, formative, diagnostic, and other assessments, in addition to the State accountability assessment, that assist teachers' needs in understanding the skills and meeting the needs of the students they serve.

"Assistant principal" means a school administrator duly endorsed to be employed as an assistant principal in this State.

"At-risk student" means a student who is at risk of not meeting the Illinois Learning Standards or not graduating from elementary or high school and who demonstrates a need for vocational support or social services beyond that provided by the regular school program. All students included in an Organizational Unit's Low-Income Count, as well as all English learner and disabled students attending the Organizational Unit, shall be considered at-risk students under this Section.

"Average Student Enrollment" or "ASE" for fiscal year 2018 means, for an Organizational Unit, the greater of the average number of students (grades K through 12) reported to the State Board as enrolled in the Organizational Unit on October 1 in the immediately preceding school year, plus the pre-kindergarten students who receive special education services of 2 or more hours a day as reported to the State Board on December 1 in the immediately preceding school year, or the average number of students (grades K through 12) reported to the State Board as enrolled in the Organizational Unit on October 1, plus the pre-kindergarten students who receive special education services of 2 or more hours a day as reported to the State Board on December 1, for each of the immediately preceding 3 school years. For fiscal year 2019 and each subsequent fiscal year, "Average Student Enrollment" or "ASE" means, for an Organizational Unit, the greater of the average number of students (grades K through 12) reported to the State Board as enrolled in the Organizational Unit on October 1 and March 1 in the immediately preceding school year, plus the pre-kindergarten students who receive special education services as reported to the State Board on October 1 and March 1 in the immediately preceding school year, or the average number of students (grades K through 12) reported to the State Board as enrolled in the Organizational Unit on October 1 and March 1, plus the pre-kindergarten students who receive special education services as reported to the State Board on October 1 and March 1, for each of the immediately preceding 3 school years. For the purposes of this definition,

"enrolled in the Organizational Unit" means the number of students reported to the State Board who are enrolled in schools within the Organizational Unit that the student attends or would attend if not placed or transferred to another school or program to receive needed services. For the purposes of calculating "ASE", all students, grades K through 12, excluding those attending kindergarten for a half day and students attending an alternative education program operated by a regional office of education or intermediate service center, shall be counted as 1.0. All students attending kindergarten for a half day shall be counted as 0.5, unless in 2017 by June 15 or by March 1 in subsequent years, the school district reports to the State Board of Education the intent to implement full-day kindergarten district-wide for all students, then all students attending kindergarten shall be counted as 1.0. Special education pre-kindergarten students shall be counted as 0.5 each. If the State Board does not collect or has not collected both an October 1 and March 1 enrollment count by grade or a December 1 collection of special education pre-kindergarten students as of August 31, 2017 (the effective date of Public Act 100-465), it shall establish such collection for all future years. For any year in which a count by grade level was collected only once, that count shall be used as the single count available for computing a 3-year average ASE. Funding for programs operated by a regional office of education or an intermediate service center must be calculated using the Evidence-Based Funding formula under this Section for the 2019-2020 school year and each subsequent school year until separate adequacy formulas are developed and adopted for each type of program. ASE for a program operated by a regional office of education or an intermediate service center must be determined by the March 1 enrollment for the program. For the 2019-2020 school year, the ASE used in the calculation must be the first-year ASE and, in that year only, the assignment of students served by a regional office of education or intermediate service center shall not result in a reduction of the March enrollment for any school district. For the 2020-2021 school year, the ASE must be the greater of the current-year ASE or the 2-year average ASE. Beginning with the 2021-2022 school year, the ASE must be the greater of the current-year ASE or the 3-year average ASE. School districts shall submit the data for the ASE calculation to the State Board within 45 days of the dates required in this Section for submission of enrollment data in order for it to be included in the ASE calculation. For fiscal year 2018 only, the ASE calculation shall include only enrollment taken on October 1. In recognition of the impact of COVID-19, the definition of "Average Student Enrollment" or "ASE" shall be adjusted for calculations under this Section for fiscal years 2022 through 2024. For fiscal years 2022 through 2024, the enrollment used in the calculation of ASE representing the 2020-2021 school year shall be the greater of the enrollment for the 2020-2021 school year or the 2019-2020 school year.

"Base Funding Guarantee" is defined in paragraph (10) of subsection (g) of this Section.

"Base Funding Minimum" is defined in subsection (e) of this Section.

"Base Tax Year" means the property tax levy year used to calculate the Budget Year allocation of primary State aid.

"Base Tax Year's Extension" means the product of the equalized assessed valuation utilized by the county clerk in the Base Tax Year multiplied by the limiting rate as calculated by the county clerk and defined in PTELL.

"Bilingual Education Allocation" means the amount of an Organizational Unit's final Adequacy Target attributable to bilingual education divided by the Organizational Unit's final Adequacy Target, the product of which shall be multiplied by the amount of new funding received pursuant to this Section. An Organizational Unit's final Adequacy Target attributable to bilingual education shall include all additional investments in English learner students' adequacy elements.

"Budget Year" means the school year for which primary State aid is calculated and awarded under this Section.

"Central office" means individual administrators and support service personnel charged with managing the instructional programs, business and operations, and security of the Organizational Unit.

"Comparable Wage Index" or "CWI" means a regional cost differentiation metric that measures systemic, regional variations in the salaries of college graduates who are not educators. The CWI utilized for this Section shall, for the first 3 years of Evidence-Based Funding implementation, be the CWI initially developed by the National Center for Education Statistics, as most recently updated by Texas A & M University. In the fourth and subsequent years of Evidence-Based Funding implementation, the State Superintendent shall re-determine the CWI using a similar methodology to

that identified in the Texas A & M University study, with adjustments made no less frequently than once every 5 years.

"Computer technology and equipment" means computers servers, notebooks, network equipment, copiers, printers, instructional software, security software, curriculum management courseware, and other similar materials and equipment.

"Computer technology and equipment investment allocation" means the final Adequacy Target amount of an Organizational Unit assigned to Tier 1 or Tier 2 in the prior school year attributable to the additional $285.50 per student computer technology and equipment investment grant divided by the Organizational Unit's final Adequacy Target, the result of which shall be multiplied by the amount of new funding received pursuant to this Section. An Organizational Unit assigned to a Tier 1 or Tier 2 final Adequacy Target attributable to the received computer technology and equipment investment grant shall include all additional investments in computer technology and equipment adequacy elements.

"Core subject" means mathematics; science; reading, English, writing, and language arts; history and social studies; world languages; and subjects taught as Advanced Placement in high schools.

"Core teacher" means a regular classroom teacher in elementary schools and teachers of a core subject in middle and high schools.

"Core Intervention teacher (tutor)" means a licensed teacher providing one-on-one or small group tutoring to students struggling to meet proficiency in core subjects.

"CPPRT" means corporate personal property replacement tax funds paid to an Organizational Unit during the calendar year one year before the calendar year in which a school year begins, pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).

"EAV" means equalized assessed valuation as defined in paragraph (2) of subsection (d) of this Section and calculated in accordance with paragraph (3) of subsection (d) of this Section.

"ECI" means the Bureau of Labor Statistics' national employment cost index for civilian workers in educational services in elementary and secondary schools on a cumulative basis for the 12-month calendar year preceding the fiscal year of the Evidence-Based Funding calculation.

"EIS Data" means the employment information system data maintained by the State Board on educators within Organizational Units.

"Employee benefits" means health, dental, and vision insurance offered to employees of an Organizational Unit, the costs associated with the statutorily required payment of the normal cost of the Organizational Unit's teacher pensions, Social Security employer contributions, and Illinois Municipal Retirement Fund employer contributions.

"English learner" or "EL" means a child included in the definition of "English learners" under Section 14C-2 of this Code participating in a program of transitional bilingual education or a transitional program of instruction meeting the requirements and program application procedures of Article 14C of this Code. For the purposes of collecting the number of EL students enrolled, the same collection and calculation methodology as defined above for "ASE" shall apply to English learners, with the exception that EL student enrollment shall include students in grades pre-kindergarten through 12.

"Essential Elements" means those elements, resources, and educational programs that have been identified through academic research as necessary to improve student success, improve academic performance, close achievement gaps, and provide for other per student costs related to the delivery and leadership of the Organizational Unit, as well as the maintenance and operations of the unit, and which are specified in paragraph (2) of subsection (b) of this Section.

"Evidence-Based Funding" means State funding provided to an Organizational Unit pursuant to this Section.

"Extended day" means academic and enrichment programs provided to students outside the regular school day before and after school or during non-instructional times during the school day.

"Extension Limitation Ratio" means a numerical ratio in which the numerator is the Base Tax Year's Extension and the denominator is the Preceding Tax Year's Extension.

"Final Percent of Adequacy" is defined in paragraph (4) of subsection (f) of this Section.

"Final Resources" is defined in paragraph (3) of subsection (f) of this Section.

"Full-time equivalent" or "FTE" means the full-time equivalency compensation for staffing the relevant position at an Organizational Unit.

"Funding Gap" is defined in paragraph (1) of subsection (g).

"Guidance counselor" means a licensed guidance counselor who provides guidance and counseling support for students within an Organizational Unit.

"Hybrid District" means a partial elementary unit district created pursuant to Article 11E of this Code.

"Instructional assistant" means a core or special education, non-licensed employee who assists a teacher in the classroom and provides academic support to students.

"Instructional facilitator" means a qualified teacher or licensed teacher leader who facilitates and coaches continuous improvement in classroom instruction; provides instructional support to teachers in the elements of research-based instruction or demonstrates the alignment of instruction with curriculum standards and assessment tools; develops or coordinates instructional programs or strategies; develops and implements training; chooses standards-based instructional materials; provides teachers with an understanding of current research; serves as a mentor, site coach, curriculum specialist, or lead teacher; or otherwise works with fellow teachers, in collaboration, to use data to improve instructional practice or develop model lessons.

"Instructional materials" means relevant instructional materials for student instruction, including, but not limited to, textbooks, consumable workbooks, laboratory equipment, library books, and other similar materials.

"Laboratory School" means a public school that is created and operated by a public university and approved by the State Board.

"Librarian" means a teacher with an endorsement as a library information specialist or another individual whose primary responsibility is overseeing library resources within an Organizational Unit.

"Limiting rate for Hybrid Districts" means the combined elementary school and high school limiting rates.

"Local Capacity" is defined in paragraph (1) of subsection (c) of this Section.

"Local Capacity Percentage" is defined in subparagraph (A) of paragraph (2) of subsection (c) of this Section.

"Local Capacity Ratio" is defined in subparagraph (B) of paragraph (2) of subsection (c) of this Section.

"Local Capacity Target" is defined in paragraph (2) of subsection (c) of this Section.

"Low-Income Count" means, for an Organizational Unit in a fiscal year, the higher of the average number of students for the prior school year or the immediately preceding 3 school years who, as of July 1 of the immediately preceding fiscal year (as determined by the Department of Human Services), are eligible for at least one of the following low-income programs: Medicaid, the Children's Health Insurance Program, Temporary Assistance for Needy Families (TANF), or the Supplemental Nutrition Assistance Program, excluding pupils who are eligible for services provided by the Department of Children and Family Services. Until such time that grade level low-income populations become available, grade level low-income populations shall be determined by applying the low-income percentage to total student enrollments by grade level. The low-income percentage is determined by dividing the Low-Income Count by the Average Student Enrollment. The low-income percentage for programs operated by a regional office of education or an intermediate service center must be set to the weighted average of the low-income percentages of all of the school districts in the service region. The weighted low-income percentage is the result of multiplying the low-income percentage of each school district served by the regional office of education or intermediate service center by each school district's Average Student Enrollment, summarizing those products and dividing the total by the total Average Student Enrollment for the service region.

"Maintenance and operations" means custodial services, facility and ground maintenance, facility operations, facility security, routine facility repairs, and other similar services and functions.

"Minimum Funding Level" is defined in paragraph (9) of subsection (g) of this Section.

"New Property Tax Relief Pool Funds" means, for any given fiscal year, all State funds appropriated under Section 2-3.170 of this Code.

"New State Funds" means, for a given school year, all State funds appropriated for Evidence-Based Funding in excess of the amount needed to fund the Base Funding Minimum for all Organizational Units in that school year.

"Net State Contribution Target" means, for a given school year, the amount of State funds that would be necessary to fully meet the Adequacy Target of an Operational Unit minus the Preliminary Resources available to each unit.

"Nurse" means an individual licensed as a certified school nurse, in accordance with the rules established for nursing services by the State Board, who is an employee of and is available to provide health care-related services for students of an Organizational Unit.

"Operating Tax Rate" means the rate utilized in the previous year to extend property taxes for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes. For Hybrid Districts, the Operating Tax Rate shall be the combined elementary and high school rates utilized in the previous year to extend property taxes for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes.

"Organizational Unit" means a Laboratory School or any public school district that is recognized as such by the State Board and that contains elementary schools typically serving kindergarten through 5th grades, middle schools typically serving 6th through 8th grades, high schools typically serving 9th through 12th grades, a program established under Section 2-3.66 or 2-3.41, or a program operated by a regional office of education or an intermediate service center under Article 13A or 13B. The General Assembly acknowledges that the actual grade levels served by a particular Organizational Unit may vary slightly from what is typical.

"Organizational Unit CWI" is determined by calculating the CWI in the region and original county in which an Organizational Unit's primary administrative office is located as set forth in this paragraph, provided that if the Organizational Unit CWI as calculated in accordance with this paragraph is less than 0.9, the Organizational Unit CWI shall be increased to 0.9. Each county's current CWI value shall be adjusted based on the CWI value of that county's neighboring Illinois counties, to create a "weighted adjusted index value". This shall be calculated by summing the CWI values of all of a county's adjacent Illinois counties and dividing by the number of adjacent Illinois counties, then taking the weighted value of the original county's CWI value and the adjacent Illinois county average. To calculate this weighted value, if the number of adjacent Illinois counties is greater than 2, the original county's CWI value will be weighted at 0.25 and the adjacent Illinois county average will be weighted at 0.75. If the number of adjacent Illinois counties is 2, the original county's CWI value will be weighted at 0.33 and the adjacent Illinois county average will be weighted at 0.66. The greater of the county's current CWI value and its weighted adjusted index value shall be used as the Organizational Unit CWI.

"Preceding Tax Year" means the property tax levy year immediately preceding the Base Tax Year.

"Preceding Tax Year's Extension" means the product of the equalized assessed valuation utilized by the county clerk in the Preceding Tax Year multiplied by the Operating Tax Rate.

"Preliminary Percent of Adequacy" is defined in paragraph (2) of subsection (f) of this Section.

"Preliminary Resources" is defined in paragraph (2) of subsection (f) of this Section.

"Principal" means a school administrator duly endorsed to be employed as a principal in this State.

"Professional development" means training programs for licensed staff in schools, including, but not limited to, programs that assist in implementing new curriculum programs, provide data focused or academic assessment data training to help staff identify a student's weaknesses and strengths, target interventions, improve instruction, encompass instructional strategies for English learner, gifted, or at-risk students, address inclusivity, cultural sensitivity, or implicit bias, or otherwise provide professional support for licensed staff.

"Prototypical" means 450 special education pre-kindergarten and kindergarten through grade 5 students for an elementary school, 450 grade 6 through 8 students for a middle school, and 600 grade 9 through 12 students for a high school.

"PTELL" means the Property Tax Extension Limitation Law.

"PTELL EAV" is defined in paragraph (4) of subsection (d) of this Section.

"Pupil support staff" means a nurse, psychologist, social worker, family liaison personnel, or other staff member who provides support to at-risk or struggling students.

"Real Receipts" is defined in paragraph (1) of subsection (d) of this Section.

"Regionalization Factor" means, for a particular Organizational Unit, the figure derived by dividing the Organizational Unit CWI by the Statewide Weighted CWI.

"School site staff" means the primary school secretary and any additional clerical personnel assigned to a school.

"Special education" means special educational facilities and services, as defined in Section 14-1.08 of this Code.

"Special Education Allocation" means the amount of an Organizational Unit's final Adequacy Target attributable to special education divided by the Organizational Unit's final Adequacy Target, the product of which shall be multiplied by the amount of new funding received pursuant to this Section. An Organizational Unit's final Adequacy Target attributable to special education shall include all special education investment adequacy elements.

"Specialist teacher" means a teacher who provides instruction in subject areas not included in core subjects, including, but not limited to, art, music, physical education, health, driver education, career-technical education, and such other subject areas as may be mandated by State law or provided by an Organizational Unit.

"Specially Funded Unit" means an Alternative School, safe school, Department of Juvenile Justice school, special education cooperative or entity recognized by the State Board as a special education cooperative, State-approved charter school, or alternative learning opportunities program that received direct funding from the State Board during the 2016-2017 school year through any of the funding sources included within the calculation of the Base Funding Minimum or Glenwood Academy.

"Supplemental Grant Funding" means supplemental general State aid funding received by an Organizational Unit during the 2016-2017 school year pursuant to subsection (H) of Section 18-8.05 of this Code (now repealed).

"State Adequacy Level" is the sum of the Adequacy Targets of all Organizational Units.

"State Board" means the State Board of Education.

"State Superintendent" means the State Superintendent of Education.

"Statewide Weighted CWI" means a figure determined by multiplying each Organizational Unit CWI times the ASE for that Organizational Unit creating a weighted value, summing all Organizational Units' weighted values, and dividing by the total ASE of all Organizational Units, thereby creating an average weighted index.

"Student activities" means non-credit producing after-school programs, including, but not limited to, clubs, bands, sports, and other activities authorized by the school board of the Organizational Unit.

"Substitute teacher" means an individual teacher or teaching assistant who is employed by an Organizational Unit and is temporarily serving the Organizational Unit on a per diem or per period-assignment basis to replace another staff member.

"Summer school" means academic and enrichment programs provided to students during the summer months outside of the regular school year.

"Supervisory aide" means a non-licensed staff member who helps in supervising students of an Organizational Unit, but does so outside of the classroom, in situations such as, but not limited to, monitoring hallways and playgrounds, supervising lunchrooms, or supervising students when being transported in buses serving the Organizational Unit.

"Target Ratio" is defined in paragraph (4) of subsection (g).

"Tier 1", "Tier 2", "Tier 3", and "Tier 4" are defined in paragraph (3) of subsection (g).

"Tier 1 Aggregate Funding", "Tier 2 Aggregate Funding", "Tier 3 Aggregate Funding", and "Tier 4 Aggregate Funding" are defined in paragraph (1) of subsection (g).

(b) Adequacy Target calculation.

(1) Each Organizational Unit's Adequacy Target is the sum of the Organizational Unit's cost of providing Essential Elements, as calculated in accordance with this subsection (b), with the salary amounts in the Essential Elements multiplied by a Regionalization Factor calculated pursuant to paragraph (3) of this subsection (b).

(2) The Essential Elements are attributable on a pro rata basis related to defined subgroups of the ASE of each Organizational Unit as specified in this paragraph (2), with investments and FTE positions pro rata funded based on ASE counts in excess of or less than the thresholds set forth in this

paragraph (2). The method for calculating attributable pro rata costs and the defined subgroups thereto are as follows:

(A) Core class size investments. Each Organizational Unit shall receive the funding required to support that number of FTE core teacher positions as is needed to keep the respective class sizes of the Organizational Unit to the following maximum numbers:

(i) For grades kindergarten through 3, the Organizational Unit shall receive funding required to support one FTE core teacher position for every 15 Low-Income Count students in those grades and one FTE core teacher position for every 20 non-Low-Income Count students in those grades.

(ii) For grades 4 through 12, the Organizational Unit shall receive funding required to support one FTE core teacher position for every 20 Low-Income Count students in those grades and one FTE core teacher position for every 25 non-Low-Income Count students in those grades.

The number of non-Low-Income Count students in a grade shall be determined by subtracting the Low-Income students in that grade from the ASE of the Organizational Unit for that grade.

(B) Specialist teacher investments. Each Organizational Unit shall receive the funding needed to cover that number of FTE specialist teacher positions that correspond to the following percentages:

(i) if the Organizational Unit operates an elementary or middle school, then 20.00% of the number of the Organizational Unit's core teachers, as determined under subparagraph (A) of this paragraph (2); and

(ii) if such Organizational Unit operates a high school, then 33.33% of the number of the Organizational Unit's core teachers.

(C) Instructional facilitator investments. Each Organizational Unit shall receive the funding needed to cover one FTE instructional facilitator position for every 200 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students of the Organizational Unit.

(D) Core intervention teacher (tutor) investments. Each Organizational Unit shall receive the funding needed to cover one FTE teacher position for each prototypical elementary, middle, and high school.

(E) Substitute teacher investments. Each Organizational Unit shall receive the funding needed to cover substitute teacher costs that is equal to 5.70% of the minimum pupil attendance days required under Section 10-19 of this Code for all full-time equivalent core, specialist, and intervention teachers, school nurses, special education teachers and instructional assistants, instructional facilitators, and summer school and extended day teacher positions, as determined under this paragraph (2), at a salary rate of 33.33% of the average salary for grade K through 12 teachers and 33.33% of the average salary of each instructional assistant position.

(F) Core guidance counselor investments. Each Organizational Unit shall receive the funding needed to cover one FTE guidance counselor for each 450 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 5 students, plus one FTE guidance counselor for each 250 grades 6 through 8 ASE middle school students, plus one FTE guidance counselor for each 250 grades 9 through 12 ASE high school students.

(G) Nurse investments. Each Organizational Unit shall receive the funding needed to cover one FTE nurse for each 750 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students across all grade levels it serves.

(H) Supervisory aide investments. Each Organizational Unit shall receive the funding needed to cover one FTE for each 225 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 5 students, plus one FTE for each 225 ASE middle school students, plus one FTE for each 200 ASE high school students.

(I) Librarian investments. Each Organizational Unit shall receive the funding needed to cover one FTE librarian for each prototypical elementary school, middle school, and high school and one FTE aide or media technician for every 300 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students.

(J) Principal investments. Each Organizational Unit shall receive the funding needed to cover one FTE principal position for each prototypical elementary school, plus one FTE

principal position for each prototypical middle school, plus one FTE principal position for each prototypical high school.

(K) Assistant principal investments. Each Organizational Unit shall receive the funding needed to cover one FTE assistant principal position for each prototypical elementary school, plus one FTE assistant principal position for each prototypical middle school, plus one FTE assistant principal position for each prototypical high school.

(L) School site staff investments. Each Organizational Unit shall receive the funding needed for one FTE position for each 225 ASE of pre-kindergarten children with disabilities and all kindergarten through grade 5 students, plus one FTE position for each 225 ASE middle school students, plus one FTE position for each 200 ASE high school students.

(M) Gifted investments. Each Organizational Unit shall receive $40 per kindergarten through grade 12 ASE.

(N) Professional development investments. Each Organizational Unit shall receive $125 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students for trainers and other professional development-related expenses for supplies and materials.

(O) Instructional material investments. Each Organizational Unit shall receive $190 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover instructional material costs.

(P) Assessment investments. Each Organizational Unit shall receive $25 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover assessment costs.

(Q) Computer technology and equipment investments. Each Organizational Unit shall receive $285.50 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover computer technology and equipment costs. For the 2018-2019 school year and subsequent school years, Organizational Units assigned to Tier 1 and Tier 2 in the prior school year shall receive an additional $285.50 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover computer technology and equipment costs in the Organizational Unit's Adequacy Target. The State Board may establish additional requirements for Organizational Unit expenditures of funds received pursuant to this subparagraph (Q), including a requirement that funds received pursuant to this subparagraph (Q) may be used only for serving the technology needs of the district. It is the intent of Public Act 100-465 that all Tier 1 and Tier 2 districts receive the addition to their Adequacy Target in the following year, subject to compliance with the requirements of the State Board.

(R) Student activities investments. Each Organizational Unit shall receive the following funding amounts to cover student activities: $100 per kindergarten through grade 5 ASE student in elementary school, plus $200 per ASE student in middle school, plus $675 per ASE student in high school.

(S) Maintenance and operations investments. Each Organizational Unit shall receive $1,038 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students for day-to-day maintenance and operations expenditures, including salary, supplies, and materials, as well as purchased services, but excluding employee benefits. The proportion of salary for the application of a Regionalization Factor and the calculation of benefits is equal to $352.92.

(T) Central office investments. Each Organizational Unit shall receive $742 per student of the combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students to cover central office operations, including administrators and classified personnel charged with managing the instructional programs, business and operations of the school district, and security personnel. The proportion of salary for the application of a Regionalization Factor and the calculation of benefits is equal to $368.48.

(U) Employee benefit investments. Each Organizational Unit shall receive 30% of the total of all salary-calculated elements of the Adequacy Target, excluding substitute teachers and student activities investments, to cover benefit costs. For central office and maintenance and operations investments, the benefit calculation shall be based upon the salary proportion of each investment. If at any time the responsibility for funding the employer normal cost of teacher

pensions is assigned to school districts, then that amount certified by the Teachers' Retirement System of the State of Illinois to be paid by the Organizational Unit for the preceding school year shall be added to the benefit investment. For any fiscal year in which a school district organized under Article 34 of this Code is responsible for paying the employer normal cost of teacher pensions, then that amount of its employer normal cost plus the amount for retiree health insurance as certified by the Public School Teachers' Pension and Retirement Fund of Chicago to be paid by the school district for the preceding school year that is statutorily required to cover employer normal costs and the amount for retiree health insurance shall be added to the 30% specified in this subparagraph (U). The Teachers' Retirement System of the State of Illinois and the Public School Teachers' Pension and Retirement Fund of Chicago shall submit such information as the State Superintendent may require for the calculations set forth in this subparagraph (U).

(V) Additional investments in low-income students. In addition to and not in lieu of all other funding under this paragraph (2), each Organizational Unit shall receive funding based on the average teacher salary for grades K through 12 to cover the costs of:

(i) one FTE intervention teacher (tutor) position for every 125 Low-Income Count students;

(ii) one FTE pupil support staff position for every 125 Low-Income Count students;

(iii) one FTE extended day teacher position for every 120 Low-Income Count students; and

(iv) one FTE summer school teacher position for every 120 Low-Income Count students.

(W) Additional investments in English learner students. In addition to and not in lieu of all other funding under this paragraph (2), each Organizational Unit shall receive funding based on the average teacher salary for grades K through 12 to cover the costs of:

(i) one FTE intervention teacher (tutor) position for every 125 English learner students;

(ii) one FTE pupil support staff position for every 125 English learner students;

(iii) one FTE extended day teacher position for every 120 English learner students;

(iv) one FTE summer school teacher position for every 120 English learner students; and

(v) one FTE core teacher position for every 100 English learner students.

(X) Special education investments. Each Organizational Unit shall receive funding based on the average teacher salary for grades K through 12 to cover special education as follows:

(i) one FTE teacher position for every 141 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students;

(ii) one FTE instructional assistant for every 141 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students; and

(iii) one FTE psychologist position for every 1,000 combined ASE of pre-kindergarten children with disabilities and all kindergarten through grade 12 students.

(3) For calculating the salaries included within the Essential Elements, the State Superintendent shall annually calculate average salaries to the nearest dollar using the employment information system data maintained by the State Board, limited to public schools only and excluding special education and vocational cooperatives, schools operated by the Department of Juvenile Justice, and charter schools, for the following positions:

(A) Teacher for grades K through 8.

(B) Teacher for grades 9 through 12.

(C) Teacher for grades K through 12.

(D) Guidance counselor for grades K through 8.

(E) Guidance counselor for grades 9 through 12.

(F) Guidance counselor for grades K through 12.

(G) Social worker.

(H) Psychologist.

(I) Librarian.

(J) Nurse.

(K) Principal.

(L) Assistant principal.

For the purposes of this paragraph (3), "teacher" includes core teachers, specialist and elective teachers, instructional facilitators, tutors, special education teachers, pupil support staff teachers, English learner teachers, extended day teachers, and summer school teachers. Where specific grade data is not required for the Essential Elements, the average salary for corresponding positions shall apply. For substitute teachers, the average teacher salary for grades K through 12 shall apply.

For calculating the salaries included within the Essential Elements for positions not included within EIS Data, the following salaries shall be used in the first year of implementation of Evidence-Based Funding:

(i) school site staff, $30,000; and

(ii) non-instructional assistant, instructional assistant, library aide, library media tech, or supervisory aide: $25,000.

In the second and subsequent years of implementation of Evidence-Based Funding, the amounts in items (i) and (ii) of this paragraph (3) shall annually increase by the ECI.

The salary amounts for the Essential Elements determined pursuant to subparagraphs (A) through (L), (S) and (T), and (V) through (X) of paragraph (2) of subsection (b) of this Section shall be multiplied by a Regionalization Factor.

(c) Local Capacity calculation.

(1) Each Organizational Unit's Local Capacity represents an amount of funding it is assumed to contribute toward its Adequacy Target for purposes of the Evidence-Based Funding formula calculation. "Local Capacity" means either (i) the Organizational Unit's Local Capacity Target as calculated in accordance with paragraph (2) of this subsection (c) if its Real Receipts are equal to or less than its Local Capacity Target or (ii) the Organizational Unit's Adjusted Local Capacity, as calculated in accordance with paragraph (3) of this subsection (c) if Real Receipts are more than its Local Capacity Target.

(2) "Local Capacity Target" means, for an Organizational Unit, that dollar amount that is obtained by multiplying its Adequacy Target by its Local Capacity Ratio.

(A) An Organizational Unit's Local Capacity Percentage is the conversion of the Organizational Unit's Local Capacity Ratio, as such ratio is determined in accordance with subparagraph (B) of this paragraph (2), into a cumulative distribution resulting in a percentile ranking to determine each Organizational Unit's relative position to all other Organizational Units in this State. The calculation of Local Capacity Percentage is described in subparagraph (C) of this paragraph (2).

(B) An Organizational Unit's Local Capacity Ratio in a given year is the percentage obtained by dividing its Adjusted EAV or PTELL EAV, whichever is less, by its Adequacy Target, with the resulting ratio further adjusted as follows:

(i) for Organizational Units serving grades kindergarten through 12 and Hybrid Districts, no further adjustments shall be made;

(ii) for Organizational Units serving grades kindergarten through 8, the ratio shall be multiplied by 9/13;

(iii) for Organizational Units serving grades 9 through 12, the Local Capacity Ratio shall be multiplied by 4/13; and

(iv) for an Organizational Unit with a different grade configuration than those specified in items (i) through (iii) of this subparagraph (B), the State Superintendent shall determine a comparable adjustment based on the grades served.

(C) The Local Capacity Percentage is equal to the percentile ranking of the district. Local Capacity Percentage converts each Organizational Unit's Local Capacity Ratio to a cumulative distribution resulting in a percentile ranking to determine each Organizational Unit's relative position to all other Organizational Units in this State. The Local Capacity Percentage cumulative distribution resulting in a percentile ranking for each Organizational Unit shall be calculated using the standard normal distribution of the score in relation to the weighted mean and weighted standard deviation and Local Capacity Ratios of all Organizational Units. If the value assigned to any Organizational Unit is in excess of 90%, the value shall be adjusted to 90%. For Laboratory Schools, the Local Capacity Percentage shall be set at 10% in recognition

of the absence of EAV and resources from the public university that are allocated to the Laboratory School. For programs operated by a regional office of education or an intermediate service center, the Local Capacity Percentage must be set at 10% in recognition of the absence of EAV and resources from school districts that are allocated to the regional office of education or intermediate service center. The weighted mean for the Local Capacity Percentage shall be determined by multiplying each Organizational Unit's Local Capacity Ratio times the ASE for the unit creating a weighted value, summing the weighted values of all Organizational Units, and dividing by the total ASE of all Organizational Units. The weighted standard deviation shall be determined by taking the square root of the weighted variance of all Organizational Units' Local Capacity Ratio, where the variance is calculated by squaring the difference between each unit's Local Capacity Ratio and the weighted mean, then multiplying the variance for each unit times the ASE for the unit to create a weighted variance for each unit, then summing all units' weighted variance and dividing by the total ASE of all units.

(D) For any Organizational Unit, the Organizational Unit's Adjusted Local Capacity Target shall be reduced by either (i) the school board's remaining contribution pursuant to paragraph (ii) of subsection (b-4) of Section 16-158 of the Illinois Pension Code in a given year or (ii) the board of education's remaining contribution pursuant to paragraph (iv) of subsection (b) of Section 17-129 of the Illinois Pension Code absent the employer normal cost portion of the required contribution and amount allowed pursuant to subdivision (3) of Section 17-142.1 of the Illinois Pension Code in a given year. In the preceding sentence, item (i) shall be certified to the State Board of Education by the Teachers' Retirement System of the State of Illinois and item (ii) shall be certified to the State Board of Education by the Public School Teachers' Pension and Retirement Fund of the City of Chicago.

(3) If an Organizational Unit's Real Receipts are more than its Local Capacity Target, then its Local Capacity shall equal an Adjusted Local Capacity Target as calculated in accordance with this paragraph (3). The Adjusted Local Capacity Target is calculated as the sum of the Organizational Unit's Local Capacity Target and its Real Receipts Adjustment. The Real Receipts Adjustment equals the Organizational Unit's Real Receipts less its Local Capacity Target, with the resulting figure multiplied by the Local Capacity Percentage.

As used in this paragraph (3), "Real Percent of Adequacy" means the sum of an Organizational Unit's Real Receipts, CPPRT, and Base Funding Minimum, with the resulting figure divided by the Organizational Unit's Adequacy Target.

(d) Calculation of Real Receipts, EAV, and Adjusted EAV for purposes of the Local Capacity calculation.

(1) An Organizational Unit's Real Receipts are the product of its Applicable Tax Rate and its Adjusted EAV. An Organizational Unit's Applicable Tax Rate is its Adjusted Operating Tax Rate for property within the Organizational Unit.

(2) The State Superintendent shall calculate the equalized assessed valuation, or EAV, of all taxable property of each Organizational Unit as of September 30 of the previous year in accordance with paragraph (3) of this subsection (d). The State Superintendent shall then determine the Adjusted EAV of each Organizational Unit in accordance with paragraph (4) of this subsection (d), which Adjusted EAV figure shall be used for the purposes of calculating Local Capacity.

(3) To calculate Real Receipts and EAV, the Department of Revenue shall supply to the State Superintendent the value as equalized or assessed by the Department of Revenue of all taxable property of every Organizational Unit, together with (i) the applicable tax rate used in extending taxes for the funds of the Organizational Unit as of September 30 of the previous year and (ii) the limiting rate for all Organizational Units subject to property tax extension limitations as imposed under PTELL.

(A) The Department of Revenue shall add to the equalized assessed value of all taxable property of each Organizational Unit situated entirely or partially within a county that is or was subject to the provisions of Section 15-176 or 15-177 of the Property Tax Code (i) an amount equal to the total amount by which the homestead exemption allowed under Section 15-176 or 15-177 of the Property Tax Code for real property situated in that Organizational Unit exceeds the total amount that would have been allowed in that Organizational Unit if the maximum reduction under Section 15-176 was (I) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (II) $5,000 in all counties in tax year 2004 and thereafter and (ii) an amount

equal to the aggregate amount for the taxable year of all additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. The county clerk of any county that is or was subject to the provisions of Section 15-176 or 15-177 of the Property Tax Code shall annually calculate and certify to the Department of Revenue for each Organizational Unit all homestead exemption amounts under Section 15-176 or 15-177 of the Property Tax Code and all amounts of additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. It is the intent of this subparagraph (A) that if the general homestead exemption for a parcel of property is determined under Section 15-176 or 15-177 of the Property Tax Code rather than Section 15-175, then the calculation of EAV shall not be affected by the difference, if any, between the amount of the general homestead exemption allowed for that parcel of property under Section 15-176 or 15-177 of the Property Tax Code and the amount that would have been allowed had the general homestead exemption for that parcel of property been determined under Section 15-175 of the Property Tax Code. It is further the intent of this subparagraph (A) that if additional exemptions are allowed under Section 15-175 of the Property Tax Code for owners with a household income of less than $30,000, then the calculation of EAV shall not be affected by the difference, if any, because of those additional exemptions.

(B) With respect to any part of an Organizational Unit within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Division 74.4 of Article 11 of the Illinois Municipal Code, or the Industrial Jobs Recovery Law, Division 74.6 of Article 11 of the Illinois Municipal Code, no part of the current EAV of real property located in any such project area that is attributable to an increase above the total initial EAV of such property shall be used as part of the EAV of the Organizational Unit, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the EAV of the Organizational Unit, the total initial EAV or the current EAV, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(B-5) The real property equalized assessed valuation for a school district shall be adjusted by subtracting from the real property value, as equalized or assessed by the Department of Revenue, for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a) of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (B-5).

(C) For Organizational Units that are Hybrid Districts, the State Superintendent shall use the lesser of the adjusted equalized assessed valuation for property within the partial elementary unit district for elementary purposes, as defined in Article 11E of this Code, or the adjusted equalized assessed valuation for property within the partial elementary unit district for high school purposes, as defined in Article 11E of this Code.

(4) An Organizational Unit's Adjusted EAV shall be the average of its EAV over the immediately preceding 3 years or its EAV in the immediately preceding year if the EAV in the immediately preceding year has declined by 10% or more compared to the 3-year average. In the event of Organizational Unit reorganization, consolidation, or annexation, the Organizational Unit's Adjusted EAV for the first 3 years after such change shall be as follows: the most current EAV shall be used in the first year, the average of a 2-year EAV or its EAV in the immediately preceding year if the EAV declines by 10% or more compared to the 2-year average for the second year, and a 3-year average EAV or its EAV in the immediately preceding year if the Adjusted EAV declines by 10% or more compared to the 3-year average for the third year. For any school district whose EAV in the immediately preceding year is used in calculations, in the following year, the Adjusted EAV shall be the average of its EAV over the immediately preceding 2 years or the immediately preceding year if that year represents a decline of 10% or more compared to the 2-year average.

"PTELL EAV" means a figure calculated by the State Board for Organizational Units subject to PTELL as described in this paragraph (4) for the purposes of calculating an Organizational Unit's Local Capacity Ratio. Except as otherwise provided in this paragraph (4), the PTELL EAV of an Organizational Unit shall be equal to the product of the equalized assessed valuation last used in the calculation of general State aid under Section 18-8.05 of this Code (now repealed) or Evidence-Based Funding under this Section and the Organizational Unit's Extension Limitation Ratio. If an Organizational Unit has approved or does approve an increase in its limiting rate, pursuant to Section 18-190 of the Property Tax Code, affecting the Base Tax Year, the PTELL EAV shall be equal to the product of the equalized assessed valuation last used in the calculation of general State aid under Section 18-8.05 of this Code (now repealed) or Evidence-Based Funding under this Section multiplied by an amount equal to one plus the percentage increase, if any, in the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor for the 12-month calendar year preceding the Base Tax Year, plus the equalized assessed valuation of new property, annexed property, and recovered tax increment value and minus the equalized assessed valuation of disconnected property.

As used in this paragraph (4), "new property" and "recovered tax increment value" shall have the meanings set forth in the Property Tax Extension Limitation Law.

(e) Base Funding Minimum calculation.

(1) For the 2017-2018 school year, the Base Funding Minimum of an Organizational Unit or a Specially Funded Unit shall be the amount of State funds distributed to the Organizational Unit or Specially Funded Unit during the 2016-2017 school year prior to any adjustments and specified appropriation amounts described in this paragraph (1) from the following Sections, as calculated by the State Superintendent: Section 18-8.05 of this Code (now repealed); Section 5 of Article 224 of Public Act 99-524 (equity grants); Section 14-7.02b of this Code (funding for children requiring special education services); Section 14-13.01 of this Code (special education facilities and staffing), except for reimbursement of the cost of transportation pursuant to Section 14-13.01; Section 14C-12 of this Code (English learners); and Section 18-4.3 of this Code (summer school), based on an appropriation level of $13,121,600. For a school district organized under Article 34 of this Code, the Base Funding Minimum also includes (i) the funds allocated to the school district pursuant to Section 1D-1 of this Code attributable to funding programs authorized by the Sections of this Code listed in the preceding sentence and (ii) the difference between (I) the funds allocated to the school district pursuant to Section 1D-1 of this Code attributable to the funding programs authorized by Section 14-7.02 (non-public special education reimbursement), subsection (b) of Section 14-13.01 (special education transportation), Section 29-5 (transportation), Section 2-3.80 (agricultural education), Section 2-3.66 (truants' alternative education), Section 2-3.62 (educational service centers), and Section 14-7.03 (special education - orphanage) of this Code and Section 15 of the Childhood Hunger Relief Act (free breakfast program) and (II) the school district's actual expenditures for its non-public special education, special education transportation, transportation programs, agricultural education, truants' alternative education, services that would otherwise be performed by a regional office of education, special education orphanage expenditures, and free breakfast, as most recently calculated and reported pursuant to subsection (f) of Section 1D-1 of this Code. The Base Funding Minimum for Glenwood Academy shall be $625,500. For programs operated by a regional office of education or an intermediate service center, the Base Funding Minimum must be the total amount of State funds allocated to those programs in the 2018-2019 school year and amounts provided pursuant to Article 34 of Public Act 100-586 and Section 3-16 of this Code. All programs established after June 5, 2019 (the effective date of Public Act 101-10) and administered by a regional office of education or an intermediate service center must have an initial Base Funding Minimum set to an amount equal to the first-year ASE multiplied by the amount of per pupil funding received in the previous school year by the lowest funded similar existing program type. If the enrollment for a program operated by a regional office of education or an intermediate service center is zero, then it may not receive Base Funding Minimum funds for that program in the next fiscal year, and those funds must be distributed to Organizational Units under subsection (g).

(2) For the 2018-2019 and subsequent school years, the Base Funding Minimum of Organizational Units and Specially Funded Units shall be the sum of (i) the amount of Evidence-Based Funding for the prior school year, (ii) the Base Funding Minimum for the prior

school year, and (iii) any amount received by a school district pursuant to Section 7 of Article 97 of Public Act 100-21.

(3) Subject to approval by the General Assembly as provided in this paragraph (3), an Organizational Unit that meets all of the following criteria, as determined by the State Board, shall have District Intervention Money added to its Base Funding Minimum at the time the Base Funding Minimum is calculated by the State Board:

(A) The Organizational Unit is operating under an Independent Authority under Section 2-3.25f-5 of this Code for a minimum of 4 school years or is subject to the control of the State Board pursuant to a court order for a minimum of 4 school years.

(B) The Organizational Unit was designated as a Tier 1 or Tier 2 Organizational Unit in the previous school year under paragraph (3) of subsection (g) of this Section.

(C) The Organizational Unit demonstrates sustainability through a 5-year financial and strategic plan.

(D) The Organizational Unit has made sufficient progress and achieved sufficient stability in the areas of governance, academic growth, and finances.

As part of its determination under this paragraph (3), the State Board may consider the Organizational Unit's summative designation, any accreditations of the Organizational Unit, or the Organizational Unit's financial profile, as calculated by the State Board.

If the State Board determines that an Organizational Unit has met the criteria set forth in this paragraph (3), it must submit a report to the General Assembly, no later than January 2 of the fiscal year in which the State Board makes it determination, on the amount of District Intervention Money to add to the Organizational Unit's Base Funding Minimum. The General Assembly must review the State Board's report and may approve or disapprove, by joint resolution, the addition of District Intervention Money. If the General Assembly fails to act on the report within 40 calendar days from the receipt of the report, the addition of District Intervention Money is deemed approved. If the General Assembly approves the amount of District Intervention Money to be added to the Organizational Unit's Base Funding Minimum, the District Intervention Money must be added to the Base Funding Minimum annually thereafter.

For the first 4 years following the initial year that the State Board determines that an Organizational Unit has met the criteria set forth in this paragraph (3) and has received funding under this Section, the Organizational Unit must annually submit to the State Board, on or before November 30, a progress report regarding its financial and strategic plan under subparagraph (C) of this paragraph (3). The plan shall include the financial data from the past 4 annual financial reports or financial audits that must be presented to the State Board by November 15 of each year and the approved budget financial data for the current year. The plan shall be developed according to the guidelines presented to the Organizational Unit by the State Board. The plan shall further include financial projections for the next 3 fiscal years and include a discussion and financial summary of the Organizational Unit's facility needs. If the Organizational Unit does not demonstrate sufficient progress toward its 5-year plan or if it has failed to file an annual financial report, an annual budget, a financial plan, a deficit reduction plan, or other financial information as required by law, the State Board may establish a Financial Oversight Panel under Article 1H of this Code. However, if the Organizational Unit already has a Financial Oversight Panel, the State Board may extend the duration of the Panel.

(f) Percent of Adequacy and Final Resources calculation.

(1) The Evidence-Based Funding formula establishes a Percent of Adequacy for each Organizational Unit in order to place such units into tiers for the purposes of the funding distribution system described in subsection (g) of this Section. Initially, an Organizational Unit's Preliminary Resources and Preliminary Percent of Adequacy are calculated pursuant to paragraph (2) of this subsection (f). Then, an Organizational Unit's Final Resources and Final Percent of Adequacy are calculated to account for the Organizational Unit's poverty concentration levels pursuant to paragraphs (3) and (4) of this subsection (f).

(2) An Organizational Unit's Preliminary Resources are equal to the sum of its Local Capacity Target, CPPRT, and Base Funding Minimum. An Organizational Unit's Preliminary Percent of Adequacy is the lesser of (i) its Preliminary Resources divided by its Adequacy Target or (ii) 100%.

(3) Except for Specially Funded Units, an Organizational Unit's Final Resources are equal to the sum of its Local Capacity, CPPRT, and Adjusted Base Funding Minimum. The Base Funding

Minimum of each Specially Funded Unit shall serve as its Final Resources, except that the Base Funding Minimum for State-approved charter schools shall not include any portion of general State aid allocated in the prior year based on the per capita tuition charge times the charter school enrollment.

(4) An Organizational Unit's Final Percent of Adequacy is its Final Resources divided by its Adequacy Target. An Organizational Unit's Adjusted Base Funding Minimum is equal to its Base Funding Minimum less its Supplemental Grant Funding, with the resulting figure added to the product of its Supplemental Grant Funding and Preliminary Percent of Adequacy.

(g) Evidence-Based Funding formula distribution system.

(1) In each school year under the Evidence-Based Funding formula, each Organizational Unit receives funding equal to the sum of its Base Funding Minimum and the unit's allocation of New State Funds determined pursuant to this subsection (g). To allocate New State Funds, the Evidence-Based Funding formula distribution system first places all Organizational Units into one of 4 tiers in accordance with paragraph (3) of this subsection (g), based on the Organizational Unit's Final Percent of Adequacy. New State Funds are allocated to each of the 4 tiers as follows: Tier 1 Aggregate Funding equals 50% of all New State Funds, Tier 2 Aggregate Funding equals 49% of all New State Funds, Tier 3 Aggregate Funding equals 0.9% of all New State Funds, and Tier 4 Aggregate Funding equals 0.1% of all New State Funds. Each Organizational Unit within Tier 1 or Tier 2 receives an allocation of New State Funds equal to its tier Funding Gap, as defined in the following sentence, multiplied by the tier's Allocation Rate determined pursuant to paragraph (4) of this subsection (g). For Tier 1, an Organizational Unit's Funding Gap equals the tier's Target Ratio, as specified in paragraph (5) of this subsection (g), multiplied by the Organizational Unit's Adequacy Target, with the resulting amount reduced by the Organizational Unit's Final Resources. For Tier 2, an Organizational Unit's Funding Gap equals the tier's Target Ratio, as described in paragraph (5) of this subsection (g), multiplied by the Organizational Unit's Adequacy Target, with the resulting amount reduced by the Organizational Unit's Final Resources and its Tier 1 funding allocation. To determine the Organizational Unit's Funding Gap, the resulting amount is then multiplied by a factor equal to one minus the Organizational Unit's Local Capacity Target percentage. Each Organizational Unit within Tier 3 or Tier 4 receives an allocation of New State Funds equal to the product of its Adequacy Target and the tier's Allocation Rate, as specified in paragraph (4) of this subsection (g).

(2) To ensure equitable distribution of dollars for all Tier 2 Organizational Units, no Tier 2 Organizational Unit shall receive fewer dollars per ASE than any Tier 3 Organizational Unit. Each Tier 2 and Tier 3 Organizational Unit shall have its funding allocation divided by its ASE. Any Tier 2 Organizational Unit with a funding allocation per ASE below the greatest Tier 3 allocation per ASE shall get a funding allocation equal to the greatest Tier 3 funding allocation per ASE multiplied by the Organizational Unit's ASE. Each Tier 2 Organizational Unit's Tier 2 funding allocation shall be multiplied by the percentage calculated by dividing the original Tier 2 Aggregate Funding by the sum of all Tier 2 Organizational Units' Tier 2 funding allocation after adjusting districts' funding below Tier 3 levels.

(3) Organizational Units are placed into one of 4 tiers as follows:

(A) Tier 1 consists of all Organizational Units, except for Specially Funded Units, with a Percent of Adequacy less than the Tier 1 Target Ratio. The Tier 1 Target Ratio is the ratio level that allows for Tier 1 Aggregate Funding to be distributed, with the Tier 1 Allocation Rate determined pursuant to paragraph (4) of this subsection (g).

(B) Tier 2 consists of all Tier 1 Units and all other Organizational Units, except for Specially Funded Units, with a Percent of Adequacy of less than 0.90.

(C) Tier 3 consists of all Organizational Units, except for Specially Funded Units, with a Percent of Adequacy of at least 0.90 and less than 1.0.

(D) Tier 4 consists of all Organizational Units with a Percent of Adequacy of at least 1.0.

(4) The Allocation Rates for Tiers 1 through 4 are determined as follows:

(A) The Tier 1 Allocation Rate is 30%.

(B) The Tier 2 Allocation Rate is the result of the following equation: Tier 2 Aggregate Funding, divided by the sum of the Funding Gaps for all Tier 2 Organizational Units, unless the result of such equation is higher than 1.0. If the result of such equation is higher than 1.0, then the Tier 2 Allocation Rate is 1.0.

(C) The Tier 3 Allocation Rate is the result of the following equation: Tier 3 Aggregate Funding, divided by the sum of the Adequacy Targets of all Tier 3 Organizational Units.

(D) The Tier 4 Allocation Rate is the result of the following equation: Tier 4 Aggregate Funding, divided by the sum of the Adequacy Targets of all Tier 4 Organizational Units.

(5) A tier's Target Ratio is determined as follows:

(A) The Tier 1 Target Ratio is the ratio level that allows for Tier 1 Aggregate Funding to be distributed with the Tier 1 Allocation Rate.

(B) The Tier 2 Target Ratio is 0.90.

(C) The Tier 3 Target Ratio is 1.0.

(6) If, at any point, the Tier 1 Target Ratio is greater than 90%, then all Tier 1 funding shall be allocated to Tier 2 and no Tier 1 Organizational Unit's funding may be identified.

(7) In the event that all Tier 2 Organizational Units receive funding at the Tier 2 Target Ratio level, any remaining New State Funds shall be allocated to Tier 3 and Tier 4 Organizational Units.

(8) If any Specially Funded Units, excluding Glenwood Academy, recognized by the State Board do not qualify for direct funding following the implementation of Public Act 100-465 from any of the funding sources included within the definition of Base Funding Minimum, the unqualified portion of the Base Funding Minimum shall be transferred to one or more appropriate Organizational Units as determined by the State Superintendent based on the prior year ASE of the Organizational Units.

(8.5) If a school district withdraws from a special education cooperative, the portion of the Base Funding Minimum that is attributable to the school district may be redistributed to the school district upon withdrawal. The school district and the cooperative must include the amount of the Base Funding Minimum that is to be reapportioned in their withdrawal agreement and notify the State Board of the change with a copy of the agreement upon withdrawal.

(9) The Minimum Funding Level is intended to establish a target for State funding that will keep pace with inflation and continue to advance equity through the Evidence-Based Funding formula. The target for State funding of New Property Tax Relief Pool Funds is $50,000,000 for State fiscal year 2019 and subsequent State fiscal years. The Minimum Funding Level is equal to $350,000,000. In addition to any New State Funds, no more than $50,000,000 New Property Tax Relief Pool Funds may be counted toward the Minimum Funding Level. If the sum of New State Funds and applicable New Property Tax Relief Pool Funds are less than the Minimum Funding Level, than funding for tiers shall be reduced in the following manner:

(A) First, Tier 4 funding shall be reduced by an amount equal to the difference between the Minimum Funding Level and New State Funds until such time as Tier 4 funding is exhausted.

(B) Next, Tier 3 funding shall be reduced by an amount equal to the difference between the Minimum Funding Level and New State Funds and the reduction in Tier 4 funding until such time as Tier 3 funding is exhausted.

(C) Next, Tier 2 funding shall be reduced by an amount equal to the difference between the Minimum Funding Level and New State Funds and the reduction in Tier 4 and Tier 3.

(D) Finally, Tier 1 funding shall be reduced by an amount equal to the difference between the Minimum Funding level and New State Funds and the reduction in Tier 2, 3, and 4 funding. In addition, the Allocation Rate for Tier 1 shall be reduced to a percentage equal to the Tier 1 Allocation Rate set by paragraph (4) of this subsection (g), multiplied by the result of New State Funds divided by the Minimum Funding Level.

(9.5) For State fiscal year 2019 and subsequent State fiscal years, if New State Funds exceed $300,000,000, then any amount in excess of $300,000,000 shall be dedicated for purposes of Section 2-3.170 of this Code up to a maximum of $50,000,000.

(10) In the event of a decrease in the amount of the appropriation for this Section in any fiscal year after implementation of this Section, the Organizational Units receiving Tier 1 and Tier 2 funding, as determined under paragraph (3) of this subsection (g), shall be held harmless by establishing a Base Funding Guarantee equal to the per pupil kindergarten through grade 12 funding received in accordance with this Section in the prior fiscal year. Reductions shall be made to the Base Funding Minimum of Organizational Units in Tier 3 and Tier 4 on a per pupil basis equivalent to the total number of the ASE in Tier 3-funded and Tier 4-funded Organizational Units divided by the total reduction in State funding. The Base Funding Minimum as reduced shall continue to be applied to

Tier 3 and Tier 4 Organizational Units and adjusted by the relative formula when increases in appropriations for this Section resume. In no event may State funding reductions to Organizational Units in Tier 3 or Tier 4 exceed an amount that would be less than the Base Funding Minimum established in the first year of implementation of this Section. If additional reductions are required, all school districts shall receive a reduction by a per pupil amount equal to the aggregate additional appropriation reduction divided by the total ASE of all Organizational Units.

(11) The State Superintendent shall make minor adjustments to the distribution formula set forth in this subsection (g) to account for the rounding of percentages to the nearest tenth of a percentage and dollar amounts to the nearest whole dollar.

(h) State Superintendent administration of funding and district submission requirements.

(1) The State Superintendent shall, in accordance with appropriations made by the General Assembly, meet the funding obligations created under this Section.

(2) The State Superintendent shall calculate the Adequacy Target for each Organizational Unit and Net State Contribution Target for each Organizational Unit under this Section. No Evidence-Based Funding shall be distributed within an Organizational Unit without the approval of the unit's school board.

(3) Annually, the State Superintendent shall calculate and report to each Organizational Unit the unit's aggregate financial adequacy amount, which shall be the sum of the Adequacy Target for each Organizational Unit. The State Superintendent shall calculate and report separately for each Organizational Unit the unit's total State funds allocated for its students with disabilities. The State Superintendent shall calculate and report separately for each Organizational Unit the amount of funding and applicable FTE calculated for each Essential Element of the unit's Adequacy Target.

(4) Annually, the State Superintendent shall calculate and report to each Organizational Unit the amount the unit must expend on special education and bilingual education and computer technology and equipment for Organizational Units assigned to Tier 1 or Tier 2 that received an additional $285.50 per student computer technology and equipment investment grant to their Adequacy Target pursuant to the unit's Base Funding Minimum, Special Education Allocation, Bilingual Education Allocation, and computer technology and equipment investment allocation.

(5) Moneys distributed under this Section shall be calculated on a school year basis, but paid on a fiscal year basis, with payments beginning in August and extending through June. Unless otherwise provided, the moneys appropriated for each fiscal year shall be distributed in 22 equal payments at least 2 times monthly to each Organizational Unit. If moneys appropriated for any fiscal year are distributed other than monthly, the distribution shall be on the same basis for each Organizational Unit.

(6) Any school district that fails, for any given school year, to maintain school as required by law or to maintain a recognized school is not eligible to receive Evidence-Based Funding. In case of non-recognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion that the enrollment in the attendance center or centers bears to the enrollment of the school district. "Recognized school" means any public school that meets the standards for recognition by the State Board. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim that was filed while it was recognized.

(7) School district claims filed under this Section are subject to Sections 18-9 and 18-12 of this Code, except as otherwise provided in this Section.

(8) Each fiscal year, the State Superintendent shall calculate for each Organizational Unit an amount of its Base Funding Minimum and Evidence-Based Funding that shall be deemed attributable to the provision of special educational facilities and services, as defined in Section 14-1.08 of this Code, in a manner that ensures compliance with maintenance of State financial support requirements under the federal Individuals with Disabilities Education Act. An Organizational Unit must use such funds only for the provision of special educational facilities and services, as defined in Section 14-1.08 of this Code, and must comply with any expenditure verification procedures adopted by the State Board.

(9) All Organizational Units in this State must submit annual spending plans by the end of September of each year to the State Board as part of the annual budget process, which shall describe how each Organizational Unit will utilize the Base Funding Minimum and Evidence-Based Funding it receives from this State under this Section with specific identification of the intended utilization of

Low-Income, English learner, and special education resources. Additionally, the annual spending plans of each Organizational Unit shall describe how the Organizational Unit expects to achieve student growth and how the Organizational Unit will achieve State education goals, as defined by the State Board. The State Superintendent may, from time to time, identify additional requisites for Organizational Units to satisfy when compiling the annual spending plans required under this subsection (h). The format and scope of annual spending plans shall be developed by the State Superintendent and the State Board of Education. School districts that serve students under Article 14C of this Code shall continue to submit information as required under Section 14C-12 of this Code.

(10) No later than January 1, 2018, the State Superintendent shall develop a 5-year strategic plan for all Organizational Units to help in planning for adequacy funding under this Section. The State Superintendent shall submit the plan to the Governor and the General Assembly, as provided in Section 3.1 of the General Assembly Organization Act. The plan shall include recommendations for:

(A) a framework for collaborative, professional, innovative, and 21st century learning environments using the Evidence-Based Funding model;

(B) ways to prepare and support this State's educators for successful instructional careers;

(C) application and enhancement of the current financial accountability measures, the approved State plan to comply with the federal Every Student Succeeds Act, and the Illinois Balanced Accountability Measures in relation to student growth and elements of the Evidence-Based Funding model; and

(D) implementation of an effective school adequacy funding system based on projected and recommended funding levels from the General Assembly.

(11) On an annual basis, the State Superintendent must recalibrate all of the following per pupil elements of the Adequacy Target and applied to the formulas, based on the study of average expenses and as reported in the most recent annual financial report:

(A) Gifted under subparagraph (M) of paragraph (2) of subsection (b).

(B) Instructional materials under subparagraph (O) of paragraph (2) of subsection (b).

(C) Assessment under subparagraph (P) of paragraph (2) of subsection (b).

(D) Student activities under subparagraph (R) of paragraph (2) of subsection (b).

(E) Maintenance and operations under subparagraph (S) of paragraph (2) of subsection (b).

(F) Central office under subparagraph (T) of paragraph (2) of subsection (b).

(i) Professional Review Panel.

(1) A Professional Review Panel is created to study and review topics related to the implementation and effect of Evidence-Based Funding, as assigned by a joint resolution or Public Act of the General Assembly or a motion passed by the State Board of Education. The Panel must provide recommendations to and serve the Governor, the General Assembly, and the State Board. The State Superintendent or his or her designee must serve as a voting member and chairperson of the Panel. The State Superintendent must appoint a vice chairperson from the membership of the Panel. The Panel must advance recommendations based on a three-fifths majority vote of Panel members present and voting. A minority opinion may also accompany any recommendation of the Panel. The Panel shall be appointed by the State Superintendent, except as otherwise provided in paragraph (2) of this subsection (i) and include the following members:

(A) Two appointees that represent district superintendents, recommended by a statewide organization that represents district superintendents.

(B) Two appointees that represent school boards, recommended by a statewide organization that represents school boards.

(C) Two appointees from districts that represent school business officials, recommended by a statewide organization that represents school business officials.

(D) Two appointees that represent school principals, recommended by a statewide organization that represents school principals.

(E) Two appointees that represent teachers, recommended by a statewide organization that represents teachers.

(F) Two appointees that represent teachers, recommended by another statewide organization that represents teachers.

(G) Two appointees that represent regional superintendents of schools, recommended by organizations that represent regional superintendents.

(H) Two independent experts selected solely by the State Superintendent.

(I) Two independent experts recommended by public universities in this State.

(J) One member recommended by a statewide organization that represents parents.

(K) Two representatives recommended by collective impact organizations that represent major metropolitan areas or geographic areas in Illinois.

(L) One member from a statewide organization focused on research-based education policy to support a school system that prepares all students for college, a career, and democratic citizenship.

(M) One representative from a school district organized under Article 34 of this Code.

The State Superintendent shall ensure that the membership of the Panel includes representatives from school districts and communities reflecting the geographic, socio-economic, racial, and ethnic diversity of this State. The State Superintendent shall additionally ensure that the membership of the Panel includes representatives with expertise in bilingual education and special education. Staff from the State Board shall staff the Panel.

(2) In addition to those Panel members appointed by the State Superintendent, 4 members of the General Assembly shall be appointed as follows: one member of the House of Representatives appointed by the Speaker of the House of Representatives, one member of the Senate appointed by the President of the Senate, one member of the House of Representatives appointed by the Minority Leader of the House of Representatives, and one member of the Senate appointed by the Minority Leader of the Senate. There shall be one additional member appointed by the Governor. All members appointed by legislative leaders or the Governor shall be non-voting, ex officio members.

(3) The Panel must study topics at the direction of the General Assembly or State Board of Education, as provided under paragraph (1). The Panel may also study the following topics at the direction of the chairperson:

(A) The format and scope of annual spending plans referenced in paragraph (9) of subsection (h) of this Section.

(B) The Comparable Wage Index under this Section.

(C) Maintenance and operations, including capital maintenance and construction costs.

(D) "At-risk student" definition.

(E) Benefits.

(F) Technology.

(G) Local Capacity Target.

(H) Funding for Alternative Schools, Laboratory Schools, safe schools, and alternative learning opportunities programs.

(I) Funding for college and career acceleration strategies.

(J) Special education investments.

(K) Early childhood investments, in collaboration with the Illinois Early Learning Council.

(4) (Blank).

(5) Within 5 years after the implementation of this Section, and every 5 years thereafter, the Panel shall complete an evaluative study of the entire Evidence-Based Funding model, including an assessment of whether or not the formula is achieving State goals. The Panel shall report to the State Board, the General Assembly, and the Governor on the findings of the study.

(6) (Blank).

(7) To ensure that (i) the Adequacy Target calculation under subsection (b) accurately reflects the needs of students living in poverty or attending schools located in areas of high poverty, (ii) racial equity within the Evidence-Based Funding formula is explicitly explored and advanced, and (iii) the funding goals of the formula distribution system established under this Section are sufficient to provide adequate funding for every student and to fully fund every school in this State, the Panel shall review the Essential Elements under paragraph (2) of subsection (b). The Panel shall consider all of the following in its review:

(A) The financial ability of school districts to provide instruction in a foreign language to every student and whether an additional Essential Element should be added to the formula to ensure that every student has access to instruction in a foreign language.

(B) The adult-to-student ratio for each Essential Element in which a ratio is identified. The Panel shall consider whether the ratio accurately reflects the staffing needed to support students living in poverty or who have traumatic backgrounds.

(C) Changes to the Essential Elements that may be required to better promote racial equity and eliminate structural racism within schools.

(D) The impact of investing $350,000,000 in additional funds each year under this Section and an estimate of when the school system will become fully funded under this level of appropriation.

(E) Provide an overview of alternative funding structures that would enable the State to become fully funded at an earlier date.

(F) The potential to increase efficiency and to find cost savings within the school system to expedite the journey to a fully funded system.

(G) The appropriate levels for reenrolling and graduating high-risk high school students who have been previously out of school. These outcomes shall include enrollment, attendance, skill gains, credit gains, graduation or promotion to the next grade level, and the transition to college, training, or employment, with an emphasis on progressively increasing the overall attendance.

(H) The evidence-based or research-based practices that are shown to reduce the gaps and disparities experienced by African American students in academic achievement and educational performance, including practices that have been shown to reduce parities in disciplinary rates, drop-out rates, graduation rates, college matriculation rates, and college completion rates.

On or before December 31, 2021, the Panel shall report to the State Board, the General Assembly, and the Governor on the findings of its review. This paragraph (7) is inoperative on and after July 1, 2022.

(j) References. Beginning July 1, 2017, references in other laws to general State aid funds or calculations under Section 18-8.05 of this Code (now repealed) shall be deemed to be references to evidence-based model formula funds or calculations under this Section.

(Source: P.A. 100-465, eff. 8-31-17; 100-578, eff. 1-31-18; 100-582, eff. 3-23-18; 101-10, eff. 6-5-19; 101-17, eff. 6-14-19; 101-643, eff. 6-18-20; 101-654, eff. 3-8-21.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Johnson, **Senate Bill No. 813** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 49; NAYS 6.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Fowler | Loughran Cappel | Stoller |
| Aquino | Gillespie | Martwick | Tracy |
| Belt | Glowiak Hilton | McConchie | Turner, D. |
| Bennett | Harris | Morrison | Turner, S. |
| Bush | Hastings | Muñoz | Van Pelt |
| Castro | Holmes | Murphy | Villa |
| Collins | Hunter | Pacione-Zayas | Villanueva |
| Connor | Johnson | Peters | Villivalam |

| | | | |
|---|---|---|---|
| Crowe | Jones, E. | Rezin | Wilcox |
| Cullerton, T. | Joyce | Rose | Mr. President |
| Cunningham | Koehler | Simmons | |
| Feigenholtz | Landek | Sims | |
| Fine | Lightford | Stadelman | |

The following voted in the negative:

| | | |
|---|---|---|
| Bailey | Bryant | Stewart |
| Barickman | Plummer | Syverson |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILLS RECALLED**

On motion of Senator Lightford, **Senate Bill No. 814** was recalled from the order of third reading to the order of second reading.

Senator Lightford offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 814**

AMENDMENT NO. 1 . Amend Senate Bill 814 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 21A-5, 21A-10, 21A-15, 21A-20, 21A-25, and 21A-30 and by adding Sections 21A-20.5 and 21A-25.5 as follows:

(105 ILCS 5/21A-5)

Sec. 21A-5. Definitions. In this Article:

"New teacher" means the holder of a professional educator license, as set forth in Section 21B-20 of this Code, who is employed by a public school and who has not previously participated in a new teacher induction and mentoring program required by this Article, except as provided in Section 21A-25 of this Code.

"Eligible applicant" or "eligible entity" means a regional office of education, an intermediate service center, an Illinois institution of higher education, a statewide organization representing teachers, a local education agency, or a public or private not-for-profit entity with experience providing professional learning, including mentoring, to early childhood educators.

"Public school" means any school operating pursuant to the authority of this Code, including without limitation a school district, a charter school, a cooperative or joint agreement with a governing body or board of control, and a school operated by a regional office of education or State agency.

(Source: P.A. 101-643, eff. 6-18-20.)

(105 ILCS 5/21A-10)

Sec. 21A-10. Development of program required.

(a) Each eligible applicant shall develop a new teacher induction and mentoring program for first and second-year teachers that meets the requirements set forth in Section 21A-20 to assist new teachers in developing the skills and strategies necessary for instructional excellence, provided that funding is made available by the State Board of Education from an appropriation made for this purpose.

(b) A public school that has a new teacher induction and mentoring program in existence before the effective date of this amendatory Act of the 102nd General Assembly that does not meet the requirements set forth in Section 21A-20 may modify the program to meet the requirements of Section 21A-20 and may receive funding as described in Section 21A-25, provided that funding is made available by the State Board of Education from an appropriation made for this purpose.

(c) Each school district shall decide, in conjunction with its exclusive bargaining representative, if any, whether to forgo modifications to a new teacher induction and mentoring program in existence before the effective date of this amendatory Act of the 102nd General Assembly.

If a district does not have a new teacher induction and mentoring program in existence before the effective date of this amendatory Act of the 102nd General Assembly or if a district and the exclusive bargaining representative, if any, agree that an eligible entity would better serve the district's needs, the district and the exclusive bargaining representative, if any, shall jointly decide which eligible entity offers the most suitable program. The eligible entity shall include representatives from both the district and the exclusive bargaining representative in the program development discussions to ensure the program captures local need.

~~During the 2003-2004 school year, each public school or 2 or more public schools acting jointly shall develop, in conjunction with its exclusive representative or their exclusive representatives, if any, a new teacher induction and mentoring program that meets the requirements set forth in Section 21A-20 of this Code to assist new teachers in developing the skills and strategies necessary for instructional excellence, provided that funding is made available by the State Board of Education from an appropriation made for this purpose. A public school that has an existing induction and mentoring program that does not meet the requirements set forth in Section 21A-20 of this Code may have school years 2003-2004 and 2004-2005 to develop a program that does meet those requirements and may receive funding as described in Section 21A-25 of this Code, provided that the funding is made available by the State Board of Education from an appropriation made for this purpose. A public school with such an existing induction and mentoring program may receive funding for the 2005-2006 school year for each new teacher in the second year of a 2-year program that does not meet the requirements set forth in Section 21A-20, as long as the public school has established the required new program by the beginning of that school year as described in Section 21A-15 and provided that funding is made available by the State Board of Education from an appropriation made for this purpose as described in Section 21A-25.~~

(Source: P.A. 93-355, eff. 1-1-04.)

(105 ILCS 5/21A-15)

Sec. 21A-15. Program establishment and implementation. ~~When program is to be established and implemented.~~

(a) The State Board of Education shall establish a competitive State grant program to support new teacher induction and mentoring programs. The program shall be available to eligible entities not less than every 3 years, subject to appropriation. The State Board shall prioritize funding based on the needs of students and school districts as it relates to teacher retention.

(b) Notwithstanding any other provision of this Code, by no later than the beginning of the 2022-2023 school year or by no later than the beginning of the 2023-2024 school year for eligible applicants that have been given an extension of time to develop a program under Section 21A-10, each eligible entity or 2 or more eligible entities acting jointly shall establish and implement a new teacher induction and mentoring program required to be developed under Section 21A-10.

~~Notwithstanding any other provisions of this Code, by the beginning of the 2004-2005 school year (or by the beginning of the 2005-2006 school year for a public school that has been given an extension of time to develop a program under Section 21A-10 of this Code), each public school or 2 or more public schools acting jointly shall establish and implement, in conjunction with its exclusive representative or their exclusive representatives, if any, the new teacher induction and mentoring program required to be developed under Section 21A-10 of this Code, provided that funding is made available by the State Board of Education, from an appropriation made for this purpose, as described in Section 21A-25 of this Code. A public school may contract with an institution of higher education or other independent party to assist in implementing the program.~~

(Source: P.A. 93-355, eff. 1-1-04.)

(105 ILCS 5/21A-20)

Sec. 21A-20. Program requirements. Each new teacher induction and mentoring program must align with the standards established under Section 21A-20.5 and shall be based on a plan that at least does all of the following:

(1) Assigns a mentor teacher to each new teacher for a period of at least 2 school years.

(2) Aligns with the Illinois Culturally Responsive Teaching and Leading Standards in Part 24 of Title 23 of the Illinois Administrative Code ~~Illinois Professional Teaching Standards~~, content area standards, and applicable local school improvement and professional development plans, if any.

(3) (Blank). ~~Addresses all of the following elements and how they will be provided:~~

~~(A) Mentoring and support of the new teacher.~~

~~(B) Professional development specifically designed to ensure the growth of the new teacher's knowledge and skills.~~

~~(C) Formative assessment designed to ensure feedback and reflection, which must not be used in any evaluation of the new teacher.~~

(4) Describes the role of mentor teachers, the criteria and process for their selection, and how they will be trained, provided that each mentor teacher shall demonstrate the best practices in teaching his or her respective field of practice. A mentor teacher may not directly or indirectly participate in the evaluation of a new teacher pursuant to Article 24A of this Code or the evaluation procedure of the public school.

(5) Is designed to be available for both in-person and virtual participation.

(Source: P.A. 93-355, eff. 1-1-04.)

(105 ILCS 5/21A-20.5 new)

Sec. 21A-20.5. Program standards.

(a) The State Board of Education shall establish standards for new teacher induction and mentoring programs. In establishing these standards, the State Board shall seek input and feedback from stakeholders, including parents, students, and educators, who reflect the diversity of this State.

(b) Any changes made to the standards established under subsection (a) must be approved by the Teaching Induction and Mentoring Advisory Group pursuant to Section 21A-25.5.

(105 ILCS 5/21A-25)

Sec. 21A-25. Funding.

(a) From a separate appropriation made for the purposes of this Article, for each new teacher participating in a new teacher induction and mentoring program that meets the requirements set forth in Section 21A-20 of this Code or in an existing program that is in the process of transition to a program that meets those requirements, the State Board of Education shall pay the eligible entity for the duration of the grant ~~public school $1,200 annually for each of 2 school years~~ for the purpose of providing ~~one or more of~~ the following:

(1) Mentor teacher compensation and new teacher compensation.

(2) Mentor teacher professional learning ~~training~~ or new teacher learning ~~training~~ or both.

(3) (Blank). ~~Release time.~~

(b) Each school district shall decide, in conjunction with its exclusive bargaining representative, if any, which eligible applicant offers the most suitable program. If a mentor teacher receives release time to support a new teacher, the total workload of other teachers regularly employed by the public school shall not increase in any substantial manner. If the appropriation is not included in the State budget, the State Board of Education is not required to implement programs established by this Article.

~~However, if a new teacher, after participating in the new teacher induction and mentoring program for one school year, becomes employed by another public school, the State Board of Education shall pay the teacher's new school $1,200 for the second school year and the teacher shall continue to be a new teacher as defined in this Article. Each public school shall determine, in conjunction with its exclusive representative, if any, how the $1,200 per school year for each new teacher shall be used, provided that if a mentor teacher receives additional release time to support a new teacher, the total workload of other teachers regularly employed by the public school shall not increase in any substantial manner. If the appropriation is insufficient to cover the $1,200 per school year for each new teacher, public schools are not required to develop or implement the program established by this Article. In the event of an insufficient appropriation, a public school or 2 or more schools acting jointly may submit an application for a grant administered by the State Board of Education and awarded on a competitive basis to establish a new teacher induction and mentoring program that meets the criteria set forth in Section 21A-20 of this Code. The State Board of Education may retain up to $1,000,000 of the appropriation for new teacher induction and mentoring programs to train mentor teachers, administrators, and other personnel, to provide best practices information, and to conduct an evaluation of these programs' impact and effectiveness.~~

(Source: P.A. 93-355, eff. 1-1-04.)

(105 ILCS 5/21A-25.5 new)

Sec. 21A-25.5. Teaching Induction and Mentoring Advisory Group.

(a) The State Board of Education shall create a Teaching Induction and Mentoring Advisory Group. Members of the Advisory Group must represent the diversity of this State and possess the expertise needed to perform the work required to meet the goals of the programs set forth under Section 21A-20.

(b) The members of the Advisory Group shall by appointed by the State Superintendent of Education and shall include all of the following members:

(1) Four members representing teachers recommended by a statewide professional teachers' organization.

(2) Four members representing teachers recommended by a different statewide professional teachers' organization.

(3) Two members representing principals recommended by a statewide organization that represents principals.

(4) One member representing district superintendents recommended by a statewide organization that represents district superintendents.

(5) One member representing regional superintendents of schools recommended by a statewide association that represents regional superintendents of schools.

(6) One member representing a State-approved educator preparation program at an Illinois institution of higher education recommended by the institution of higher education.

The majority of the membership of the Advisory Group shall consist of practicing teachers.

(c) The Advisory Group is responsible for approving any changes made to the standards established under Section 21A-20.5.

(105 ILCS 5/21A-30)

Sec. 21A-30. Evaluation of programs. The State Board of Education shall contract with an independent party, using funds from the relevant appropriation for new teacher induction and mentoring programs, to conduct a comprehensive evaluation of the new teacher induction and mentoring programs established pursuant to this Article. Reports from the evaluation shall be made available to stakeholders after 3 years of program implementation. ~~The State Board of Education and the State Educator Preparation and Licensure Board shall jointly contract with an independent party to conduct a comprehensive evaluation of new teacher induction and mentoring programs established pursuant to this Article. The first report of this evaluation shall be presented to the General Assembly on or before January 1, 2009. Subsequent evaluations shall be conducted and reports presented to the General Assembly on or before January 1 of every third year thereafter.~~

(Source: P.A. 101-643, eff. 6-18-20.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendment Nos. 2 and 3 were held in the Committee on Education.

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

On motion of Senator Lightford, **Senate Bill No. 820** was recalled from the order of third reading to the order of second reading.

Senator Lightford offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 820**

AMENDMENT NO. 1 . Amend Senate Bill 820 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 2-3.186, 2-3.187, 14A-32, and 22-90 as follows:

(105 ILCS 5/2-3.186)

Sec. 2-3.186. Freedom Schools; grant program.

(a) The General Assembly recognizes and values the contributions that Freedom Schools make to enhance the lives of Black students. The General Assembly makes all of the following findings:

(1) The fundamental goal of the Freedom Schools of the 1960s was to provide quality education for all students, to motivate active civic engagement, and to empower disenfranchised communities. The renowned and progressive curriculum of Freedom Schools allowed students of all ages to experience a new and liberating form of education that directly related to the imperatives of their lives, their communities, and the Freedom Movement.

(2) Freedom Schools continue to demonstrate the proven benefits of critical civic engagement and intergenerational effects by providing historically disadvantaged students, including African American students and other students of color, with quality instruction that fosters student confidence, critical thinking, and social and emotional development.

(3) Freedom Schools offer culturally relevant learning opportunities with the academic and social supports that Black children need by utilizing quality teaching, challenging and engaging curricula, wrap-around supports, a positive school climate, and strong ties to family and community. Freedom Schools have a clear focus on results.

(4) Public schools serve a foundational role in the education of over 2,000,000 students in this State.

(b) The State Board of Education shall establish a Freedom School network to supplement the learning taking place in public schools by creating a 6-week summer program with an organization with a mission to improve the odds for children in poverty that operates Freedom Schools in multiple states using a research-based and multicultural curriculum for disenfranchised communities most affected by the opportunity gap and learning loss caused by the pandemic, and by expanding the teaching of African American history, developing leadership skills, and providing an understanding of the tenets of the civil rights movement. The teachers in Freedom Schools must be from the local community, with an emphasis on historically disadvantaged youth, including African American students and other students of color, so that (i) these individuals have access to summer jobs and teaching experiences that serve as a long-term pipeline to educational careers and the hiring of minority educators in public schools, (ii) these individuals are elevated as content experts and community leaders, and (iii) Freedom School students have access to both mentorship and equitable educational resources.

(c) A Freedom School shall intentionally and imaginatively implement strategies that focus on all of the following:

(1) Racial justice and equity.

(2) Transparency and building trusting relationships.

(3) Self-determination and governance.

(4) Building on community strengths and community wisdom.

(5) Utilizing current data, best practices, and evidence.

(6) Shared leadership and collaboration.

(7) A reflective learning culture.

(8) A whole-child approach to education.

(9) Literacy.

(d) The State Board of Education, in the establishment of Freedom Schools, shall strive for authentic parent and community engagement during the development of Freedom Schools and their curriculum. Authentic parent and community engagement includes all of the following:

(1) A shared responsibility that values equal partnerships between families and professionals.

(2) Ensuring that students and families who are directly impacted by Freedom School policies and practices are the decision-makers in the creation, design, implementation, and assessment of those policies and practices.

(3) Genuine respect for the culture and diversity of families.

(4) Relationships that center around the goal of supporting family well-being and children's development and learning.

(e) Subject to appropriation, the State Board of Education shall establish and implement a grant program to provide grants to public schools, public community colleges, and not-for-profit, community-based organizations to facilitate improved educational outcomes for African American ~~Black~~ students in grades pre-kindergarten through 12 in alignment with the integrity and practices of the Freedom School model established during the civil rights movement. Grant recipients under the program may include, but are not limited to, entities that work with the Children's Defense Fund or offer established programs with proven results and outcomes. The State Board of Education shall award grants to eligible

entities that demonstrate a likelihood of reasonable success in achieving the goals identified in the grant application, including, but not limited to, all of the following:

(1) Engaging, culturally relevant, and challenging curricula.

(2) High-quality teaching.

(3) Wrap-around supports and opportunities.

(4) Positive discipline practices, such as restorative justice.

(5) Inclusive leadership.

(f) The Freedom Schools Fund is created as a special fund in the State treasury. the Fund shall consist of appropriations from the General Revenue Fund, grant funds from the federal government, and donations from educational and private foundations. All money in the Fund shall be used, subject to appropriation, by the State Board of Education for the purposes of this Section and to support related activities.

(g) The State Board of Education may adopt any rules necessary to implement this Section.

(Source: P.A. 101-654, eff. 3-8-21.)

(105 ILCS 5/2-3.187)

(Section scheduled to be repealed on January 1, 2023)

Sec. 2-3.187. Inclusive American History Commission.

(a) The Inclusive American History Commission is created to provide assistance to the State Board of Education in revising its social science learning standards under subsection (a-5) of Section 2-3.25.

(b) The State Board of Education shall convene the Inclusive American History Commission to do all of the following:

(1) Review available resources for use in school districts that reflect the racial and ethnic diversity of this State and country. The resources identified by the Commission may be posted on the State Board of Education's Internet website.

(2) Provide guidance for each learning standard developed for educators on how to ensure that instruction and content are not biased to value specific cultures, time periods, and experiences over other cultures, time periods, and experiences.

(3) Develop guidance, tools, and support for professional learning on how to locate and utilize resources for non-dominant cultural narratives and sources of historical information.

(c) The Commission shall consist of all of the following members:

(1) One Representative appointed by the Speaker of the House of Representatives.

(2) One Representative appointed by the Minority Leader of the House of Representatives.

(3) One Senator appointed by the President of the Senate.

(4) One Senator appointed by the Minority Leader of the Senate.

(5) Two members who are history scholars appointed by the State Superintendent of Education.

(6) Eight members who are teachers at schools in this State recommended by professional teachers' organizations and appointed by the State Superintendent of Education.

(7) One representative of the State Board of Education appointed by the State Superintendent of Education who shall serve as chairperson.

(8) One member who represents an ~~a statewide~~ organization that represents south suburban school districts appointed by the State Superintendent of Education.

(9) One member who represents a west suburban school district appointed by the State Superintendent of Education.

(10) One member who represents a school district organized under Article 34 appointed by the State Superintendent of Education.

(11) One member who represents a statewide organization that represents school librarians appointed by the State Superintendent of Education.

(12) One member who represents a statewide organization that represents principals appointed by the State Superintendent of Education.

(13) One member who represents a statewide organization that represents superintendents appointed by the State Superintendent of Education.

(14) One member who represents a statewide organization that represents school boards appointed by the State Superintendent of Education.

Members appointed to the Commission must reflect the racial, ethnic, and geographic diversity of this State.

(d) Members of the Commission shall serve without compensation but may be reimbursed for reasonable expenses from funds appropriated to the State Board of Education for that purpose, including travel, subject to the rules of the appropriate travel control board.

(e) The State Board of Education shall provide administrative and other support to the Commission.

(f) The Commission must submit a report about its work to the State Board of Education, the Governor, and the General Assembly on or before December 31, 2021. The Commission is dissolved upon the submission of its report.

(g) This Section is repealed on January 1, 2023.

(Source: P.A. 101-654, eff. 3-8-21.)

(105 ILCS 5/14A-32)

Sec. 14A-32. Accelerated placement; school district responsibilities.

(a) Each school district shall have a policy that allows for accelerated placement that includes or incorporates by reference the following components:

(1) a provision that provides that participation in accelerated placement is not limited to those children who have been identified as gifted and talented, but rather is open to all children who demonstrate high ability and who may benefit from accelerated placement;

(2) a fair and equitable decision-making process that involves multiple persons and includes a student's parents or guardians;

(3) procedures for notifying parents or guardians of a child of a decision affecting that child's participation in an accelerated placement program; and

(4) an assessment process that includes multiple valid, reliable indicators.

(a-5) By no later than the beginning of the 2023-2024 school year, a school district's accelerated placement policy shall allow for the automatic enrollment, in the following school term, of a student into the next most rigorous level of advanced coursework offered by the high school if the student meets or exceeds State standards in English language arts, mathematics, or science on a State assessment administered under Section 2-3.64a-5 as follows:

(1) A student who meets or exceeds State standards in English language arts shall be automatically enrolled into the next most rigorous level of advanced coursework in English, social studies, humanities, or related subjects.

(2) A student who meets or exceeds State standards in mathematics shall be automatically enrolled into the next most rigorous level of advanced coursework in mathematics.

(3) A student who meets or exceeds State standards in science shall be automatically enrolled into the next most rigorous level of advanced coursework in science.

For a student entering grade 12, the next most rigorous level of advanced coursework in English language arts or mathematics shall be a dual credit course, as defined in the Dual Credit Quality Act, an Advanced Placement course, as defined in Section 10 of the College and Career Success for All Students Act, or an International Baccalaureate course; otherwise, the ~~The~~ next most rigorous level of advanced coursework under this subsection (a-5) may include a dual credit course, as defined in the Dual Credit Quality Act, an Advanced Placement course, as defined in Section 10 of the College and Career Success for All Students Act, an International Baccalaureate course, an honors class, an enrichment opportunity, a gifted program, or another program offered by the district.

A school district may use the student's most recent State assessment results to determine whether a student meets or exceeds State standards. For a student entering grade 9, results from the State assessment taken in grades 6 through 8 may be used. For other high school grades, the results from a locally selected, nationally normed assessment may be used instead of the State assessment if those results are the most recent.

A school district must provide the parent or guardian of a student eligible for automatic enrollment under this subsection (a-5) with the option to instead have the student enroll in alternative coursework that better aligns with the student's postsecondary education or career goals.

Nothing in this subsection (a-5) may be interpreted to preclude other students from enrolling in advanced coursework per the policy of a school district.

(b) Further, a school district's accelerated placement policy may include or incorporate by reference, but need not be limited to, the following components:

(1) procedures for annually informing the community at-large, including parents or guardians, community-based organizations, and providers of out-of-school programs, about the accelerated placement program and the methods used for the identification of children eligible for accelerated

placement, including strategies to reach groups of students and families who have been historically underrepresented in accelerated placement programs and advanced coursework;

(2) a process for referral that allows for multiple referrers, including a child's parents or guardians; other referrers may include licensed education professionals, the child, with the written consent of a parent or guardian, a peer, through a licensed education professional who has knowledge of the referred child's abilities, or, in case of possible early entrance, a preschool educator, pediatrician, or psychologist who knows the child;

(3) a provision that provides that children participating in an accelerated placement program and their parents or guardians will be provided a written plan detailing the type of acceleration the child will receive and strategies to support the child;

(4) procedures to provide support and promote success for students who are newly enrolled in an accelerated placement program; and

(5) a process for the school district to review and utilize disaggregated data on participation in an accelerated placement program to address gaps among demographic groups in accelerated placement opportunities.

(c) The State Board of Education shall adopt rules to determine data to be collected and disaggregated by demographic group regarding accelerated placement, including the rates of students who participate in and successfully complete advanced coursework, and a method of making the information available to the public.

(d) On or before November 1, 2022, following a review of disaggregated data on the participation and successful completion rates of students enrolled in an accelerated placement program, each school district shall develop a plan to expand access to its accelerated placement program and to ensure the teaching capacity necessary to meet the increased demand.

(Source: P.A. 100-421, eff. 7-1-18; 101-654, eff. 3-8-21.)

(105 ILCS 5/22-90)

(Section scheduled to be repealed on February 1, 2023)

Sec. 22-90. Whole Child Task Force.

(a) The General Assembly makes all of the following findings:

(1) The COVID-19 pandemic has exposed systemic inequities in American society. Students, educators, and families throughout this State have been deeply affected by the pandemic, and the impact of the pandemic will be felt for years to come. The negative consequences of the pandemic have impacted students and communities differently along the lines of race, income, language, and special needs. However, students in this State faced significant unmet physical health, mental health, and social and emotional needs even prior to the pandemic.

(2) The path to recovery requires a commitment from adults in this State to address our students cultural, physical, emotional, and mental health needs and to provide them with stronger and increased systemic support and intervention.

(3) It is well documented that trauma and toxic stress diminish a child's ability to thrive. Forms of childhood trauma and toxic stress include adverse childhood experiences, systemic racism, poverty, food and housing insecurity, and gender-based violence. The COVID-19 pandemic has exacerbated these issues and brought them into focus.

(4) It is estimated that, overall, approximately 40% of children in this State have experienced at least one adverse childhood experience and approximately 10% have experienced 3 or more adverse childhood experiences. However, the number of adverse childhood experiences is higher for Black and Hispanic children who are growing up in poverty. The COVID-19 pandemic has amplified the number of students who have experienced childhood trauma. Also, the COVID-19 pandemic has highlighted preexisting inequities in school disciplinary practices that disproportionately impact Black and Brown students. Research shows, for example, that girls of color are disproportionately impacted by trauma, adversity, and abuse, and instead of receiving the care and trauma-informed support they may need, many Black girls in particular face disproportionately harsh disciplinary measures.

(5) The cumulative effects of trauma and toxic stress adversely impact the physical health of students, as well as their ability to learn, form relationships, and self-regulate. If left unaddressed, these effects increase a student's risk for depression, alcoholism, anxiety, asthma, smoking, and suicide, all of which are risks that disproportionately affect Black youth and may lead to a host of medical diseases as an adult. Access to infant and early childhood mental health services is critical to

ensure the social and emotional well-being of this State's youngest children, particularly those children who have experienced trauma.

(6) Although this State enacted measures through Public Act 100-105 to address the high rate of early care and preschool expulsions of infants, toddlers, and preschoolers and the disproportionately higher rate of expulsion for Black and Hispanic children, a recent study found a wide variation in the awareness, understanding, and compliance with the law by providers of early childhood care. Further work is needed to implement the law, which includes providing training to early childhood care providers to increase their understanding of the law, increasing the availability and access to infant and early childhood mental health services, and building aligned data collection systems to better understand expulsion rates and to allow for accurate reporting as required by the law.

(7) Many educators and schools in this State have embraced and implemented evidenced-based restorative justice and trauma-responsive and culturally relevant practices and interventions. However, the use of these interventions on students is often isolated or is implemented occasionally and only if the school has the appropriate leadership, resources, and partners available to engage seriously in this work. It would be malpractice to deny our students access to these practices and interventions, especially in the aftermath of a once-in-a-century pandemic.

(b) The Whole Child Task Force is created for the purpose of establishing an equitable, inclusive, safe, and supportive environment in all schools for every student in this State. The task force shall have all of the following goals, which means key steps have to be taken to ensure that every child in every school in this State has access to teachers, social workers, school leaders, support personnel, and others who have been trained in evidenced-based interventions and restorative practices:

(1) To create a common definition of a trauma-responsive school, a trauma-responsive district, and a trauma-responsive community.

(2) To outline the training and resources required to create and sustain a system of support for trauma-responsive schools, districts, and communities and to identify this State's role in that work, including recommendations concerning options for redirecting resources from school resource officers to classroom-based support.

(3) To identify or develop a process to conduct an analysis of the organizations that provide training in restorative practices, implicit bias, anti-racism, and trauma-responsive systems, mental health services, and social and emotional services to schools.

(4) To provide recommendations concerning the key data to be collected and reported to ensure that this State has a full and accurate understanding of the progress toward ensuring that all schools, including programs and providers of care to pre-kindergarten children, employ restorative, anti-racist, and trauma-responsive strategies and practices. The data collected must include information relating to the availability of trauma responsive support structures in schools as well as disciplinary practices employed on students in person or through other means, including during remote or blended learning. It should also include information on the use of, and funding for, school resource officers and other similar police personnel in school programs.

(5) To recommend an implementation timeline, including the key roles, responsibilities, and resources to advance this State toward a system in which every school, district, and community is progressing toward becoming trauma-responsive.

(6) To seek input and feedback from stakeholders, including parents, students, and educators, who reflect the diversity of this State.

(c) Members of the Whole Child Task Force shall be appointed by the State Superintendent of Education. Members of this task force must represent the diversity of this State and possess the expertise needed to perform the work required to meet the goals of the task force set forth under subsection (a). Members of the task force shall include all of the following:

(1) One member of a statewide professional teachers' organization.

(2) One member of another statewide professional teachers' organization.

(3) One member who represents a school district serving a community with a population of 500,000 or more.

(4) One member of a statewide organization representing social workers.

(5) One member of an organization that has specific expertise in trauma-responsive school practices and experience in supporting schools in developing trauma-responsive and restorative practices.

(6) One member of another organization that has specific expertise in trauma-responsive school practices and experience in supporting schools in developing trauma-responsive and restorative practices.

(7) One member of a statewide organization that represents school administrators.

(8) One member of a statewide policy organization that works to build a healthy public education system that prepares all students for a successful college, career, and civic life.

(9) One member of a statewide organization that brings teachers together to identify and address issues critical to student success.

(10) One member of the General Assembly recommended by the President of the Senate.

(11) One member of the General Assembly recommended by the Speaker of the House of Representatives.

(12) One member of the General Assembly recommended by the Minority Leader of the Senate.

(13) One member of the General Assembly recommended by the Minority Leader of the House of Representatives.

(14) One member of a civil rights organization that works actively on issues regarding student support.

(15) One administrator from a school district that has actively worked to develop a system of student support that uses a trauma-informed lens.

(16) One educator from a school district that has actively worked to develop a system of student support that uses a trauma-informed lens.

(17) One member of a youth-led organization.

(18) One member of an organization that has demonstrated expertise in restorative practices.

(19) One member of a coalition of mental health and school practitioners who assist schools in developing and implementing trauma-informed and restorative strategies and systems.

(20) One member of an organization whose mission is to promote the safety, health, and economic success of children, youth, and families in this State.

(21) One member who works or has worked as a restorative justice coach or disciplinarian.

(22) One member who works or has worked as a social worker.

(23) One member of the State Board of Education.

(24) One member who represents a statewide principals' organization.

(25) One member who represents a statewide organization of school boards.

(26) One member who has expertise in pre-kindergarten education.

(27) One member who represents a school social worker association.

(28) One member who represents an organization that represents school districts in ~~both~~ the south suburbs ~~and collar counties~~.

(29) One member who is a licensed clinical psychologist who (A) has a doctor of philosophy in the field of clinical psychology and has an appointment at an independent free-standing children's hospital located in Chicago, (B) serves as associate professor at a medical school located in Chicago, and (C) serves as the clinical director of a coalition of voluntary collaboration of organizations that are committed to applying a trauma lens to their efforts on behalf of families and children in the State.

(30) One member who represents a west suburban school district.

(31) One member from a governmental agency who has expertise in child development and who is responsible for coordinating early childhood mental health programs and services.

(32) One member who has significant expertise in early childhood mental health and childhood trauma.

(33) One member who represents an organization that represents school districts in the collar counties.

(d) The Whole Child Task Force shall meet at the call of the State Superintendent of Education or his or her designee, who shall serve as ~~as~~ the chairperson. The State Board of Education shall provide administrative and other support to the task force. Members of the task force shall serve without compensation.

(e) The Whole Child Task Force shall submit a report of its findings and recommendations to the General Assembly, the Illinois Legislative Black Caucus, the State Board of Education, and the Governor on or before February 1, 2022. Upon submitting its report, the task force is dissolved.

(f) This Section is repealed on February 1, 2023.

(Source: P.A. 101-654, eff. 3-8-21.)

Section 10. The Early Intervention Services System Act is amended by changing Section 11 as follows:

(325 ILCS 20/11) (from Ch. 23, par. 4161)

Sec. 11. Individualized Family Service Plans.

(a) Each eligible infant or toddler and that infant's or toddler's family shall receive:

(1) timely, comprehensive, multidisciplinary assessment of the unique strengths and needs of each eligible infant and toddler, and assessment of the concerns and priorities of the families to appropriately assist them in meeting their needs and identify supports and services to meet those needs; and

(2) a written Individualized Family Service Plan developed by a multidisciplinary team which includes the parent or guardian. The individualized family service plan shall be based on the multidisciplinary team's assessment of the resources, priorities, and concerns of the family and its identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler, and shall include the identification of services appropriate to meet those needs, including the frequency, intensity, and method of delivering services. During and as part of the initial development of the individualized family services plan, and any periodic reviews of the plan, the multidisciplinary team may seek consultation from the lead agency's designated experts, if any, to help determine appropriate services and the frequency and intensity of those services. All services in the individualized family services plan must be justified by the multidisciplinary assessment of the unique strengths and needs of the infant or toddler and must be appropriate to meet those needs. At the periodic reviews, the team shall determine whether modification or revision of the outcomes or services is necessary.

(b) The Individualized Family Service Plan shall be evaluated once a year and the family shall be provided a review of the Plan at 6 month intervals or more often where appropriate based on infant or toddler and family needs. The lead agency shall create a quality review process regarding Individualized Family Service Plan development and changes thereto, to monitor and help assure that resources are being used to provide appropriate early intervention services.

(c) The initial evaluation and initial assessment and initial Plan meeting must be held within 45 days after the initial contact with the early intervention services system. The 45-day timeline does not apply for any period when the child or parent is unavailable to complete the initial evaluation, the initial assessments of the child and family, or the initial Plan meeting, due to exceptional family circumstances that are documented in the child's early intervention records, or when the parent has not provided consent for the initial evaluation or the initial assessment of the child despite documented, repeated attempts to obtain parental consent. As soon as exceptional family circumstances no longer exist or parental consent has been obtained, the initial evaluation, the initial assessment, and the initial Plan meeting must be completed as soon as possible. With parental consent, early intervention services may commence before the completion of the comprehensive assessment and development of the Plan.

(d) Parents must be informed that early intervention services shall be provided to each eligible infant and toddler, to the maximum extent appropriate, in the natural environment, which may include the home or other community settings. Parents shall make the final decision to accept or decline early intervention services. A decision to decline such services shall not be a basis for administrative determination of parental fitness, or other findings or sanctions against the parents. Parameters of the Plan shall be set forth in rules.

(e) The regional intake offices shall explain to each family, orally and in writing, all of the following:

(1) That the early intervention program will pay for all early intervention services set forth in the individualized family service plan that are not covered or paid under the family's public or private insurance plan or policy and not eligible for payment through any other third party payor.

(2) That services will not be delayed due to any rules or restrictions under the family's insurance plan or policy.

(3) That the family may request, with appropriate documentation supporting the request, a determination of an exemption from private insurance use under Section 13.25.

(4) That responsibility for co-payments or co-insurance under a family's private insurance plan or policy will be transferred to the lead agency's central billing office.

(5) That families will be responsible for payments of family fees, which will be based on a sliding scale according to the State's definition of ability to pay which is comparing household size and income to the sliding scale and considering out-of-pocket medical or disaster expenses, and that

these fees are payable to the central billing office. Families who fail to provide income information shall be charged the maximum amount on the sliding scale.

(f) The individualized family service plan must state whether the family has private insurance coverage and, if the family has such coverage, must have attached to it a copy of the family's insurance identification card or otherwise include all of the following information:

(1) The name, address, and telephone number of the insurance carrier.

(2) The contract number and policy number of the insurance plan.

(3) The name, address, and social security number of the primary insured.

(4) The beginning date of the insurance benefit year.

(g) A copy of the individualized family service plan must be provided to each enrolled provider who is providing early intervention services to the child who is the subject of that plan.

(h) Children receiving services under this Act shall receive a smooth and effective transition by their third birthday consistent with federal regulations adopted pursuant to Sections 1431 through 1444 of Title 20 of the United States Code. Beginning July 1, 2022, children who receive early intervention services prior to their third birthday and are found eligible for an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. 1414(d)(1)(A), and under Section 14-8.02 of the School Code and whose birthday falls on or after January 1 ~~between May 1 and August 31~~ may continue to receive early intervention services until the beginning of the school year following their third birthday in order to minimize gaps in services, ensure better continuity of care, and align practices for the enrollment of preschool children with special needs to the enrollment practices of typically developing preschool children. (Source: P.A. 101-654, eff. 3-8-21.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Lightford offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO SENATE BILL 820**

AMENDMENT NO. 2 . Amend Senate Bill 820 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 2-3.186, 2-3.187, 14A-32, and 22-90 as follows:

(105 ILCS 5/2-3.186)

Sec. 2-3.186. Freedom Schools; grant program.

(a) The General Assembly recognizes and values the contributions that Freedom Schools make to enhance the lives of Black students. The General Assembly makes all of the following findings:

(1) The fundamental goal of the Freedom Schools of the 1960s was to provide quality education for all students, to motivate active civic engagement, and to empower disenfranchised communities. The renowned and progressive curriculum of Freedom Schools allowed students of all ages to experience a new and liberating form of education that directly related to the imperatives of their lives, their communities, and the Freedom Movement.

(2) Freedom Schools continue to demonstrate the proven benefits of critical civic engagement and intergenerational effects by providing historically disadvantaged students, including African American students and other students of color, with quality instruction that fosters student confidence, critical thinking, and social and emotional development.

(3) Freedom Schools offer culturally relevant learning opportunities with the academic and social supports that Black children need by utilizing quality teaching, challenging and engaging curricula, wrap-around supports, a positive school climate, and strong ties to family and community. Freedom Schools have a clear focus on results.

(4) Public schools serve a foundational role in the education of over 2,000,000 students in this State.

(b) The State Board of Education shall establish a Freedom School network to supplement the learning taking place in public schools by creating a 6-week summer program with an organization with a mission to improve the odds for children in poverty that operates Freedom Schools in multiple states using a research-based and multicultural curriculum for disenfranchised communities most affected by the

opportunity gap and learning loss caused by the pandemic, and by expanding the teaching of African American history, developing leadership skills, and providing an understanding of the tenets of the civil rights movement. The teachers in Freedom Schools must be from the local community, with an emphasis on historically disadvantaged youth, including African American students and other students of color, so that (i) these individuals have access to summer jobs and teaching experiences that serve as a long-term pipeline to educational careers and the hiring of minority educators in public schools, (ii) these individuals are elevated as content experts and community leaders, and (iii) Freedom School students have access to both mentorship and equitable educational resources.

(c) A Freedom School shall intentionally and imaginatively implement strategies that focus on all of the following:

(1) Racial justice and equity.

(2) Transparency and building trusting relationships.

(3) Self-determination and governance.

(4) Building on community strengths and community wisdom.

(5) Utilizing current data, best practices, and evidence.

(6) Shared leadership and collaboration.

(7) A reflective learning culture.

(8) A whole-child approach to education.

(9) Literacy.

(d) The State Board of Education, in the establishment of Freedom Schools, shall strive for authentic parent and community engagement during the development of Freedom Schools and their curriculum. Authentic parent and community engagement includes all of the following:

(1) A shared responsibility that values equal partnerships between families and professionals.

(2) Ensuring that students and families who are directly impacted by Freedom School policies and practices are the decision-makers in the creation, design, implementation, and assessment of those policies and practices.

(3) Genuine respect for the culture and diversity of families.

(4) Relationships that center around the goal of supporting family well-being and children's development and learning.

(e) Subject to appropriation, the State Board of Education shall establish and implement a grant program to provide grants to public schools, public community colleges, and not-for-profit, community-based organizations to facilitate improved educational outcomes for historically disadvantaged students, including African American students and other students of color ~~Black students~~ in grades pre-kindergarten through 12 in alignment with the integrity and practices of the Freedom School model established during the civil rights movement. Grant recipients under the program may include, but are not limited to, entities that work with the Children's Defense Fund or offer established programs with proven results and outcomes. The State Board of Education shall award grants to eligible entities that demonstrate a likelihood of reasonable success in achieving the goals identified in the grant application, including, but not limited to, all of the following:

(1) Engaging, culturally relevant, and challenging curricula.

(2) High-quality teaching.

(3) Wrap-around supports and opportunities.

(4) Positive discipline practices, such as restorative justice.

(5) Inclusive leadership.

(f) The Freedom Schools Fund is created as a special fund in the State treasury. the Fund shall consist of appropriations from the General Revenue Fund, grant funds from the federal government, and donations from educational and private foundations. All money in the Fund shall be used, subject to appropriation, by the State Board of Education for the purposes of this Section and to support related activities.

(g) The State Board of Education may adopt any rules necessary to implement this Section.

(Source: P.A. 101-654, eff. 3-8-21.)

(105 ILCS 5/2-3.187)

(Section scheduled to be repealed on January 1, 2023)

Sec. 2-3.187. Inclusive American History Commission.

(a) The Inclusive American History Commission is created to provide assistance to the State Board of Education in revising its social science learning standards under subsection (a-5) of Section 2-3.25.

(b) The State Board of Education shall convene the Inclusive American History Commission to do all of the following:

(1) Review available resources for use in school districts that reflect the racial and ethnic diversity of this State and country. The resources identified by the Commission may be posted on the State Board of Education's Internet website.

(2) Provide guidance for each learning standard developed for educators on how to ensure that instruction and content are not biased to value specific cultures, time periods, and experiences over other cultures, time periods, and experiences.

(3) Develop guidance, tools, and support for professional learning on how to locate and utilize resources for non-dominant cultural narratives and sources of historical information.

(c) The Commission shall consist of all of the following members:

(1) One Representative appointed by the Speaker of the House of Representatives.

(2) One Representative appointed by the Minority Leader of the House of Representatives.

(3) One Senator appointed by the President of the Senate.

(4) One Senator appointed by the Minority Leader of the Senate.

(5) Two members who are history scholars appointed by the State Superintendent of Education.

(6) Eight members who are teachers at schools in this State recommended by professional teachers' organizations and appointed by the State Superintendent of Education.

(7) One representative of the State Board of Education appointed by the State Superintendent of Education who shall serve as chairperson.

(8) One member who represents an ~~a statewide~~ organization that represents south suburban school districts appointed by the State Superintendent of Education.

(9) One member who represents a west suburban school district appointed by the State Superintendent of Education.

(10) One member who represents a school district organized under Article 34 appointed by the State Superintendent of Education.

(11) One member who represents a statewide organization that represents school librarians appointed by the State Superintendent of Education.

(12) One member who represents a statewide organization that represents principals appointed by the State Superintendent of Education.

(13) One member who represents a statewide organization that represents superintendents appointed by the State Superintendent of Education.

(14) One member who represents a statewide organization that represents school boards appointed by the State Superintendent of Education.

Members appointed to the Commission must reflect the racial, ethnic, and geographic diversity of this State.

(d) Members of the Commission shall serve without compensation but may be reimbursed for reasonable expenses from funds appropriated to the State Board of Education for that purpose, including travel, subject to the rules of the appropriate travel control board.

(e) The State Board of Education shall provide administrative and other support to the Commission.

(f) The Commission must submit a report about its work to the State Board of Education, the Governor, and the General Assembly on or before December 31, 2021. The Commission is dissolved upon the submission of its report.

(g) This Section is repealed on January 1, 2023.

(Source: P.A. 101-654, eff. 3-8-21.)

(105 ILCS 5/14A-32)

Sec. 14A-32. Accelerated placement; school district responsibilities.

(a) Each school district shall have a policy that allows for accelerated placement that includes or incorporates by reference the following components:

(1) a provision that provides that participation in accelerated placement is not limited to those children who have been identified as gifted and talented, but rather is open to all children who demonstrate high ability and who may benefit from accelerated placement;

(2) a fair and equitable decision-making process that involves multiple persons and includes a student's parents or guardians;

(3) procedures for notifying parents or guardians of a child of a decision affecting that child's participation in an accelerated placement program; and

(4) an assessment process that includes multiple valid, reliable indicators.

(a-5) By no later than the beginning of the 2023-2024 school year, a school district's accelerated placement policy shall allow for the automatic enrollment, in the following school term, of a student into the next most rigorous level of advanced coursework offered by the high school if the student meets or exceeds State standards in English language arts, mathematics, or science on a State assessment administered under Section 2-3.64a-5 as follows:

(1) A student who meets or exceeds State standards in English language arts shall be automatically enrolled into the next most rigorous level of advanced coursework in English, social studies, humanities, or related subjects.

(2) A student who meets or exceeds State standards in mathematics shall be automatically enrolled into the next most rigorous level of advanced coursework in mathematics.

(3) A student who meets or exceeds State standards in science shall be automatically enrolled into the next most rigorous level of advanced coursework in science.

For a student entering grade 12, the next most rigorous level of advanced coursework in English language arts or mathematics shall be a dual credit course, as defined in the Dual Credit Quality Act, an Advanced Placement course, as defined in Section 10 of the College and Career Success for All Students Act, or an International Baccalaureate course; otherwise, the ~~The~~ next most rigorous level of advanced coursework under this subsection (a-5) may include a dual credit course, as defined in the Dual Credit Quality Act, an Advanced Placement course, as defined in Section 10 of the College and Career Success for All Students Act, an International Baccalaureate course, an honors class, an enrichment opportunity, a gifted program, or another program offered by the district.

A school district may use the student's most recent State assessment results to determine whether a student meets or exceeds State standards. For a student entering grade 9, results from the State assessment taken in grades 6 through 8 may be used. For other high school grades, the results from a locally selected, nationally normed assessment may be used instead of the State assessment if those results are the most recent.

A school district must provide the parent or guardian of a student eligible for automatic enrollment under this subsection (a-5) with the option to instead have the student enroll in alternative coursework that better aligns with the student's postsecondary education or career goals.

Nothing in this subsection (a-5) may be interpreted to preclude other students from enrolling in advanced coursework per the policy of a school district.

(b) Further, a school district's accelerated placement policy may include or incorporate by reference, but need not be limited to, the following components:

(1) procedures for annually informing the community at-large, including parents or guardians, community-based organizations, and providers of out-of-school programs, about the accelerated placement program and the methods used for the identification of children eligible for accelerated placement, including strategies to reach groups of students and families who have been historically underrepresented in accelerated placement programs and advanced coursework;

(2) a process for referral that allows for multiple referrers, including a child's parents or guardians; other referrers may include licensed education professionals, the child, with the written consent of a parent or guardian, a peer, through a licensed education professional who has knowledge of the referred child's abilities, or, in case of possible early entrance, a preschool educator, pediatrician, or psychologist who knows the child;

(3) a provision that provides that children participating in an accelerated placement program and their parents or guardians will be provided a written plan detailing the type of acceleration the child will receive and strategies to support the child;

(4) procedures to provide support and promote success for students who are newly enrolled in an accelerated placement program; and

(5) a process for the school district to review and utilize disaggregated data on participation in an accelerated placement program to address gaps among demographic groups in accelerated placement opportunities.

(c) The State Board of Education shall adopt rules to determine data to be collected and disaggregated by demographic group regarding accelerated placement, including the rates of students who participate in and successfully complete advanced coursework, and a method of making the information available to the public.

(d) On or before November 1, 2022, following a review of disaggregated data on the participation and successful completion rates of students enrolled in an accelerated placement program, each school district shall develop a plan to expand access to its accelerated placement program and to ensure the teaching capacity necessary to meet the increased demand.

(Source: P.A. 100-421, eff. 7-1-18; 101-654, eff. 3-8-21.)

(105 ILCS 5/22-90)

(Section scheduled to be repealed on February 1, 2023)

Sec. 22-90. Whole Child Task Force.

(a) The General Assembly makes all of the following findings:

(1) The COVID-19 pandemic has exposed systemic inequities in American society. Students, educators, and families throughout this State have been deeply affected by the pandemic, and the impact of the pandemic will be felt for years to come. The negative consequences of the pandemic have impacted students and communities differently along the lines of race, income, language, and special needs. However, students in this State faced significant unmet physical health, mental health, and social and emotional needs even prior to the pandemic.

(2) The path to recovery requires a commitment from adults in this State to address our students cultural, physical, emotional, and mental health needs and to provide them with stronger and increased systemic support and intervention.

(3) It is well documented that trauma and toxic stress diminish a child's ability to thrive. Forms of childhood trauma and toxic stress include adverse childhood experiences, systemic racism, poverty, food and housing insecurity, and gender-based violence. The COVID-19 pandemic has exacerbated these issues and brought them into focus.

(4) It is estimated that, overall, approximately 40% of children in this State have experienced at least one adverse childhood experience and approximately 10% have experienced 3 or more adverse childhood experiences. However, the number of adverse childhood experiences is higher for Black and Hispanic children who are growing up in poverty. The COVID-19 pandemic has amplified the number of students who have experienced childhood trauma. Also, the COVID-19 pandemic has highlighted preexisting inequities in school disciplinary practices that disproportionately impact Black and Brown students. Research shows, for example, that girls of color are disproportionately impacted by trauma, adversity, and abuse, and instead of receiving the care and trauma-informed support they may need, many Black girls in particular face disproportionately harsh disciplinary measures.

(5) The cumulative effects of trauma and toxic stress adversely impact the physical health of students, as well as their ability to learn, form relationships, and self-regulate. If left unaddressed, these effects increase a student's risk for depression, alcoholism, anxiety, asthma, smoking, and suicide, all of which are risks that disproportionately affect Black youth and may lead to a host of medical diseases as an adult. Access to infant and early childhood mental health services is critical to ensure the social and emotional well-being of this State's youngest children, particularly those children who have experienced trauma.

(6) Although this State enacted measures through Public Act 100-105 to address the high rate of early care and preschool expulsions of infants, toddlers, and preschoolers and the disproportionately higher rate of expulsion for Black and Hispanic children, a recent study found a wide variation in the awareness, understanding, and compliance with the law by providers of early childhood care. Further work is needed to implement the law, which includes providing training to early childhood care providers to increase their understanding of the law, increasing the availability and access to infant and early childhood mental health services, and building aligned data collection systems to better understand expulsion rates and to allow for accurate reporting as required by the law.

(7) Many educators and schools in this State have embraced and implemented evidenced-based restorative justice and trauma-responsive and culturally relevant practices and interventions. However, the use of these interventions on students is often isolated or is implemented occasionally and only if the school has the appropriate leadership, resources, and partners available to engage seriously in this work. It would be malpractice to deny our students access to these practices and interventions, especially in the aftermath of a once-in-a-century pandemic.

(b) The Whole Child Task Force is created for the purpose of establishing an equitable, inclusive, safe, and supportive environment in all schools for every student in this State. The task force shall have all of the following goals, which means key steps have to be taken to ensure that every child in every school in

this State has access to teachers, social workers, school leaders, support personnel, and others who have been trained in evidenced-based interventions and restorative practices:

(1) To create a common definition of a trauma-responsive school, a trauma-responsive district, and a trauma-responsive community.

(2) To outline the training and resources required to create and sustain a system of support for trauma-responsive schools, districts, and communities and to identify this State's role in that work, including recommendations concerning options for redirecting resources from school resource officers to classroom-based support.

(3) To identify or develop a process to conduct an analysis of the organizations that provide training in restorative practices, implicit bias, anti-racism, and trauma-responsive systems, mental health services, and social and emotional services to schools.

(4) To provide recommendations concerning the key data to be collected and reported to ensure that this State has a full and accurate understanding of the progress toward ensuring that all schools, including programs and providers of care to pre-kindergarten children, employ restorative, anti-racist, and trauma-responsive strategies and practices. The data collected must include information relating to the availability of trauma responsive support structures in schools as well as disciplinary practices employed on students in person or through other means, including during remote or blended learning. It should also include information on the use of, and funding for, school resource officers and other similar police personnel in school programs.

(5) To recommend an implementation timeline, including the key roles, responsibilities, and resources to advance this State toward a system in which every school, district, and community is progressing toward becoming trauma-responsive.

(6) To seek input and feedback from stakeholders, including parents, students, and educators, who reflect the diversity of this State.

(c) Members of the Whole Child Task Force shall be appointed by the State Superintendent of Education. Members of this task force must represent the diversity of this State and possess the expertise needed to perform the work required to meet the goals of the task force set forth under subsection (a). Members of the task force shall include all of the following:

(1) One member of a statewide professional teachers' organization.

(2) One member of another statewide professional teachers' organization.

(3) One member who represents a school district serving a community with a population of 500,000 or more.

(4) One member of a statewide organization representing social workers.

(5) One member of an organization that has specific expertise in trauma-responsive school practices and experience in supporting schools in developing trauma-responsive and restorative practices.

(6) One member of another organization that has specific expertise in trauma-responsive school practices and experience in supporting schools in developing trauma-responsive and restorative practices.

(7) One member of a statewide organization that represents school administrators.

(8) One member of a statewide policy organization that works to build a healthy public education system that prepares all students for a successful college, career, and civic life.

(9) One member of a statewide organization that brings teachers together to identify and address issues critical to student success.

(10) One member of the General Assembly recommended by the President of the Senate.

(11) One member of the General Assembly recommended by the Speaker of the House of Representatives.

(12) One member of the General Assembly recommended by the Minority Leader of the Senate.

(13) One member of the General Assembly recommended by the Minority Leader of the House of Representatives.

(14) One member of a civil rights organization that works actively on issues regarding student support.

(15) One administrator from a school district that has actively worked to develop a system of student support that uses a trauma-informed lens.

(16) One educator from a school district that has actively worked to develop a system of student support that uses a trauma-informed lens.

(17) One member of a youth-led organization.

(18) One member of an organization that has demonstrated expertise in restorative practices.

(19) One member of a coalition of mental health and school practitioners who assist schools in developing and implementing trauma-informed and restorative strategies and systems.

(20) One member of an organization whose mission is to promote the safety, health, and economic success of children, youth, and families in this State.

(21) One member who works or has worked as a restorative justice coach or disciplinarian.

(22) One member who works or has worked as a social worker.

(23) One member of the State Board of Education.

(24) One member who represents a statewide principals' organization.

(25) One member who represents a statewide organization of school boards.

(26) One member who has expertise in pre-kindergarten education.

(27) One member who represents a school social worker association.

(28) One member who represents an organization that represents school districts in ~~both~~ the south suburbs ~~and collar counties~~.

(29) One member who is a licensed clinical psychologist who (A) has a doctor of philosophy in the field of clinical psychology and has an appointment at an independent free-standing children's hospital located in Chicago, (B) serves as associate professor at a medical school located in Chicago, and (C) serves as the clinical director of a coalition of voluntary collaboration of organizations that are committed to applying a trauma lens to their efforts on behalf of families and children in the State.

(30) One member who represents a west suburban school district.

(31) One member from a governmental agency who has expertise in child development and who is responsible for coordinating early childhood mental health programs and services.

(32) One member who has significant expertise in early childhood mental health and childhood trauma.

(33) One member who represents an organization that represents school districts in the collar counties.

(d) The Whole Child Task Force shall meet at the call of the State Superintendent of Education or his or her designee, who shall serve as ~~as~~ the chairperson. The State Board of Education shall provide administrative and other support to the task force. Members of the task force shall serve without compensation.

(e) The Whole Child Task Force shall submit a report of its findings and recommendations to the General Assembly, the Illinois Legislative Black Caucus, the State Board of Education, and the Governor on or before February 1, 2022. Upon submitting its report, the task force is dissolved.

(f) This Section is repealed on February 1, 2023.

(Source: P.A. 101-654, eff. 3-8-21.)

Section 10. The Early Intervention Services System Act is amended by changing Section 11 as follows:

(325 ILCS 20/11) (from Ch. 23, par. 4161)

Sec. 11. Individualized Family Service Plans.

(a) Each eligible infant or toddler and that infant's or toddler's family shall receive:

(1) timely, comprehensive, multidisciplinary assessment of the unique strengths and needs of each eligible infant and toddler, and assessment of the concerns and priorities of the families to appropriately assist them in meeting their needs and identify supports and services to meet those needs; and

(2) a written Individualized Family Service Plan developed by a multidisciplinary team which includes the parent or guardian. The individualized family service plan shall be based on the multidisciplinary team's assessment of the resources, priorities, and concerns of the family and its identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler, and shall include the identification of services appropriate to meet those needs, including the frequency, intensity, and method of delivering services. During and as part of the initial development of the individualized family services plan, and any periodic reviews of the plan, the multidisciplinary team may seek consultation from the lead agency's designated experts, if any, to help determine appropriate services and the frequency and intensity of those services. All services in the individualized family services plan must be justified by the

multidisciplinary assessment of the unique strengths and needs of the infant or toddler and must be appropriate to meet those needs. At the periodic reviews, the team shall determine whether modification or revision of the outcomes or services is necessary.

(b) The Individualized Family Service Plan shall be evaluated once a year and the family shall be provided a review of the Plan at 6 month intervals or more often where appropriate based on infant or toddler and family needs. The lead agency shall create a quality review process regarding Individualized Family Service Plan development and changes thereto, to monitor and help assure that resources are being used to provide appropriate early intervention services.

(c) The initial evaluation and initial assessment and initial Plan meeting must be held within 45 days after the initial contact with the early intervention services system. The 45-day timeline does not apply for any period when the child or parent is unavailable to complete the initial evaluation, the initial assessments of the child and family, or the initial Plan meeting, due to exceptional family circumstances that are documented in the child's early intervention records, or when the parent has not provided consent for the initial evaluation or the initial assessment of the child despite documented, repeated attempts to obtain parental consent. As soon as exceptional family circumstances no longer exist or parental consent has been obtained, the initial evaluation, the initial assessment, and the initial Plan meeting must be completed as soon as possible. With parental consent, early intervention services may commence before the completion of the comprehensive assessment and development of the Plan.

(d) Parents must be informed that early intervention services shall be provided to each eligible infant and toddler, to the maximum extent appropriate, in the natural environment, which may include the home or other community settings. Parents shall make the final decision to accept or decline early intervention services. A decision to decline such services shall not be a basis for administrative determination of parental fitness, or other findings or sanctions against the parents. Parameters of the Plan shall be set forth in rules.

(e) The regional intake offices shall explain to each family, orally and in writing, all of the following:

(1) That the early intervention program will pay for all early intervention services set forth in the individualized family service plan that are not covered or paid under the family's public or private insurance plan or policy and not eligible for payment through any other third party payor.

(2) That services will not be delayed due to any rules or restrictions under the family's insurance plan or policy.

(3) That the family may request, with appropriate documentation supporting the request, a determination of an exemption from private insurance use under Section 13.25.

(4) That responsibility for co-payments or co-insurance under a family's private insurance plan or policy will be transferred to the lead agency's central billing office.

(5) That families will be responsible for payments of family fees, which will be based on a sliding scale according to the State's definition of ability to pay which is comparing household size and income to the sliding scale and considering out-of-pocket medical or disaster expenses, and that these fees are payable to the central billing office. Families who fail to provide income information shall be charged the maximum amount on the sliding scale.

(f) The individualized family service plan must state whether the family has private insurance coverage and, if the family has such coverage, must have attached to it a copy of the family's insurance identification card or otherwise include all of the following information:

(1) The name, address, and telephone number of the insurance carrier.

(2) The contract number and policy number of the insurance plan.

(3) The name, address, and social security number of the primary insured.

(4) The beginning date of the insurance benefit year.

(g) A copy of the individualized family service plan must be provided to each enrolled provider who is providing early intervention services to the child who is the subject of that plan.

(h) Children receiving services under this Act shall receive a smooth and effective transition by their third birthday consistent with federal regulations adopted pursuant to Sections 1431 through 1444 of Title 20 of the United States Code. Beginning January 1, 2022 ~~July 1, 2022~~, children who receive early intervention services prior to their third birthday and are found eligible for an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. 1414(d)(1)(A), and under Section 14-8.02 of the School Code and whose birthday falls between May 1 and August 31 may continue to receive early intervention services until the beginning of the school year following their third birthday in order to minimize gaps in services, ensure better continuity of care, and align practices for the enrollment of preschool children with special needs to the enrollment practices of typically developing preschool children.

(Source: P.A. 101-654, eff. 3-8-21.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Lightford, **Senate Bill No. 820** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Lightford | Stadelman |
| Aquino | Feigenholtz | Loughran Cappel | Stewart |
| Bailey | Fine | Martwick | Stoller |
| Barickman | Fowler | McClure | Syverson |
| Belt | Gillespie | McConchie | Tracy |
| Bennett | Glowiak Hilton | Morrison | Turner, D. |
| Bryant | Harris | Muñoz | Turner, S. |
| Bush | Hastings | Murphy | Van Pelt |
| Castro | Holmes | Pacione-Zayas | Villa |
| Collins | Hunter | Peters | Villanueva |
| Connor | Johnson | Plummer | Villivalam |
| Crowe | Jones, E. | Rezin | Wilcox |
| Cullerton, T. | Joyce | Rose | Mr. President |
| Cunningham | Koehler | Simmons | |
| Curran | Landek | Sims | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Connor, **Senate Bill No. 825** was recalled from the order of third reading to the order of second reading.

Senator Connor offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 825**

AMENDMENT NO. 1 . Amend Senate Bill 825 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Section 19A-20 as follows:

(10 ILCS 5/19A-20)

Sec. 19A-20. Temporary branch polling places.

(a) In addition to permanent polling places for early voting, the election authority may establish temporary branch polling places for early voting.

(b) The provisions of subsection (b) of Section 19A-15 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance that are determined by the election authority.

(c) The schedules for conducting voting do not need to be uniform among the temporary branch polling places.

(d) The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

(e) In a county with a population of:

(1) 3,000,000 or more, the election authority in the county shall establish a temporary branch polling place under this Section in the county jail. Only a resident of a county who is in custody at the county jail and who has not been convicted of the offense for which the resident is in custody is eligible to vote at a temporary branch polling place established under this paragraph (1) ~~subsection~~. The temporary branch polling place established under this paragraph (1) ~~subsection~~ shall allow a voter to vote in the same elections that the voter would be entitled to vote in where the voter resides. To the maximum extent feasible, voting booths or screens shall be provided to ensure the privacy of the voter.

(2) less than 3,000,000, the sheriff may establish a temporary branch polling place at the county jail. Only a resident of a county who is in custody at the county jail and who has not been convicted of the offense for which the resident is in custody is eligible to vote at a temporary branch polling place established under this paragraph (2), and only inmate access is permitted at such a temporary polling location.

All provisions of this Code applicable to pollwatchers shall apply to a temporary branch polling place under this subsection (e), subject to approval from the election authority and the county jail, except that nonpartisan pollwatchers shall be limited to one per division within the jail instead of one per precinct. A county that establishes a temporary branch polling place inside a county jail in accordance with this subsection (e) shall adhere to all requirements of this subsection (e). All requirements of the federal Voting Rights Act of 1965 and Sections 203 and 208 of the federal Americans with Disabilities Act shall apply to this subsection (e).

(Source: P.A. 101-442, eff. 1-1-20.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Connor offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO SENATE BILL 825**

AMENDMENT NO. 2 . Amend Senate Bill 825, AS AMENDED, by inserting in the correct numerical sequence the following:

"Section 99. Effective date. This Act takes effect July 1, 2022.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Connor, **Senate Bill No. 825** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 43; NAYS 15.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Curran | Jones, E. | Peters |
| Aquino | DeWitte | Joyce | Simmons |
| Belt | Feigenholtz | Koehler | Sims |
| Bennett | Fine | Landek | Stadelman |
| Bush | Gillespie | Lightford | Turner, D. |
| Castro | Glowiak Hilton | Loughran Cappel | Van Pelt |
| Collins | Harris | Martwick | Villa |
| Connor | Hastings | Morrison | Villanueva |
| Crowe | Holmes | Muñoz | Villivalam |
| Cullerton, T. | Hunter | Murphy | Mr. President |
| Cunningham | Johnson | Pacione-Zayas | |

The following voted in the negative:

| | | | |
|---|---|---|---|
| Bailey | McClure | Rose | Tracy |
| Barickman | McConchie | Stewart | Turner, S. |
| Bryant | Plummer | Stoller | Wilcox |
| Fowler | Rezin | Syverson | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator D. Turner, **Senate Bill No. 826** was recalled from the order of third reading to the order of second reading.

Senator D. Turner offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 826**

AMENDMENT NO. 1 . Amend Senate Bill 826 by replacing everything after the enacting clause with the following:

"(60 ILCS 1/Art. 90 rep.)

Section 5. The Township Code is amended by repealing Article 90.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator D. Turner, **Senate Bill No. 826** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 39; NAYS 17.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Aquino | Feigenholtz | Joyce | Simmons |
| Belt | Fine | Koehler | Sims |
| Bennett | Gillespie | Landek | Stadelman |
| Bush | Glowiak Hilton | Loughran Cappel | Turner, D. |
| Castro | Harris | Martwick | Van Pelt |
| Collins | Hastings | Morrison | Villa |
| Connor | Holmes | Muñoz | Villanueva |
| Crowe | Hunter | Murphy | Villivalam |
| Cullerton, T. | Johnson | Pacione-Zayas | Mr. President |
| Cunningham | Jones, E. | Peters | |

The following voted in the negative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Rezin | Tracy |
| Bailey | Fowler | Rose | Turner, S. |
| Barickman | McClure | Stewart | |
| Bryant | McConchie | Stoller | |
| Curran | Plummer | Syverson | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Simmons, **Senate Bill No. 828** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was postponed in the Committee on Executive.

Senator Simmons offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO SENATE BILL 828**

AMENDMENT NO. 2 . Amend Senate Bill 828 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Section 25-6 as follows:

(10 ILCS 5/25-6) (from Ch. 46, par. 25-6)

Sec. 25-6. (a) When a vacancy occurs in the office of State Senator or Representative in the General Assembly, the vacancy shall be filled within 30 days by appointment of the legislative or representative committee of that legislative or representative district of the political party of which the incumbent was a candidate at the time of his election. The appointee shall be a member of the same political party as the person he succeeds was at the time of his election, and shall be otherwise eligible to serve as a member of the General Assembly.

(b) When a vacancy occurs in the office of a legislator elected other than as a candidate of a political party, the vacancy shall be filled within 30 days of such occurrence by appointment of the Governor. The appointee shall not be a member of a political party, and shall be otherwise eligible to serve as a member of the General Assembly. Provided, however, the appropriate body of the General Assembly may, by resolution, allow a legislator elected other than as a candidate of a political party to affiliate with a political party for his term of office in the General Assembly. A vacancy occurring in the office of any such legislator who affiliates with a political party pursuant to resolution shall be filled within 30 days of such occurrence by appointment of the appropriate legislative or representative committee of that legislative or representative

district of the political party with which the legislator so affiliates. The appointee shall be a member of the political party with which the incumbent affiliated.

(c) For purposes of this Section, a person is a member of a political party for 23 months after (i) signing a candidate petition, as to the political party whose nomination is sought; (ii) signing a statement of candidacy, as to the political party where nomination or election is sought; (iii) signing a Petition of Political Party Formation, as to the proposed political party; (iv) applying for and receiving a primary ballot, as to the political party whose ballot is received; or (v) becoming a candidate for election to or accepting appointment to the office of ward, township, precinct or state central committeeperson.

(d) In making appointments under this Section, each committeeperson of the appropriate legislative or representative committee shall be entitled to one vote for each vote that was received, in that portion of the legislative or representative district which he represents on the committee, by the Senator or Representative whose seat is vacant at the general election at which that legislator was elected to the seat which has been vacated and a majority of the total number of votes received in such election by the Senator or Representative whose seat is vacant is required for the appointment of his successor; provided, however, that in making appointments in legislative or representative districts comprising only one county or part of a county other than a county containing 2,000,000 or more inhabitants, each committeeperson shall be entitled to cast only one vote.

(e) Appointments made under this Section shall be in writing and shall be signed by members of the legislative or representative committee whose total votes are sufficient to make the appointments or by the Governor, as the case may be. Such appointments shall be filed with the Secretary of State and with the Clerk of the House of Representatives or the Secretary of the Senate, whichever is appropriate.

(f) An appointment made under this Section shall be for the remainder of the term, except that, if the appointment is to fill a vacancy in the office of State Senator and the vacancy occurs with more than 28 months remaining in the term, the term of the appointment shall expire at the time of the next general election at which time a Senator shall be elected for a new term commencing on the determination of the results of the election and ending on the second Wednesday of January in the second odd-numbered year next occurring. Whenever a Senator has been appointed to fill a vacancy and was thereafter elected to that office, the term of service under the authority of the election shall be considered a new term of service, separate from the term of service rendered under the authority of the appointment.

(g) When a vacancy occurs in the office of State Senator or State Representative in the General Assembly, the legislative or representative committee of that legislative or representative district that fills the vacancy shall provide members of the public within the district with notice of the vacancy and the replacement process, including providing such notice on any website or social media account associated with the committee and contact information for the committee with which interested members of the public may apply for appointment. The committee shall also provide members of the public with notice of an impending vote to fill the vacancy within at least 6 days prior to such vote; except that during the months of May and June, if the General Assembly is in session, notice shall be provided at least 2 days prior to such vote.

(h) Any meeting held by a legislative or representative committee for purposes of filling a vacancy in the General Assembly shall be open to the public and shall also be recorded and broadcast by electronic means for public consumption.

(i) For any vacancy in the office of State Senator or State Representative that may be filled through appointment by the Governor, the Governor shall comply with the requirements of subsection (g) and (h) to the extent practicable in his or her appointment of such person.

(Source: P.A. 100-1027, eff. 1-1-19.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Simmons, **Senate Bill No. 828** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Feigenholtz | Loughran Cappel | Stewart |
| Aquino | Fine | Martwick | Stoller |
| Bailey | Fowler | McClure | Syverson |
| Barickman | Gillespie | McConchie | Tracy |
| Belt | Glowiak Hilton | Morrison | Turner, D. |
| Bennett | Harris | Muñoz | Turner, S. |
| Bryant | Hastings | Murphy | Van Pelt |
| Bush | Holmes | Pacione-Zayas | Villa |
| Castro | Hunter | Peters | Villanueva |
| Collins | Johnson | Plummer | Villivalam |
| Connor | Jones, E. | Rezin | Mr. President |
| Crowe | Joyce | Rose | |
| Cullerton, T. | Koehler | Simmons | |
| Cunningham | Landek | Sims | |
| DeWitte | Lightford | Stadelman | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Collins, **Senate Bill No. 919** was recalled from the order of third reading to the order of second reading.

Senator Collins offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 919**

AMENDMENT NO. 1 . Amend Senate Bill 919 by replacing everything after the enacting clause with the following:

"Section 5. The Broadband Advisory Council Act is amended by changing Section 15 as follows:

(220 ILCS 80/15)

Sec. 15. Broadband Advisory Council; members of Council; administrative support.

(a) The Broadband Advisory Council is hereby established. The Department of Commerce and Economic Opportunity shall house the Council and provide administrative, personnel, and technical support services.

(b) The Council shall consist of the following 25 ~~21~~ voting members:

(1) the Director of Commerce and Economic Opportunity or his or her designee, who shall serve as chair of the Council;

(2) the Secretary of Innovation and Technology or his or her designee;

(3) the Director of Aging or his or her designee;

(4) the Attorney General or his or her designee;

(5) the Chairman of the Illinois Commerce Commission or his or her designee;

(6) one member appointed by the Director of Healthcare and Family Services to represent the needs of disabled citizens;

(7) one member appointed by the Director of Commerce and Economic Opportunity and nominated by the president of a statewide organization representing electric cooperatives;

(8) one member appointed by the Director of Commerce and Economic Opportunity and nominated by the executive director of a statewide organization representing municipalities;

(9) one member appointed by the Director of Commerce and Economic Opportunity and nominated by the president of a statewide organization representing libraries;

(10) one member appointed by the Director of Commerce and Economic Opportunity and nominated by the president of a statewide organization representing public housing authorities;

(11) one member appointed by the Chair of the Illinois Community College Board;

(12) one member appointed by the Chair of the Illinois Board of Higher Education; and

(13) one member appointed by the Director of Commerce and Economic Opportunity and nominated by the president of the State's largest general farm organization;

(14) one member appointed by the Director of Aging and nominated by an organization representing Illinois' senior population with a membership of at least 1,500,000;

(15) seven members to represent broadband providers for 3-year terms appointed by the Governor as follows:

(A) one member representing an incumbent local exchange carrier that serves rural areas;

(B) one member representing an incumbent local exchange carrier that serves urban areas;

(C) one member representing wireless carriers that offer broadband Internet access;

(D) one member representing cable companies that serve Illinois;

(E) one member representing a statewide rural broadband association;

(F) one member representing a telecommunications carrier issued a certificate of public convenience and necessity or a certificate of service authority from the Illinois Commerce Commission, whose principal place of business is located in east central Illinois and who is engaged in providing broadband access in rural areas through the installation of broadband lines that connect telecommunications facilities to other telecommunications facilities or to end-users; and

(G) one member representing satellite providers;~~.~~

(16) four members to represent underrepresented and ethnically diverse communities for 3-year terms appointed by the Governor as follows:

(A) one member from a community-based organization representing the interests of African-American or Black individuals;

(B) one member from a community-based organization representing the interests of Hispanic or Latino individuals;

(C) one member from a community-based organization representing the interests of Asian-American or Pacific Islander individuals; and

(D) one member from a community-based organization representing the interests of ethnically diverse individuals.

(c) In addition to the 25 ~~21~~ voting members of the Council, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives shall each appoint one non-voting member of the Council.

(d) All voting and non-voting members must be appointed within 90 days after the effective date of this Act.

(e) The members shall select a vice chair from their number. In the absence of the chair, the vice chair shall serve as chair. The Council shall appoint a secretary-treasurer who need not be a member of the Council and who, among other tasks or functions designated by the Council, shall keep records of its proceedings.

(f) The Council may appoint working groups to investigate and make recommendations to the full Council. Members of these working groups need not be members of the Council.

(g) Nine ~~Seven~~ voting members of the Council constitute a quorum, and the affirmative vote of a simple majority of those members present is necessary for any action taken by vote of the Council.

(h) The Council shall conduct its first meeting within 30 days after all members have been appointed. The Council shall meet quarterly after its first meeting. Additional hearings and public meetings are permitted at the discretion of the members. The Council may meet in person or through video or audio conference.

(i) Members shall serve without compensation and may be reimbursed for reasonable expenses incurred in the performance of their duties from funds appropriated for that purpose.

(Source: P.A. 100-833, eff. 1-1-19.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Collins, **Senate Bill No. 919** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Feigenholtz | Loughran Cappel | Stewart |
| Aquino | Fine | Martwick | Stoller |
| Bailey | Fowler | McClure | Syverson |
| Barickman | Gillespie | McConchie | Tracy |
| Belt | Glowiak Hilton | Morrison | Turner, D. |
| Bennett | Harris | Muñoz | Turner, S. |
| Bryant | Hastings | Murphy | Van Pelt |
| Bush | Holmes | Pacione-Zayas | Villa |
| Castro | Hunter | Peters | Villanueva |
| Collins | Johnson | Plummer | Villivalam |
| Connor | Jones, E. | Rezin | Wilcox |
| Crowe | Joyce | Rose | Mr. President |
| Cullerton, T. | Koehler | Simmons | |
| Cunningham | Landek | Sims | |
| DeWitte | Lightford | Stadelman | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Van Pelt, **Senate Bill No. 920** was recalled from the order of third reading to the order of second reading.

Senator Van Pelt offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 920**

AMENDMENT NO. 1 . Amend Senate Bill 920 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Forensic Laboratory Impact Note Act. References in this Article to "this Act" mean this Article.

Section 5. Scope. Every bill, the purpose or effect of which is, either directly or indirectly, to:

(1) increase or decrease the number of crime laboratories;

(2) increase or decrease the cost of operating crime laboratories;

(3) impact on efficiencies and case loads as well as provide other facts, data, research, and science relevant to the legislative matter; or

(4) result in alteration in any process involving or used by crime laboratories,

shall have prepared for it prior to second reading in the house of introduction a brief explanatory statement of the estimated total annual cost of such changes to the State and units of local government affected by those changes (if any). These statements shall be known as "Forensic Laboratory Impact Notes".

Section 10. Procedure. The sponsor of each bill referred to in Section 5 shall present a copy of the bill, with his or her requirements for a Note, to the Illinois Forensic Science Commission. The Note shall be prepared by the Illinois Forensic Science Commission and furnished to the sponsor of the bill within 5 calendar days thereafter; except that whenever, because of the complexity of the measure, additional time is required for the preparation of the Note the Commission may so inform the sponsor of the bill and the sponsor may approve an extension of the time within which the note should be furnished, not to extend, however, beyond May 15 the odd numbered year following the date of request.

Whenever the sponsor of any measure is of the opinion that no Note is necessary, any member of either house may thereafter request that a Note be obtained, and in such case the matter shall be decided by majority vote of those present and voting in the house of which he or she is a member.

Section 15. Purpose. The purpose of the Note shall be to identify the fiscal and practical effects of proposed legislation, including, but not limited to, analysis of technology, additional, alterations, improvements, or practices of forensic analyses for use in criminal proceedings, impact on the following headcount, space, equipment, instruments, accreditation, volume of cases for analysis, scientific controls and quality assurance.

Section 20. Content. The Note shall be factual in nature, as brief and concise as may be, and shall provide a reliable estimate of the annual cost to crime laboratories for which the change is required. If it is determined that such need can not be ascertained, the Note shall contain a statement to that effect, setting forth the reasons why a determination of need cannot be given.

Whenever any measure by which a Note is requested affects both the State and one or more units of local government, such effect must be set forth in the Note.

No comment or opinion shall be included in the Note regarding the merits of the measure for which the Note is prepared; however, technical or mechanical defects may be noted. The name of the Illinois Forensic Science Commission shall appear at the end of the note and the original of the Note shall be signed by a designee of the Commission.

Section 25. Committee appearances. The fact that a Note is prepared for any bill shall not preclude or restrict the appearance before any committee of the General Assembly of any official or authorized employee of the Commission, or any State board, commission, department, agency, or other entity, who desires to be heard in support of or in opposition to the measure.

Section 30. Amendments.

(a) Whenever any committee of either house reports any bill with amendments of such a nature as will either, directly or indirectly, as stated in the Note relating to the measure at the time of its referral to the committee:

(1) increase or decrease the number of crime laboratories; increase or decrease the cost of operating crime laboratories;

(2) impact on efficiencies and case loads as well as provide other facts, data, research, and science relevant to the legislative matter; or

(3) result in alteration in any process involving or used by crime laboratories,

there shall be included with the report of the committee a statement of the effect of the change proposed by the amendment reported as desired by a majority of the committee.

(b) Whenever any measure is amended on the floor of either house in such manner as will, either directly or indirectly, as stated in the Note relating to the measure prior to such amendment:

(1) increase or decrease the number of crime laboratories; increase or decrease the cost of operating crime laboratories; impact on efficiencies and case loads as well as provide other facts, data, research, and science relevant to the legislative matter; or

(2) result in alteration in any process involving or used by crime laboratories,

a majority of such house may propose that no action shall be taken upon the amendment until the sponsor of the amendment shows to the members a statement of the effect of his or her proposed amendment.

Section 50. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-615 as follows:

(20 ILCS 2605/2605-615 new)

Sec. 2605-615. Illinois Forensic Science Commission.

(a) Creation. There is created within the Illinois State Police the Illinois Forensic Science Commission.

(b) Duties and purpose. The Commission shall:

(1) Provide guidance to ensure the efficient delivery of forensic services and the sound practice of forensic science.

(2) Provide a forum for discussions between forensic science stakeholders to improve communication and coordination and to monitor the important issues impacting all stakeholders.

(3) Take a systems-based approach in reviewing all aspects of the delivery of forensic services and the sound practice of forensic science with the goal of reducing or eliminating the factors and inefficiencies that contribute to backlogs and errors, with a focus on education and training, funding, hiring, procurement, and other aspects identified by the Commission.

(4) Review significant non-conformities with the sound practice of forensic science documented by each publicly-funded forensic laboratory and offer recommendations for the correction thereof.

(5) Subject to appropriation, provide educational, research, and professional training opportunities for practicing forensic scientists, police officers, judges, State's Attorneys and Assistant State's Attorneys, Public Defenders, and defense attorneys comporting with the sound practice of forensic science.

(6) Collect and analyze information related to the impact of current laws, rules, policies, and practices on forensic crime laboratories and the practice of forensic science; evaluate the impact of those laws, rules, policies, and practices on forensic crime laboratories and the practice of forensic science; identify new policies and approaches, together with changes in science, and technology; and make recommendations for changes to those laws, rules, policies, and practices that will yield better results in the criminal justice system consistent with the sound practice of forensic science.

(7) Perform such other studies or tasks pertaining to forensic crime laboratories as may be requested by the General Assembly by resolution or the Governor, and perform such other functions as may be required by law or as are necessary to carry out the purposes and goals of the Commission prescribed in this Section.

(8) Ensure that adequate resources and facilities are available for carrying out the changes proposed in legislation and that rational priorities are established for the use of those resources.

To do so, the Commission shall prepare Forensic Laboratory Impact Notes identifying the fiscal and practical effects of proposed legislation according to the provisions of the Forensic Laboratory Impact Note Act, including, but not limited to, staffing, resources, and a professional opinion on the value of the change or changes proposed and related science.

(c) Members. The Commission shall be composed of the Director of the Illinois State Police, or his or her designee, together with the following members appointed for a term of 4 years by the Governor with the advice and consent of the Senate:

(1) One crime laboratory director or administrator from each publicly-funded forensic laboratory system.

(2) One member with experience in the admission of forensic evidence in trials from a statewide association representing prosecutors.

(3) One member with experience in the admission of forensic evidence in trials from a statewide association representing criminal defense attorneys.

(4) Three forensic scientists with bench work background from various forensic disciplines (e.g., DNA, chemistry, pattern evidence, etc.).

(5) One retired circuit court judge or associate circuit court judge with criminal trial experience, including experience in the admission of forensic evidence in trials.

(6) One academic specializing in the field of forensic sciences.

(7) One or more community representatives (e.g., victim advocates, innocence project organizations, sexual assault examiners, etc.).

The Governor shall designate one of the members of the Commission to serve as the chair of the Commission. The members of the Commission shall elect from their number such other officers as they may determine. Members of the Commission shall serve without compensation, but may be reimbursed for reasonable expenses incurred in the performance of their duties from funds appropriated for that purpose.

(d) Subcommittees. The Commission may form subcommittees to study specific issues identified under paragraph (3) of subsection (b), including, but not limited to, subcommittees on education and training, procurement, funding and hiring. Ad hoc subcommittees may also be convened to address other issues. Such subcommittees shall meet as needed to complete their work, and shall report their findings back to the Commission. Subcommittees shall include members of the Commission, and may also include non-members such as forensic science stakeholders and subject matter experts.

(e) Meetings. The Commission shall meet quarterly, at the call of the chairperson. Facilities for meeting, whether remotely or in person, shall be provided for the Commission by the Illinois State Police.

(f) Reporting by publicly-funded forensic laboratories. All State and local publicly-funded forensic laboratory systems, including, but not limited to, the DuPage County Forensic Science Center, the Northeastern Illinois Regional Crime Laboratory, and the Illinois State Police, shall annually provide to the Commission a report summarizing its significant non-conformities with the efficient delivery of forensic services and the sound practice of forensic science. The report will identify: each significant non-conformity or deficient method; how the non-conformity or deficient method was detected; the nature and extent of the non-conformity or deficient method; all corrective actions implemented to address the non-conformity or deficient method; and an analysis of the effectiveness of the corrective actions taken.

(g) Definition. As used in this Section, "Commission" means the Illinois Forensic Science Commission.

Section 60. The Code of Criminal Procedure of 1963 is amended by adding Sections 111-9 and 116-6 as follows:

(725 ILCS 5/111-9 new)

Sec. 111-9. Notification to forensic laboratories. Unless the Supreme Court shall by Rule provide otherwise, upon disposition, withdrawal, or dismissal of any charge, the State's Attorney shall promptly notify the forensic laboratory or laboratories in possession of evidence, reports, or other materials or information related to that charge. Notification may be given by any reasonable means under the circumstances, including, but not limited to, the Illinois State Police Laboratory Information Management System, email, or telephone.

Section 65. The Sexual Assault Evidence Submission Act is amended by changing Section 50 as follows:

(725 ILCS 202/50)

Sec. 50. Sexual assault evidence tracking system.

(a) On June 26, 2018, the Sexual Assault Evidence Tracking and Reporting Commission issued its report as required under Section 43. It is the intention of the General Assembly in enacting the provisions of this amendatory Act of the 101st General Assembly to implement the recommendations of the Sexual Assault Evidence Tracking and Reporting Commission set forth in that report in a manner that utilizes the current resources of law enforcement agencies whenever possible and that is adaptable to changing technologies and circumstances.

(a-1) Due to the complex nature of a statewide tracking system for sexual assault evidence and to ensure all stakeholders, including, but not limited to, victims and their designees, health care facilities, law enforcement agencies, forensic labs, and State's Attorneys offices are integrated, the Commission recommended the purchase of an electronic off-the-shelf tracking system. The system must be able to communicate with all stakeholders and provide real-time information to a victim or his or her designee on the status of the evidence that was collected. The sexual assault evidence tracking system must:

(1) be electronic and web-based;

(2) be administered by the Department of State Police;

(3) have help desk availability at all times;

(4) ensure the law enforcement agency contact information is accessible to the victim or his or her designee through the tracking system, so there is contact information for questions;

(5) have the option for external connectivity to evidence management systems, laboratory information management systems, or other electronic data systems already in existence by any of the stakeholders to minimize additional burdens or tasks on stakeholders;

(6) allow for the victim to opt in for automatic notifications when status updates are entered in the system, if the system allows;

(7) include at each step in the process, a brief explanation of the general purpose of that step and a general indication of how long the step may take to complete;

(8) contain minimum fields for tracking and reporting, as follows:

(A) for sexual assault evidence kit vendor fields:

(i) each sexual evidence kit identification number provided to each health care facility; and

(ii) the date the sexual evidence kit was sent to the health care facility.

(B) for health care facility fields:

(i) the date sexual assault evidence was collected; and

(ii) the date notification was made to the law enforcement agency that the sexual assault evidence was collected.

(C) for law enforcement agency fields:

(i) the date the law enforcement agency took possession of the sexual assault evidence from the health care facility, another law enforcement agency, or victim if he or she did not go through a health care facility;

(ii) the law enforcement agency complaint number;

(iii) if the law enforcement agency that takes possession of the sexual assault evidence from a health care facility is not the law enforcement agency with jurisdiction in which the offense occurred, the date when the law enforcement agency notified the law enforcement agency having jurisdiction that the agency has sexual assault evidence required under subsection (c) of Section 20 of the Sexual Assault Incident Procedure Act;

(iv) an indication if the victim consented for analysis of the sexual assault evidence;

(v) if the victim did not consent for analysis of the sexual assault evidence, the date on which the law enforcement agency is no longer required to store the sexual assault evidence;

(vi) a mechanism for the law enforcement agency to document why the sexual assault evidence was not submitted to the laboratory for analysis, if applicable;

(vii) the date the law enforcement agency received the sexual assault evidence results back from the laboratory;

(viii) the date statutory notifications were made to the victim or documentation of why notification was not made; and

(ix) the date the law enforcement agency turned over the case information to the State's Attorney office, if applicable.

(D) for forensic lab fields:

(i) the date the sexual assault evidence is received from the law enforcement agency by the forensic lab for analysis;

(ii) the laboratory case number, visible to the law enforcement agency and State's Attorney office; and

(iii) the date the laboratory completes the analysis of the sexual assault evidence.

(E) for State's Attorney office fields:

(i) the date the State's Attorney office received the sexual assault evidence results from the laboratory, if applicable; and

(ii) the disposition or status of the case.

(a-2) The Commission also developed guidelines for secure electronic access to a tracking system for a victim, or his or her designee to access information on the status of the evidence collected. The Commission recommended minimum guidelines in order to safeguard confidentiality of the information contained within this statewide tracking system. These recommendations are that the sexual assault evidence tracking system must:

(1) allow for secure access, controlled by an administering body who can restrict user access and allow different permissions based on the need of that particular user and health care facility users

may include out-of-state border hospitals, if authorized by the Department of State Police to obtain this State's kits from vendor;

(2) provide for users, other than victims, the ability to provide for any individual who is granted access to the program their own unique user ID and password;

(3) provide for a mechanism for a victim to enter the system and only access his or her own information;

(4) enable a sexual assault evidence to be tracked and identified through the unique sexual assault evidence kit identification number or barcode that the vendor applies to each sexual assault evidence kit per the Department of State Police's contract;

(5) have a mechanism to inventory unused kits provided to a health care facility from the vendor;

(6) provide users the option to either scan the bar code or manually enter the sexual assault evidence kit number into the tracking program;

(7) provide a mechanism to create a separate unique identification number for cases in which a sexual evidence kit was not collected, but other evidence was collected;

(8) provide the ability to record date, time, and user ID whenever any user accesses the system;

(9) provide for real-time entry and update of data;

(10) contain report functions including:

(A) health care facility compliance with applicable laws;

(B) law enforcement agency compliance with applicable laws;

(C) law enforcement agency annual inventory of cases to each State's Attorney office; and

(D) forensic lab compliance with applicable laws; and

(11) provide automatic notifications to the law enforcement agency when:

(A) a health care facility has collected sexual assault evidence;

(B) unreleased sexual assault evidence that is being stored by the law enforcement agency has met the minimum storage requirement by law; and

(C) timelines as required by law are not met for a particular case, if not otherwise documented.

(b) The Department may ~~shall~~ develop rules to implement a sexual assault evidence tracking system that conforms with subsections (a-1) and (a-2) of this Section. The Department shall design the criteria for the sexual assault evidence tracking system so that, to the extent reasonably possible, the system can use existing technologies and products, including, but not limited to, currently available tracking systems. The sexual assault evidence tracking system shall be operational and shall begin tracking and reporting sexual assault evidence no later than one year after the effective date of this amendatory Act of the 101st General Assembly. The Department may adopt additional rules as it deems necessary to ensure that the sexual assault evidence tracking system continues to be a useful tool for law enforcement.

(c) A treatment hospital, a treatment hospital with approved pediatric transfer, an out-of-state hospital approved by the Department of Public Health to receive transfers of Illinois sexual assault survivors, or an approved pediatric health care facility defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act shall participate in the sexual assault evidence tracking system created under this Section and in accordance with rules adopted under subsection (b), including, but not limited to, the collection of sexual assault evidence and providing information regarding that evidence, including, but not limited to, providing notice to law enforcement that the evidence has been collected.

(d) The operations of the sexual assault evidence tracking system shall be funded by moneys appropriated for that purpose from the State Crime Laboratory Fund and funds provided to the Department through asset forfeiture, together with such other funds as the General Assembly may appropriate.

(e) To ensure that the sexual assault evidence tracking system is operational, the Department may adopt emergency rules to implement the provisions of this Section under subsection (ff) of Section 5-45 of the Illinois Administrative Procedure Act.

(f) Information, including, but not limited to, evidence and records in the sexual assault evidence tracking system is exempt from disclosure under the Freedom of Information Act.

(Source: P.A. 101-377, eff. 8-16-19.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Van Pelt offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO SENATE BILL 920**

AMENDMENT NO. 2 . Amend Senate Bill 920 by replacing everything after the enacting clause with the following:

"Section 5. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-615 as follows:

(20 ILCS 2605/2605-615 new)

Sec. 2605-615. Illinois Forensic Science Commission.

(a) Creation. There is created within the Illinois State Police the Illinois Forensic Science Commission.

(b) Duties and purpose. The Commission shall:

(1) Provide guidance to ensure the efficient delivery of forensic services and the sound practice of forensic science.

(2) Provide a forum for discussions between forensic science stakeholders to improve communication and coordination and to monitor the important issues impacting all stakeholders.

(3) Take a systems-based approach in reviewing all aspects of the delivery of forensic services and the sound practice of forensic science with the goal of reducing or eliminating the factors and inefficiencies that contribute to backlogs and errors, with a focus on education and training, funding, hiring, procurement, and other aspects identified by the Commission.

(4) Review significant non-conformities with the sound practice of forensic science documented by each publicly-funded forensic laboratory and offer recommendations for the correction thereof.

(5) Subject to appropriation, provide educational, research, and professional training opportunities for practicing forensic scientists, police officers, judges, State's Attorneys and Assistant State's Attorneys, Public Defenders, and defense attorneys comporting with the sound practice of forensic science.

(6) Collect and analyze information related to the impact of current laws, rules, policies, and practices on forensic crime laboratories and the practice of forensic science; evaluate the impact of those laws, rules, policies, and practices on forensic crime laboratories and the practice of forensic science; identify new policies and approaches, together with changes in science, and technology; and make recommendations for changes to those laws, rules, policies, and practices that will yield better results in the criminal justice system consistent with the sound practice of forensic science.

(7) Perform such other studies or tasks pertaining to forensic crime laboratories as may be requested by the General Assembly by resolution or the Governor, and perform such other functions as may be required by law or as are necessary to carry out the purposes and goals of the Commission prescribed in this Section.

(8) Ensure that adequate resources and facilities are available for carrying out the changes proposed in legislation, rules, or policies and that rational priorities are established for the use of those resources. To do so, the Commission may prepare statements to the Governor and General Assembly identifying the fiscal and practical effects of proposed legislation, rules, or policy changes, Such statements may include, but are not limited to: the impact on present levels of staffing and resources; a professional opinion on the practical value of the change or changes; the increase or decrease the number of crime laboratories; the increase or decrease the cost of operating crime laboratories; the impact on efficiencies and caseloads; other information, including but not limited to, facts, data, research, and science relevant to the legislation, rule, or policy; the direct or indirect alteration in any process involving or used by crime laboratories of such proposed legislation, rules, or policy changes; an analysis of the impact, either directly or indirectly, on the technology, improvements, or practices of forensic analyses for use in criminal proceedings; together with the direct or indirect impact on headcount, space, equipment, instruments, accreditation, the volume of cases for analysis, scientific controls, and quality assurance.

(c) Members. The Commission shall be composed of the Director of the Illinois State Police, or his or her designee, together with the following members appointed for a term of 4 years by the Governor with the advice and consent of the Senate:

(1) One crime laboratory director or administrator from each publicly-funded forensic laboratory system.

(2) One member with experience in the admission of forensic evidence in trials from a statewide association representing prosecutors.

(3) One member with experience in the admission of forensic evidence in trials from a statewide association representing criminal defense attorneys.

(4) Three forensic scientists with bench work background from various forensic disciplines (e.g., DNA, chemistry, pattern evidence, etc.).

(5) One retired circuit court judge or associate circuit court judge with criminal trial experience, including experience in the admission of forensic evidence in trials.

(6) One academic specializing in the field of forensic sciences.

(7) One or more community representatives (e.g., victim advocates, innocence project organizations, sexual assault examiners, etc.).

The Governor shall designate one of the members of the Commission to serve as the chair of the Commission. The members of the Commission shall elect from their number such other officers as they may determine. Members of the Commission shall serve without compensation, but may be reimbursed for reasonable expenses incurred in the performance of their duties from funds appropriated for that purpose.

(d) Subcommittees. The Commission may form subcommittees to study specific issues identified under paragraph (3) of subsection (b), including, but not limited to, subcommittees on education and training, procurement, funding and hiring. Ad hoc subcommittees may also be convened to address other issues. Such subcommittees shall meet as needed to complete their work, and shall report their findings back to the Commission. Subcommittees shall include members of the Commission, and may also include non-members such as forensic science stakeholders and subject matter experts.

(e) Meetings. The Commission shall meet quarterly, at the call of the chairperson. Facilities for meeting, whether remotely or in person, shall be provided for the Commission by the Illinois State Police.

(f) Reporting by publicly-funded forensic laboratories. All State and local publicly-funded forensic laboratory systems, including, but not limited to, the DuPage County Forensic Science Center, the Northeastern Illinois Regional Crime Laboratory, and the Illinois State Police, shall annually provide to the Commission a report summarizing its significant non-conformities with the efficient delivery of forensic services and the sound practice of forensic science. The report will identify: each significant non-conformity or deficient method; how the non-conformity or deficient method was detected; the nature and extent of the non-conformity or deficient method; all corrective actions implemented to address the non-conformity or deficient method; and an analysis of the effectiveness of the corrective actions taken.

(g) Definition. As used in this Section, "Commission" means the Illinois Forensic Science Commission.

Section 10. The Code of Criminal Procedure of 1963 is amended by adding Sections 111-9 and 116-6 as follows:

(725 ILCS 5/111-9 new)

Sec. 111-9. Notification to forensic laboratories. Unless the Supreme Court shall by Rule provide otherwise, upon disposition, withdrawal, or dismissal of any charge, the State's Attorney shall promptly notify the forensic laboratory or laboratories in possession of evidence, reports, or other materials or information related to that charge. Notification may be given by any reasonable means under the circumstances, including, but not limited to, the Illinois State Police Laboratory Information Management System, email, or telephone.

Section 15. The Sexual Assault Evidence Submission Act is amended by changing Section 50 as follows:

(725 ILCS 202/50)

Sec. 50. Sexual assault evidence tracking system.

(a) On June 26, 2018, the Sexual Assault Evidence Tracking and Reporting Commission issued its report as required under Section 43. It is the intention of the General Assembly in enacting the provisions of this amendatory Act of the 101st General Assembly to implement the recommendations of the Sexual

Assault Evidence Tracking and Reporting Commission set forth in that report in a manner that utilizes the current resources of law enforcement agencies whenever possible and that is adaptable to changing technologies and circumstances.

(a-1) Due to the complex nature of a statewide tracking system for sexual assault evidence and to ensure all stakeholders, including, but not limited to, victims and their designees, health care facilities, law enforcement agencies, forensic labs, and State's Attorneys offices are integrated, the Commission recommended the purchase of an electronic off-the-shelf tracking system. The system must be able to communicate with all stakeholders and provide real-time information to a victim or his or her designee on the status of the evidence that was collected. The sexual assault evidence tracking system must:

(1) be electronic and web-based;

(2) be administered by the Department of State Police;

(3) have help desk availability at all times;

(4) ensure the law enforcement agency contact information is accessible to the victim or his or her designee through the tracking system, so there is contact information for questions;

(5) have the option for external connectivity to evidence management systems, laboratory information management systems, or other electronic data systems already in existence by any of the stakeholders to minimize additional burdens or tasks on stakeholders;

(6) allow for the victim to opt in for automatic notifications when status updates are entered in the system, if the system allows;

(7) include at each step in the process, a brief explanation of the general purpose of that step and a general indication of how long the step may take to complete;

(8) contain minimum fields for tracking and reporting, as follows:

(A) for sexual assault evidence kit vendor fields:

(i) each sexual evidence kit identification number provided to each health care facility; and

(ii) the date the sexual evidence kit was sent to the health care facility.

(B) for health care facility fields:

(i) the date sexual assault evidence was collected; and

(ii) the date notification was made to the law enforcement agency that the sexual assault evidence was collected.

(C) for law enforcement agency fields:

(i) the date the law enforcement agency took possession of the sexual assault evidence from the health care facility, another law enforcement agency, or victim if he or she did not go through a health care facility;

(ii) the law enforcement agency complaint number;

(iii) if the law enforcement agency that takes possession of the sexual assault evidence from a health care facility is not the law enforcement agency with jurisdiction in which the offense occurred, the date when the law enforcement agency notified the law enforcement agency having jurisdiction that the agency has sexual assault evidence required under subsection (c) of Section 20 of the Sexual Assault Incident Procedure Act;

(iv) an indication if the victim consented for analysis of the sexual assault evidence;

(v) if the victim did not consent for analysis of the sexual assault evidence, the date on which the law enforcement agency is no longer required to store the sexual assault evidence;

(vi) a mechanism for the law enforcement agency to document why the sexual assault evidence was not submitted to the laboratory for analysis, if applicable;

(vii) the date the law enforcement agency received the sexual assault evidence results back from the laboratory;

(viii) the date statutory notifications were made to the victim or documentation of why notification was not made; and

(ix) the date the law enforcement agency turned over the case information to the State's Attorney office, if applicable.

(D) for forensic lab fields:

(i) the date the sexual assault evidence is received from the law enforcement agency by the forensic lab for analysis;

(ii) the laboratory case number, visible to the law enforcement agency and State's Attorney office; and

(iii) the date the laboratory completes the analysis of the sexual assault evidence.

(E) for State's Attorney office fields:

(i) the date the State's Attorney office received the sexual assault evidence results from the laboratory, if applicable; and

(ii) the disposition or status of the case.

(a-2) The Commission also developed guidelines for secure electronic access to a tracking system for a victim, or his or her designee to access information on the status of the evidence collected. The Commission recommended minimum guidelines in order to safeguard confidentiality of the information contained within this statewide tracking system. These recommendations are that the sexual assault evidence tracking system must:

(1) allow for secure access, controlled by an administering body who can restrict user access and allow different permissions based on the need of that particular user and health care facility users may include out-of-state border hospitals, if authorized by the Department of State Police to obtain this State's kits from vendor;

(2) provide for users, other than victims, the ability to provide for any individual who is granted access to the program their own unique user ID and password;

(3) provide for a mechanism for a victim to enter the system and only access his or her own information;

(4) enable a sexual assault evidence to be tracked and identified through the unique sexual assault evidence kit identification number or barcode that the vendor applies to each sexual assault evidence kit per the Department of State Police's contract;

(5) have a mechanism to inventory unused kits provided to a health care facility from the vendor;

(6) provide users the option to either scan the bar code or manually enter the sexual assault evidence kit number into the tracking program;

(7) provide a mechanism to create a separate unique identification number for cases in which a sexual evidence kit was not collected, but other evidence was collected;

(8) provide the ability to record date, time, and user ID whenever any user accesses the system;

(9) provide for real-time entry and update of data;

(10) contain report functions including:

(A) health care facility compliance with applicable laws;

(B) law enforcement agency compliance with applicable laws;

(C) law enforcement agency annual inventory of cases to each State's Attorney office; and

(D) forensic lab compliance with applicable laws; and

(11) provide automatic notifications to the law enforcement agency when:

(A) a health care facility has collected sexual assault evidence;

(B) unreleased sexual assault evidence that is being stored by the law enforcement agency has met the minimum storage requirement by law; and

(C) timelines as required by law are not met for a particular case, if not otherwise documented.

(b) The Department may ~~shall~~ develop rules to implement a sexual assault evidence tracking system that conforms with subsections (a-1) and (a-2) of this Section. The Department shall design the criteria for the sexual assault evidence tracking system so that, to the extent reasonably possible, the system can use existing technologies and products, including, but not limited to, currently available tracking systems. The sexual assault evidence tracking system shall be operational and shall begin tracking and reporting sexual assault evidence no later than one year after the effective date of this amendatory Act of the 101st General Assembly. The Department may adopt additional rules as it deems necessary to ensure that the sexual assault evidence tracking system continues to be a useful tool for law enforcement.

(c) A treatment hospital, a treatment hospital with approved pediatric transfer, an out-of-state hospital approved by the Department of Public Health to receive transfers of Illinois sexual assault survivors, or an approved pediatric health care facility defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act shall participate in the sexual assault evidence tracking system created under this Section and in accordance with rules adopted under subsection (b), including, but not limited to, the collection of sexual

assault evidence and providing information regarding that evidence, including, but not limited to, providing notice to law enforcement that the evidence has been collected.

(d) The operations of the sexual assault evidence tracking system shall be funded by moneys appropriated for that purpose from the State Crime Laboratory Fund and funds provided to the Department through asset forfeiture, together with such other funds as the General Assembly may appropriate.

(e) To ensure that the sexual assault evidence tracking system is operational, the Department may adopt emergency rules to implement the provisions of this Section under subsection (ff) of Section 5-45 of the Illinois Administrative Procedure Act.

(f) Information, including, but not limited to, evidence and records in the sexual assault evidence tracking system is exempt from disclosure under the Freedom of Information Act.

(Source: P.A. 101-377, eff. 8-16-19.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Van Pelt, **Senate Bill No. 920** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Lightford | Stadelman |
| Aquino | Feigenholtz | Loughran Cappel | Stewart |
| Bailey | Fine | Martwick | Stoller |
| Barickman | Fowler | McClure | Syverson |
| Belt | Gillespie | McConchie | Tracy |
| Bennett | Glowiak Hilton | Morrison | Turner, D. |
| Bryant | Harris | Muñoz | Turner, S. |
| Bush | Hastings | Murphy | Van Pelt |
| Castro | Holmes | Pacione-Zayas | Villa |
| Collins | Hunter | Peters | Villanueva |
| Connor | Johnson | Plummer | Villivalam |
| Crowe | Jones, E. | Rezin | Wilcox |
| Cullerton, T. | Joyce | Rose | Mr. President |
| Cunningham | Koehler | Simmons | |
| Curran | Landek | Sims | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator D. Turner, **Senate Bill No. 922** was recalled from the order of third reading to the order of second reading.

Senator D. Turner offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 922**

AMENDMENT NO. 1 . Amend Senate Bill 922 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Natural Resources Act is amended by changing Section 20-10 as follows:

(20 ILCS 801/20-10)

Sec. 20-10. Board of the Illinois State Museum.

(a) Within the Department there shall be a Board of the Illinois State Museum, composed of 11 persons, one of whom shall be a senior citizen age 60 or over. The Board shall be composed of 9 representatives of the natural sciences, anthropology, art, and business, qualified by at least 10 years of experience in practicing or teaching their several professions; one senior citizen; and the Director of Natural Resources or the Director's designee. Members of the Board shall be appointed by the Governor with the advice and consent of the Senate and shall serve for 2-year terms.

The transfer of the Board to the Department under this Act does not terminate or otherwise affect the term of membership of any member of the Board, except that the former Director of Energy and Natural Resources is replaced by the Director of Natural Resources.

(b) The Board shall:

(1) advise the Director of the Department in all matters pertaining to maintenance, extension and usefulness of the Illinois State Museum;

(2) make recommendations concerning the appointment of a new museum director whenever a vacancy occurs in that position;and

(3) (Blank); ~~fix the salaries of the administrative, scientific, and technical staff of the Illinois State Museum; and~~

(4) review the budget and approve budget requests of the Illinois State Museum and make recommendations with reference thereto to the Governor through the Director of the Department.

(c) (Blank). ~~The approval of the Board of the Illinois State Museum is necessary for the appointment of the administrative, scientific, and technical staff of the Illinois State Museum and for the making of any change in the salary of any person on that staff.~~

(Source: P.A. 89-445, eff. 2-7-96.)"; and

Section 10. The Illinois Conservation Foundation Act is amended by changing Section 5 as follows:

(20 ILCS 880/5)

Sec. 5. Creation of Foundation. The General Assembly authorizes the Department of Natural Resources, in accordance with Section 10 of the State Agency Entity Creation Act, to create the Illinois Conservation Foundation. Under this authority, the Department of Natural Resources shall create the Illinois Conservation Foundation as a not-for-profit foundation. The Department shall file articles of incorporation as required under the General Not For Profit Corporation Act of 1986 to create the Foundation. The Foundation's Board of Directors shall be appointed as follows: 2 by the President of the Illinois Senate; 2 by the Minority Leader of the Illinois Senate; 2 by the Speaker of the Illinois House of Representatives; 2 by the Minority Leader of the Illinois House of Representatives; and 4 by the Governor. Each appointing individual shall have: one two-year term and one three-year term appointment. The Governor shall have 4 four-year term appointments. If a member fails to attend 2 or more meetings in one year without being excused, then the Chair of the Board of Directors may ask the appointing officer to consider removing the member and making a new appointment. If the appointing officer considers reappointing the same individual, that reappointing officer shall consider the member's attendance and commitment to the Foundation's purpose. Vacancies shall be filled by the official who made the recommendation for the vacated appointment. The Director of Natural Resources shall chair the Board of Directors of the Foundation. No member of the Board of Directors may receive compensation for his or her services to the Foundation.

(Source: P.A. 88-591, eff. 8-20-94; 89-445, eff. 2-7-96.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator D. Turner, **Senate Bill No. 922** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 42; NAYS 14.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Aquino | Feigenholtz | Koehler | Simmons |
| Belt | Fine | Landek | Sims |
| Bennett | Gillespie | Lightford | Stadelman |
| Bush | Glowiak Hilton | Loughran Cappel | Turner, D. |
| Castro | Harris | Martwick | Van Pelt |
| Collins | Hastings | Morrison | Villa |
| Connor | Holmes | Muñoz | Villanueva |
| Crowe | Hunter | Murphy | Villivalam |
| Cullerton, T. | Johnson | Pacione-Zayas | Mr. President |
| Cunningham | Jones, E. | Peters | |
| Ellman | Joyce | Rezin | |

The following voted in the negative:

| | | | |
|---|---|---|---|
| Bailey | Fowler | Rose | Tracy |
| Barickman | McClure | Stewart | Wilcox |
| Bryant | McConchie | Stoller | |
| DeWitte | Plummer | Syverson | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Hastings, **Senate Bill No. 927** was recalled from the order of third reading to the order of second reading.

Senator Hastings offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 927**

AMENDMENT NO. 1 . Amend Senate Bill 927 by replacing everything after the enacting clause with the following:

"Section 5. The Open Meetings Act is amended by changing Section 2 as follows:

(5 ILCS 120/2) (from Ch. 102, par. 42)

Sec. 2. Open meetings.

(a) Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a.

(b) Construction of exceptions. The exceptions contained in subsection (c) are in derogation of the requirement that public bodies meet in the open, and therefore, the exceptions are to be strictly construed,

extending only to subjects clearly within their scope. The exceptions authorize but do not require the holding of a closed meeting to discuss a subject included within an enumerated exception.

(c) Exceptions. A public body may hold closed meetings to consider the following subjects:

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors in a park, recreational, or educational setting, or specific volunteers of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor in a park, recreational, or educational setting, or a volunteer of the public body or against legal counsel for the public body to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with this Act.

(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

(3) The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.

(4) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(7) The sale or purchase of securities, investments, or investment contracts. This exception shall not apply to the investment of assets or income of funds deposited into the Illinois Prepaid Tuition Trust Fund.

(8) Security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property.

(9) Student disciplinary cases.

(10) The placement of individual students in special education programs and other matters relating to individual students.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

(12) The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member.

(13) Conciliation of complaints of discrimination in the sale or rental of housing, when closed meetings are authorized by the law or ordinance prescribing fair housing practices and creating a commission or administrative agency for their enforcement.

(14) Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.

(15) Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body's field of competence.

(16) Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member.

(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals, or for the discussion of matters protected under the federal Patient Safety

and Quality Improvement Act of 2005, and the regulations promulgated thereunder, including 42 C.F.R. Part 3 (73 FR 70732), or the federal Health Insurance Portability and Accountability Act of 1996, and the regulations promulgated thereunder, including 45 C.F.R. Parts 160, 162, and 164, by a hospital, or other institution providing medical care, that is operated by the public body.

(18) Deliberations for decisions of the Prisoner Review Board.

(19) Review or discussion of applications received under the Experimental Organ Transplantation Procedures Act.

(20) The classification and discussion of matters classified as confidential or continued confidential by the State Government Suggestion Award Board.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

(22) Deliberations for decisions of the State Emergency Medical Services Disciplinary Review Board.

(23) The operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves (i) contracts relating to the purchase, sale, or delivery of electricity or natural gas or (ii) the results or conclusions of load forecast studies.

(24) Meetings of a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(25) Meetings of an independent team of experts under Brian's Law.

(26) Meetings of a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(27) (Blank).

(28) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Illinois Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Illinois Public Aid Code.

(29) Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America.

(30) Those meetings or portions of meetings of a fatality review team or the Illinois Fatality Review Team Advisory Council during which a review of the death of an eligible adult in which abuse or neglect is suspected, alleged, or substantiated is conducted pursuant to Section 15 of the Adult Protective Services Act.

(31) Meetings and deliberations for decisions of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act.

(32) Meetings between the Regional Transportation Authority Board and its Service Boards when the discussion involves review by the Regional Transportation Authority Board of employment contracts under Section 28d of the Metropolitan Transit Authority Act and Sections 3A.18 and 3B.26 of the Regional Transportation Authority Act.

(33) Those meetings or portions of meetings of the advisory committee and peer review subcommittee created under Section 320 of the Illinois Controlled Substances Act during which specific controlled substance prescriber, dispenser, or patient information is discussed.

(34) Meetings of the Tax Increment Financing Reform Task Force under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(35) Meetings of the group established to discuss Medicaid capitation rates under Section 5-30.8 of the Illinois Public Aid Code.

(36) Those deliberations or portions of deliberations for decisions of the Illinois Gaming Board in which there is discussed any of the following: (i) personal, commercial, financial, or other information obtained from any source that is privileged, proprietary, confidential, or a trade secret; or (ii) information specifically exempted from the disclosure by federal or State law.

(37) Those meetings or portions of meetings of the Oversight Board of the Illinois Joint Analysis Center (JAC), as created by Executive Order 2020-49, at which classified matters are discussed.

(d) Definitions. For purposes of this Section:

"Employee" means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor.

"Public office" means a position created by or under the Constitution or laws of this State, the occupant of which is charged with the exercise of some portion of the sovereign power of this State. The term "public office" shall include members of the public body, but it shall not include organizational positions filled by members thereof, whether established by law or by a public body itself, that exist to assist the body in the conduct of its business.

"Quasi-adjudicative body" means an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon, but does not include local electoral boards when such bodies are considering petition challenges.

(e) Final action. No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.

(Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17; 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff. 8-23-19; revised 9-27-19.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Hastings, **Senate Bill No. 927** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Van Pelt |
| Collins | Holmes | Pacione-Zayas | Villa |
| Connor | Hunter | Peters | Villanueva |
| Crowe | Johnson | Plummer | Villivalam |
| Cullerton, T. | Jones, E. | Rezin | Wilcox |
| Cunningham | Joyce | Rose | Mr. President |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

At the hour of 4:07 o'clock p.m., Senator Muñoz, presiding.

**SENATE BILL RECALLED**

On motion of Senator Harmon, **Senate Bill No. 965** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 965**

AMENDMENT NO. 1 . Amend Senate Bill 965 by replacing everything after the enacting clause with the following:

"Section 5. The Autism and Co-Occurring Medical Conditions Awareness Act is amended by changing Section 35 as follows:

(410 ILCS 150/35)

(Section scheduled to be repealed on August 12, 2021)

Sec. 35. Repeal. In order to consider the most innovative medical study and research involving autism and co-occurring medical conditions, this Act is repealed on January 1, 2027 ~~5 years after the effective date of this Act~~.

(Source: P.A. 99-788, eff. 8-12-16.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Harmon, **Senate Bill No. 965** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Van Pelt |
| Collins | Holmes | Pacione-Zayas | Villa |
| Connor | Hunter | Peters | Villanueva |
| Crowe | Johnson | Plummer | Villivalam |
| Cullerton, T. | Jones, E. | Rezin | Wilcox |
| Cunningham | Joyce | Rose | Mr. President |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Gillespie, **Senate Bill No. 1041** was recalled from the order of third reading to the order of second reading.

Senator Gillespie offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 1041**

AMENDMENT NO. 1 . Amend Senate Bill 1041 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 5-30.1 as follows:

(305 ILCS 5/5-30.1)

Sec. 5-30.1. Managed care protections.

(a) As used in this Section:

"Managed care organization" or "MCO" means any entity which contracts with the Department to provide services where payment for medical services is made on a capitated basis.

"Emergency services" include:

(1) emergency services, as defined by Section 10 of the Managed Care Reform and Patient Rights Act;

(2) emergency medical screening examinations, as defined by Section 10 of the Managed Care Reform and Patient Rights Act;

(3) post-stabilization medical services, as defined by Section 10 of the Managed Care Reform and Patient Rights Act; and

(4) emergency medical conditions, as defined by Section 10 of the Managed Care Reform and Patient Rights Act.

(b) As provided by Section 5-16.12, managed care organizations are subject to the provisions of the Managed Care Reform and Patient Rights Act.

(c) An MCO shall pay any provider of emergency services that does not have in effect a contract with the contracted Medicaid MCO. The default rate of reimbursement shall be the rate paid under Illinois Medicaid fee-for-service program methodology, including all policy adjusters, including but not limited to Medicaid High Volume Adjustments, Medicaid Percentage Adjustments, Outpatient High Volume Adjustments, and all outlier add-on adjustments to the extent such adjustments are incorporated in the development of the applicable MCO capitated rates.

(d) An MCO shall pay for all post-stabilization services as a covered service in any of the following situations:

(1) the MCO authorized such services;

(2) such services were administered to maintain the enrollee's stabilized condition within one hour after a request to the MCO for authorization of further post-stabilization services;

(3) the MCO did not respond to a request to authorize such services within one hour;

(4) the MCO could not be contacted; or

(5) the MCO and the treating provider, if the treating provider is a non-affiliated provider, could not reach an agreement concerning the enrollee's care and an affiliated provider was unavailable for a consultation, in which case the MCO must pay for such services rendered by the treating non-affiliated provider until an affiliated provider was reached and either concurred with the treating non-affiliated provider's plan of care or assumed responsibility for the enrollee's care. Such payment shall be made at the default rate of reimbursement paid under Illinois Medicaid fee-for-service program methodology, including all policy adjusters, including but not limited to Medicaid High Volume Adjustments, Medicaid Percentage Adjustments, Outpatient High Volume Adjustments and all outlier add-on adjustments to the extent that such adjustments are incorporated in the development of the applicable MCO capitated rates.

(e) The following requirements apply to MCOs in determining payment for all emergency services:

(1) MCOs shall not impose any requirements for prior approval of emergency services.

(2) The MCO shall cover emergency services provided to enrollees who are temporarily away from their residence and outside the contracting area to the extent that the enrollees would be entitled to the emergency services if they still were within the contracting area.

(3) The MCO shall have no obligation to cover medical services provided on an emergency basis that are not covered services under the contract.

(4) The MCO shall not condition coverage for emergency services on the treating provider notifying the MCO of the enrollee's screening and treatment within 10 days after presentation for emergency services.

(5) The determination of the attending emergency physician, or the provider actually treating the enrollee, of whether an enrollee is sufficiently stabilized for discharge or transfer to another facility, shall be binding on the MCO. The MCO shall cover emergency services for all enrollees whether the emergency services are provided by an affiliated or non-affiliated provider.

(6) The MCO's financial responsibility for post-stabilization care services it has not pre-approved ends when:

(A) a plan physician with privileges at the treating hospital assumes responsibility for the enrollee's care;

(B) a plan physician assumes responsibility for the enrollee's care through transfer;

(C) a contracting entity representative and the treating physician reach an agreement concerning the enrollee's care; or

(D) the enrollee is discharged.

(f) Network adequacy and transparency.

(1) The Department shall:

(A) ensure that an adequate provider network is in place, taking into consideration health professional shortage areas and medically underserved areas;

(B) publicly release an explanation of its process for analyzing network adequacy;

(C) periodically ensure that an MCO continues to have an adequate network in place; and

(D) require MCOs, including Medicaid Managed Care Entities as defined in Section 5-30.2, to meet provider directory requirements under Section 5-30.3.

(2) Each MCO shall confirm its receipt of information submitted specific to physician or dentist additions or physician or dentist deletions from the MCO's provider network within 3 days after receiving all required information from contracted physicians or dentists, and electronic physician and dental directories must be updated consistent with current rules as published by the Centers for Medicare and Medicaid Services or its successor agency.

(g) Timely payment of claims.

(1) The MCO shall pay a claim within 30 days of receiving a claim that contains all the essential information needed to adjudicate the claim.

(2) The MCO shall notify the billing party of its inability to adjudicate a claim within 30 days of receiving that claim.

(3) The MCO shall pay a penalty that is at least equal to the timely payment interest penalty imposed under Section 368a of the Illinois Insurance Code for any claims not timely paid.

(A) When an MCO is required to pay a timely payment interest penalty to a provider, the MCO must calculate and pay the timely payment interest penalty that is due to the provider within 30 days after the payment of the claim. In no event shall a provider be required to request or apply for payment of any owed timely payment interest penalties.

(B) Such payments shall be reported separately from the claim payment for services rendered to the MCO's enrollee and clearly identified as interest payments.

(4)(A) The Department shall require MCOs to expedite payments to providers identified on the Department's expedited provider list, determined in accordance with 89 Ill. Adm. Code 140.71(b), on a schedule at least as frequently as the providers are paid under the Department's fee-for-service expedited provider schedule.

(B) Compliance with the expedited provider requirement may be satisfied by an MCO through the use of a Periodic Interim Payment (PIP) program that has been mutually agreed to and documented between the MCO and the provider, and the PIP program ensures that any expedited provider receives regular and periodic payments based on prior period payment experience from that MCO. Total payments under the PIP program may be reconciled against future PIP payments on a schedule mutually agreed to between the MCO and the provider.

(C) The Department shall share at least monthly its expedited provider list and the frequency with which it pays providers on the expedited list.

(g-5) Recognizing that the rapid transformation of the Illinois Medicaid program may have unintended operational challenges for both payers and providers:

(1) in no instance shall a medically necessary covered service rendered in good faith, based upon eligibility information documented by the provider, be denied coverage or diminished in payment amount if the eligibility or coverage information available at the time the service was rendered is later found to be inaccurate in the assignment of coverage responsibility between MCOs or the fee-for-service system, except for instances when an individual is deemed to have not been eligible for coverage under the Illinois Medicaid program; and

(2) the Department shall, by December 31, 2016, adopt rules establishing policies that shall be included in the Medicaid managed care policy and procedures manual addressing payment resolutions in situations in which a provider renders services based upon information obtained after verifying a patient's eligibility and coverage plan through either the Department's current enrollment system or a system operated by the coverage plan identified by the patient presenting for services:

(A) such medically necessary covered services shall be considered rendered in good faith;

(B) such policies and procedures shall be developed in consultation with industry representatives of the Medicaid managed care health plans and representatives of provider associations representing the majority of providers within the identified provider industry; and

(C) such rules shall be published for a review and comment period of no less than 30 days on the Department's website with final rules remaining available on the Department's website.

The rules on payment resolutions shall include, but not be limited to:

(A) the extension of the timely filing period;

(B) retroactive prior authorizations; and

(C) guaranteed minimum payment rate of no less than the current, as of the date of service, fee-for-service rate, plus all applicable add-ons, when the resulting service relationship is out of network.

The rules shall be applicable for both MCO coverage and fee-for-service coverage.

If the fee-for-service system is ultimately determined to have been responsible for coverage on the date of service, the Department shall provide for an extended period for claims submission outside the standard timely filing requirements.

(g-6) MCO Performance Metrics Report.

(1) The Department shall publish, on at least a quarterly basis, each MCO's operational performance, including, but not limited to, the following categories of metrics:

(A) claims payment, including timeliness and accuracy;

(B) prior authorizations;

(C) grievance and appeals;

(D) utilization statistics;

(E) provider disputes;

(F) provider credentialing; and

(G) member and provider customer service.

(2) The Department shall ensure that the metrics report is accessible to providers online by January 1, 2017.

(3) The metrics shall be developed in consultation with industry representatives of the Medicaid managed care health plans and representatives of associations representing the majority of providers within the identified industry.

(4) Metrics shall be defined and incorporated into the applicable Managed Care Policy Manual issued by the Department.

(g-7) MCO claims processing and performance analysis. In order to monitor MCO payments to hospital providers, pursuant to this amendatory Act of the 100th General Assembly, the Department shall post an analysis of MCO claims processing and payment performance on its website every 6 months. Such analysis shall include a review and evaluation of a representative sample of hospital claims that are rejected and denied for clean and unclean claims and the top 5 reasons for such actions and timeliness of claims adjudication, which identifies the percentage of claims adjudicated within 30, 60, 90, and over 90 days, and the dollar amounts associated with those claims. ~~The Department shall post the contracted claims report required by HealthChoice Illinois on its website every 3 months.~~

(g-8) Dispute resolution process. The Department shall maintain a provider complaint portal through which a provider can submit to the Department unresolved disputes with an MCO. An unresolved dispute means an MCO's decision that denies in whole or in part a claim for reimbursement to a provider for health care services rendered by the provider to an enrollee of the MCO with which the provider disagrees. Disputes shall not be submitted to the portal until the provider has availed itself of the MCO's internal dispute resolution process. Disputes that are submitted to the MCO internal dispute resolution process may be submitted to the Department of Healthcare and Family Services' complaint portal no sooner than 30 days after submitting to the MCO's internal process and not later than 30 days after the unsatisfactory resolution of the internal MCO process or 60 days after submitting the dispute to the MCO internal process. Multiple claim disputes involving the same MCO may be submitted in one complaint, regardless of whether the claims are for different enrollees, when the specific reason for non-payment of the claims involves a common question of fact or policy. Within 10 business days of receipt of a complaint, the Department shall present such disputes to the appropriate MCO, which shall then have 30 days to issue its written proposal to resolve the dispute. The Department may grant one 30-day extension of this time frame to one of the parties to resolve the dispute. If the dispute remains unresolved at the end of this time frame or the provider is not satisfied with the MCO's written proposal to resolve the dispute, the provider may, within 30 days, request the Department to review the dispute and make a final determination. Within 30 days of the request for Department review of the dispute, both the provider and the MCO shall present all relevant information to the Department for resolution and make individuals with knowledge of the issues available to the Department for further inquiry if needed. Within 30 days of receiving the relevant information on the dispute, or the lapse of the period for submitting such information, the Department shall issue a written decision on the dispute based on contractual terms between the provider and the MCO, contractual terms between the MCO and the Department of Healthcare and Family Services and applicable Medicaid policy. The decision of the Department shall be final. By January 1, 2020, the Department shall establish by rule further details of this dispute resolution process. Disputes between MCOs and providers presented to the Department for resolution are not contested cases, as defined in Section 1-30 of the Illinois Administrative Procedure Act, conferring any right to an administrative hearing.

(g-9)(1) The Department shall publish annually on its website a report on the calculation of each managed care organization's medical loss ratio showing the following:

(A) Premium revenue, with appropriate adjustments.

(B) Benefit expense, setting forth the aggregate amount spent for the following:

(i) Direct paid claims.

(ii) Subcapitation payments.

(iii) Other claim payments.

(iv) Direct reserves.

(v) Gross recoveries.

(vi) Expenses for activities that improve health care quality as allowed by the Department.

(2) The medical loss ratio shall be calculated consistent with federal law and regulation following a claims runout period determined by the Department.

(g-10)(1) "Liability effective date" means the date on which an MCO becomes responsible for payment for medically necessary and covered services rendered by a provider to one of its enrollees in accordance with the contract terms between the MCO and the provider. The liability effective date shall be the later of:

(A) The execution date of a network participation contract agreement.

(B) The date the provider or its representative submits to the MCO the complete and accurate standardized roster form for the provider in the format approved by the Department.

(C) The provider effective date contained within the Department's provider enrollment subsystem within the Illinois Medicaid Program Advanced Cloud Technology (IMPACT) System.

(2) The standardized roster form may be submitted to the MCO at the same time that the provider submits an enrollment application to the Department through IMPACT.

(3) By October 1, 2019, the Department shall require all MCOs to update their provider directory with information for new practitioners of existing contracted providers within 30 days of receipt of a complete and accurate standardized roster template in the format approved by the Department provided that the provider is effective in the Department's provider enrollment subsystem within the IMPACT system. Such

provider directory shall be readily accessible for purposes of selecting an approved health care provider and comply with all other federal and State requirements.

(g-11) The Department shall work with relevant stakeholders on the development of operational guidelines to enhance and improve operational performance of Illinois' Medicaid managed care program, including, but not limited to, improving provider billing practices, reducing claim rejections and inappropriate payment denials, and standardizing processes, procedures, definitions, and response timelines, with the goal of reducing provider and MCO administrative burdens and conflict. The Department shall include a report on the progress of these program improvements and other topics in its Fiscal Year 2020 annual report to the General Assembly.

(h) The Department shall not expand mandatory MCO enrollment into new counties beyond those counties already designated by the Department as of June 1, 2014 for the individuals whose eligibility for medical assistance is not the seniors or people with disabilities population until the Department provides an opportunity for accountable care entities and MCOs to participate in such newly designated counties.

(i) The requirements of this Section apply to contracts with accountable care entities and MCOs entered into, amended, or renewed after June 16, 2014 (the effective date of Public Act 98-651).

(j) Health care information released to managed care organizations. A health care provider shall release to a Medicaid managed care organization, upon request, and subject to the Health Insurance Portability and Accountability Act of 1996 and any other law applicable to the release of health information, the health care information of the MCO's enrollee, if the enrollee has completed and signed a general release form that grants to the health care provider permission to release the recipient's health care information to the recipient's insurance carrier.

(Source: P.A. 100-201, eff. 8-18-17; 100-580, eff. 3-12-18; 100-587, eff. 6-4-18; 101-209, eff. 8-5-19.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Gillespie, **Senate Bill No. 1041** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Van Pelt |
| Collins | Holmes | Pacione-Zayas | Villa |
| Connor | Hunter | Peters | Villanueva |
| Crowe | Johnson | Plummer | Villivalam |
| Cullerton, T. | Jones, E. | Rezin | Wilcox |
| Cunningham | Joyce | Rose | Mr. President |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Martwick, **Senate Bill No. 1056** was recalled from the order of third reading to the order of second reading.

Senator Martwick offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 1056**

AMENDMENT NO. 1 . Amend Senate Bill 1056 by replacing everything after the enacting clause with the following:

"Article 5.

Section 5-5. The Illinois Pension Code is amended by changing Sections 2-121.3, 7-141, 14-121.1, 15-135, 16-142.3, and 18-128.3 as follows:

(40 ILCS 5/2-121.3) (from Ch. 108 1/2, par. 2-121.3)

Sec. 2-121.3. Required distributions.

(a) A person who would be eligible to receive a survivor's annuity under this Article but for the fact that the person has not yet attained age 50, shall be eligible for a monthly distribution under this subsection (a), provided that the payment of such distribution is required by federal law.

The distribution shall become payable on (i) July 1, 1987, (ii) December 1 of the calendar year immediately following the calendar year in which the deceased spouse died, or (iii) December 1 of the calendar year in which the deceased spouse would have attained age 72 ~~70 1/2~~, whichever occurs last, and shall remain payable until the first of the following to occur: (1) the person becomes eligible to receive a survivor's annuity under this Article; (2) the end of the month in which the person ceases to be eligible to receive a survivor's annuity upon attainment of age 50, due to remarriage or death; or (3) the end of the month in which such distribution ceases to be required by federal law.

The amount of the distribution shall be fixed at the time the distribution first becomes payable, and shall be calculated in the same manner as a survivor's annuity under Sections 2-121, 2-121.1 and 2-121.2, but excluding: (A) any requirement for an application for the distribution; (B) any automatic annual increases, supplemental increases, or one-time increases that may be provided by law for survivor's annuities; and (C) any lump-sum or death benefit.

(b) For the purpose of this Section, a distribution shall be deemed to be required by federal law if: (1) directly mandated by federal statute, rule, or administrative or court decision; or (2) indirectly mandated through imposition of substantial tax or other penalties for noncompliance.

(c) Notwithstanding Section 1-103.1 of this Code, a member need not be in service on or after the effective date of this amendatory Act of 1989 for the member's surviving spouse to be eligible for a distribution under this Section.

(Source: P.A. 86-273.)

(40 ILCS 5/7-141) (from Ch. 108 1/2, par. 7-141)

Sec. 7-141. Retirement annuities; conditions ~~annuities—Conditions~~. Retirement annuities shall be payable as hereinafter set forth:

(a) A participating employee who, regardless of cause, is separated from the service of all participating municipalities and instrumentalities thereof and participating instrumentalities shall be entitled to a retirement annuity provided:

1. He is at least age 55, or in the case of a person who is eligible to have his annuity calculated under Section 7-142.1, he is at least age 50;

2. He is not entitled to receive earnings for employment in a position requiring him, or entitling him to elect, to be a participating employee;

3. The amount of his annuity, before the application of paragraph (b) of Section 7-142 is at least $10 per month;

4. If he first became a participating employee after December 31, 1961, he has at least 8 years of service. This service requirement shall not apply to any participating employee, regardless of participation date, if the General Assembly terminates the Fund.

(b) Retirement annuities shall be payable:

1. As provided in Section 7-119;

2. Except as provided in item 3, upon receipt by the fund of a written application. The effective date may be not more than one year prior to the date of the receipt by the fund of the application;

3. Upon attainment of the required age of distribution under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, ~~age 70 1/2~~ if the member (i) is no longer in service, and (ii) is otherwise entitled to an annuity under this Article;

4. To the beneficiary of the deceased annuitant for the unpaid amount accrued to date of death, if any.

(Source: P.A. 97-328, eff. 8-12-11; 97-609, eff. 1-1-12.)

(40 ILCS 5/14-121.1) (from Ch. 108 1/2, par. 14-121.1)

Sec. 14-121.1. Required distributions.

(a) A person who would be eligible to receive a widow's or survivor's annuity under this Article but for the fact that the person has not yet attained age 50, shall be eligible for a monthly distribution under this subsection (a), provided that the payment of such distribution is required by federal law.

The distribution shall become payable on (i) July 1, 1987, (ii) December 1 of the calendar year immediately following the calendar year in which the deceased spouse died, or (iii) December 1 of the calendar year in which the deceased spouse would have attained age 72 ~~70 1/2~~, whichever occurs last, and shall remain payable until the first of the following to occur: (1) the person becomes eligible to receive a widow's or survivor's annuity under this Article; (2) the end of the month in which the person ceases to be eligible to receive a widow's or survivor's annuity upon attainment of age 50, due to remarriage or death; or (3) the end of the month in which such distribution ceases to be required by federal law.

The amount of the distribution shall be fixed at the time the distribution first becomes payable, and shall be calculated in the same manner as a survivor's annuity under Sections 14-120, 14-121 and 14-122 (or, in the case of a person who has elected to receive a widow's annuity instead of a survivor's annuity, in the same manner as the widow's annuity under Sections 14-118 and 14-119), but excluding: (A) any requirement for an application for the distribution; (B) any automatic annual increases, supplemental increases, or one-time increases that may be provided by law for survivor's or widow's annuities; and (C) any lump-sum or death benefit.

(b) For the purpose of this Section, a distribution shall be deemed to be required by federal law if: (1) directly mandated by federal statute, rule, or administrative or court decision; or (2) indirectly mandated through imposition of substantial tax or other penalties for noncompliance.

(c) Notwithstanding Section 1-103.1 of this Code, a member need not be in service on or after the effective date of this amendatory Act of 1989 for the member's surviving spouse to be eligible for a distribution under this Section.

(Source: P.A. 86-273.)

(40 ILCS 5/15-135) (from Ch. 108 1/2, par. 15-135)

Sec. 15-135. Retirement annuities; conditions ~~annuities - Conditions~~.

(a) This subsection (a) applies only to a Tier 1 member. A participant who retires in one of the following specified years with the specified amount of service is entitled to a retirement annuity at any age under the retirement program applicable to the participant:

35 years if retirement is in 1997 or before;

34 years if retirement is in 1998;

33 years if retirement is in 1999;

32 years if retirement is in 2000;

31 years if retirement is in 2001;

30 years if retirement is in 2002 or later.

A participant with 8 or more years of service after September 1, 1941, is entitled to a retirement annuity on or after attainment of age 55.

A participant with at least 5 but less than 8 years of service after September 1, 1941, is entitled to a retirement annuity on or after attainment of age 62.

A participant who has at least 25 years of service in this system as a police officer or firefighter is entitled to a retirement annuity on or after the attainment of age 50, if Rule 4 of Section 15-136 is applicable to the participant.

(a-5) A Tier 2 member is entitled to a retirement annuity upon written application if he or she has attained age 67 and has at least 10 years of service credit and is otherwise eligible under the requirements of this Article. A Tier 2 member who has attained age 62 and has at least 10 years of service credit and is otherwise eligible under the requirements of this Article may elect to receive the lower retirement annuity provided in subsection (b-5) of Section 15-136 of this Article.

(a-10) A Tier 2 member who has at least 20 years of service in this system as a police officer or firefighter is entitled to a retirement annuity upon written application on or after the attainment of age 60 if Rule 4 of Section 15-136 is applicable to the participant. The changes made to this subsection by this amendatory Act of the 101st General Assembly apply retroactively to January 1, 2011.

(b) The annuity payment period shall begin on the date specified by the participant or the recipient of a disability retirement annuity submitting a written application. For a participant, the date on which the annuity payment period begins shall not be prior to termination of employment or more than one year before the application is received by the board; however, if the participant is not an employee of an employer participating in this System or in a participating system as defined in Article 20 of this Code on April 1 of the calendar year next following the calendar year in which the participant attains the age specified under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended ~~70 1/2~~, the annuity payment period shall begin on that date regardless of whether an application has been filed. For a recipient of a disability retirement annuity, the date on which the annuity payment period begins shall not be prior to the discontinuation of the disability retirement annuity under Section 15-153.2.

(c) An annuity is not payable if the amount provided under Section 15-136 is less than $10 per month.
(Source: P.A. 100-556, eff. 12-8-17; 101-610, eff. 1-1-20.)

(40 ILCS 5/16-142.3) (from Ch. 108 1/2, par. 16-142.3)

Sec. 16-142.3. Required distributions.

(a) A person who would be eligible to receive a monthly survivor benefit under this Article but for the fact that the person has not yet attained age 50, and who has not elected to receive a lump sum distribution under subsection (a) of Section 16-141, shall be eligible for a monthly distribution under this subsection (a), provided that the payment of such distribution is required by federal law.

The distribution shall become payable on (i) July 1, 1987, (ii) December 1 of the calendar year immediately following the calendar year in which the member or annuitant died, or (iii) December 1 of the calendar year in which the deceased member or annuitant would have attained age 72 ~~70 1/2~~, whichever occurs latest, and shall remain payable until the first of the following to occur: (1) the person becomes eligible to receive a monthly survivor benefit under this Article; (2) the day following the date on which the member ceases to be eligible to receive a monthly survivor benefit upon attainment of age 50, due to remarriage or death; or (3) the day on which such distribution ceases to be required by federal law.

The amount of the distribution shall be fixed at the time the distribution first becomes payable, and shall be calculated in the same manner as the monthly survivor benefit under Sections 16-141, 16-142, 16-142.1 and 16-142.2, but excluding any automatic annual increases, supplemental increases, or one-time increases that may be provided by law for monthly survivor benefits.

(b) For the purpose of this Section, a distribution shall be deemed to be required by federal law if: (1) directly mandated by federal statute, rule, or administrative or court decision; or (2) indirectly mandated through imposition of substantial tax or other penalties for noncompliance.

(c) Notwithstanding Section 1-103.1 of this Code, a member need not be in service on or after the effective date of this amendatory Act of 1989 for the member's surviving spouse to be eligible for a distribution under this Section.
(Source: P.A. 86-273.)

(40 ILCS 5/18-128.3) (from Ch. 108 1/2, par. 18-128.3)

Sec. 18-128.3. Required distributions.

(a) A person who would be eligible to receive a survivor's annuity under this Article but for the fact that the person has not yet attained age 50, shall be eligible for a monthly distribution under this subsection (a), provided that the payment of such distribution is required by federal law.

The distribution shall become payable on (i) July 1, 1987, (ii) December 1 of the calendar year immediately following the calendar year in which the deceased spouse died, or (iii) December 1 of the calendar year in which the deceased spouse would have attained age 72 ~~70 1/2~~, whichever occurs last, and

shall remain payable until the first of the following to occur: (1) the person becomes eligible to receive a survivor's annuity under this Article; (2) the end of the month in which the person ceases to be eligible to receive a survivor's annuity upon attainment of age 50, due to remarriage or death; or (3) the end of the month in which such distribution ceases to be required by federal law.

The amount of the distribution shall be fixed at the time the distribution first becomes payable, and shall be calculated in the same manner as a survivor's annuity under Sections 18-128 through 18-128.2, but excluding: (A) any requirement for an application for the distribution; (B) any automatic annual increases, supplemental increases, or one-time increases that may be provided by law for survivor's annuities; and (C) any lump-sum or death benefit.

(b) For the purpose of this Section, a distribution shall be deemed to be required by federal law if: (1) directly mandated by federal statute, rule, or administrative or court decision; or (2) indirectly mandated through imposition of substantial tax or other penalties for noncompliance.

(c) Notwithstanding Section 1-103.1 of this Code, a member need not be in service on or after the effective date of this amendatory Act of 1989 for the member's surviving spouse to be eligible for a distribution under this Section.

(Source: P.A. 86-273.)

Article 10.

Section 10-5. The Illinois Pension Code is amended by changing Sections 1-160, 7-114, 7-116, 7-141, 7-141.1, 7-142, 7-144, 7-156, and 7-191 and by adding Sections 7-109.4 and 7-109.5 as follows:

(40 ILCS 5/1-160)

Sec. 1-160. Provisions applicable to new hires.

(a) The provisions of this Section apply to a person who, on or after January 1, 2011, first becomes a member or a participant under any reciprocal retirement system or pension fund established under this Code, other than a retirement system or pension fund established under Article 2, 3, 4, 5, 6, 7, 15, or 18 of this Code, notwithstanding any other provision of this Code to the contrary, but do not apply to any self-managed plan established under this Code~~, to any person with respect to service as a sheriff's law enforcement employee under Article 7,~~ or to any participant of the retirement plan established under Section 22-101; except that this Section applies to a person who elected to establish alternative credits by electing in writing after January 1, 2011, but before August 8, 2011, under Section 7-145.1 of this Code. Notwithstanding anything to the contrary in this Section, for purposes of this Section, a person who is a Tier 1 regular employee as defined in Section 7-109.4 of this Code or who participated in a retirement system under Article 15 prior to January 1, 2011 shall be deemed a person who first became a member or participant prior to January 1, 2011 under any retirement system or pension fund subject to this Section. The changes made to this Section by Public Act 98-596 are a clarification of existing law and are intended to be retroactive to January 1, 2011 (the effective date of Public Act 96-889), notwithstanding the provisions of Section 1-103.1 of this Code.

This Section does not apply to a person who first becomes a noncovered employee under Article 14 on or after the implementation date of the plan created under Section 1-161 for that Article, unless that person elects under subsection (b) of Section 1-161 to instead receive the benefits provided under this Section and the applicable provisions of that Article.

This Section does not apply to a person who first becomes a member or participant under Article 16 on or after the implementation date of the plan created under Section 1-161 for that Article, unless that person elects under subsection (b) of Section 1-161 to instead receive the benefits provided under this Section and the applicable provisions of that Article.

This Section does not apply to a person who elects under subsection (c-5) of Section 1-161 to receive the benefits under Section 1-161.

This Section does not apply to a person who first becomes a member or participant of an affected pension fund on or after 6 months after the resolution or ordinance date, as defined in Section 1-162, unless that person elects under subsection (c) of Section 1-162 to receive the benefits provided under this Section and the applicable provisions of the Article under which he or she is a member or participant.

(b) "Final average salary" means the average monthly (or annual) salary obtained by dividing the total salary or earnings calculated under the Article applicable to the member or participant during the 96 consecutive months (or 8 consecutive years) of service within the last 120 months (or 10 years) of service in which the total salary or earnings calculated under the applicable Article was the highest by the number of

months (or years) of service in that period. For the purposes of a person who first becomes a member or participant of any retirement system or pension fund to which this Section applies on or after January 1, 2011, in this Code, "final average salary" shall be substituted for the following:

(1) (Blank). ~~In Article 7 (except for service as sheriff's law enforcement employees), "final rate of earnings".~~

(2) In Articles 8, 9, 10, 11, and 12, "highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal".

(3) In Article 13, "average final salary".

(4) In Article 14, "final average compensation".

(5) In Article 17, "average salary".

(6) In Section 22-207, "wages or salary received by him at the date of retirement or discharge".

(b-5) Beginning on January 1, 2011, for all purposes under this Code (including without limitation the calculation of benefits and employee contributions), the annual earnings, salary, or wages (based on the plan year) of a member or participant to whom this Section applies shall not exceed $106,800; however, that amount shall annually thereafter be increased by the lesser of (i) 3% of that amount, including all previous adjustments, or (ii) one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, including all previous adjustments.

For the purposes of this Section, "consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the boards of the retirement systems and pension funds by November 1 of each year.

(c) A member or participant is entitled to a retirement annuity upon written application if he or she has attained age 67 (beginning January 1, 2015, age 65 with respect to service under Article 12 of this Code that is subject to this Section) and has at least 10 years of service credit and is otherwise eligible under the requirements of the applicable Article.

A member or participant who has attained age 62 (beginning January 1, 2015, age 60 with respect to service under Article 12 of this Code that is subject to this Section) and has at least 10 years of service credit and is otherwise eligible under the requirements of the applicable Article may elect to receive the lower retirement annuity provided in subsection (d) of this Section.

(c-5) A person who first becomes a member or a participant subject to this Section on or after July 6, 2017 (the effective date of Public Act 100-23), notwithstanding any other provision of this Code to the contrary, is entitled to a retirement annuity under Article 8 or Article 11 upon written application if he or she has attained age 65 and has at least 10 years of service credit and is otherwise eligible under the requirements of Article 8 or Article 11 of this Code, whichever is applicable.

(d) The retirement annuity of a member or participant who is retiring after attaining age 62 (beginning January 1, 2015, age 60 with respect to service under Article 12 of this Code that is subject to this Section) with at least 10 years of service credit shall be reduced by one-half of 1% for each full month that the member's age is under age 67 (beginning January 1, 2015, age 65 with respect to service under Article 12 of this Code that is subject to this Section).

(d-5) The retirement annuity payable under Article 8 or Article 11 to an eligible person subject to subsection (c-5) of this Section who is retiring at age 60 with at least 10 years of service credit shall be reduced by one-half of 1% for each full month that the member's age is under age 65.

(d-10) Each person who first became a member or participant under Article 8 or Article 11 of this Code on or after January 1, 2011 and prior to the effective date of this amendatory Act of the 100th General Assembly shall make an irrevocable election either:

(i) to be eligible for the reduced retirement age provided in subsections (c-5) and (d-5) of this Section, the eligibility for which is conditioned upon the member or participant agreeing to the increases in employee contributions for age and service annuities provided in subsection (a-5) of Section 8-174 of this Code (for service under Article 8) or subsection (a-5) of Section 11-170 of this Code (for service under Article 11); or

(ii) to not agree to item (i) of this subsection (d-10), in which case the member or participant shall continue to be subject to the retirement age provisions in subsections (c) and (d) of this Section and the employee contributions for age and service annuity as provided in subsection (a) of Section

8-174 of this Code (for service under Article 8) or subsection (a) of Section 11-170 of this Code (for service under Article 11).

The election provided for in this subsection shall be made between October 1, 2017 and November 15, 2017. A person subject to this subsection who makes the required election shall remain bound by that election. A person subject to this subsection who fails for any reason to make the required election within the time specified in this subsection shall be deemed to have made the election under item (ii).

(e) Any retirement annuity or supplemental annuity shall be subject to annual increases on the January 1 occurring either on or after the attainment of age 67 (beginning January 1, 2015, age 65 with respect to service under Article 12 of this Code that is subject to this Section and beginning on the effective date of this amendatory Act of the 100th General Assembly, age 65 with respect to service under Article 8 or Article 11 for eligible persons who: (i) are subject to subsection (c-5) of this Section; or (ii) made the election under item (i) of subsection (d-10) of this Section) or the first anniversary of the annuity start date, whichever is later. Each annual increase shall be calculated at 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, whichever is less, of the originally granted retirement annuity. If the annual unadjusted percentage change in the consumer price index-u for the 12 months ending with the September preceding each November 1 is zero or there is a decrease, then the annuity shall not be increased.

For the purposes of Section 1-103.1 of this Code, the changes made to this Section by this amendatory Act of the 100th General Assembly are applicable without regard to whether the employee was in active service on or after the effective date of this amendatory Act of the 100th General Assembly.

(f) The initial survivor's or widow's annuity of an otherwise eligible survivor or widow of a retired member or participant who first became a member or participant on or after January 1, 2011 shall be in the amount of 66 2/3% of the retired member's or participant's retirement annuity at the date of death. In the case of the death of a member or participant who has not retired and who first became a member or participant on or after January 1, 2011, eligibility for a survivor's or widow's annuity shall be determined by the applicable Article of this Code. The initial benefit shall be 66 2/3% of the earned annuity without a reduction due to age. A child's annuity of an otherwise eligible child shall be in the amount prescribed under each Article if applicable. Any survivor's or widow's annuity shall be increased (1) on each January 1 occurring on or after the commencement of the annuity if the deceased member died while receiving a retirement annuity or (2) in other cases, on each January 1 occurring after the first anniversary of the commencement of the annuity. Each annual increase shall be calculated at 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, whichever is less, of the originally granted survivor's annuity. If the annual unadjusted percentage change in the consumer price index-u for the 12 months ending with the September preceding each November 1 is zero or there is a decrease, then the annuity shall not be increased.

(g) The benefits in Section 14-110 apply only if the person is a State policeman, a fire fighter in the fire protection service of a department, a conservation police officer, an investigator for the Secretary of State, an arson investigator, a Commerce Commission police officer, investigator for the Department of Revenue or the Illinois Gaming Board, a security employee of the Department of Corrections or the Department of Juvenile Justice, or a security employee of the Department of Innovation and Technology, as those terms are defined in subsection (b) and subsection (c) of Section 14-110. A person who meets the requirements of this Section is entitled to an annuity calculated under the provisions of Section 14-110, in lieu of the regular or minimum retirement annuity, only if the person has withdrawn from service with not less than 20 years of eligible creditable service and has attained age 60, regardless of whether the attainment of age 60 occurs while the person is still in service.

(h) If a person who first becomes a member or a participant of a retirement system or pension fund subject to this Section on or after January 1, 2011 is receiving a retirement annuity or retirement pension under that system or fund and becomes a member or participant under any other system or fund created by this Code and is employed on a full-time basis, except for those members or participants exempted from the provisions of this Section under subsection (a) of this Section, then the person's retirement annuity or retirement pension under that system or fund shall be suspended during that employment. Upon termination of that employment, the person's retirement annuity or retirement pension payments shall resume and be recalculated if recalculation is provided for under the applicable Article of this Code.

If a person who first becomes a member of a retirement system or pension fund subject to this Section on or after January 1, 2012 and is receiving a retirement annuity or retirement pension under that system or

fund and accepts on a contractual basis a position to provide services to a governmental entity from which he or she has retired, then that person's annuity or retirement pension earned as an active employee of the employer shall be suspended during that contractual service. A person receiving an annuity or retirement pension under this Code shall notify the pension fund or retirement system from which he or she is receiving an annuity or retirement pension, as well as his or her contractual employer, of his or her retirement status before accepting contractual employment. A person who fails to submit such notification shall be guilty of a Class A misdemeanor and required to pay a fine of $1,000. Upon termination of that contractual employment, the person's retirement annuity or retirement pension payments shall resume and, if appropriate, be recalculated under the applicable provisions of this Code.

(i) (Blank).

(j) In the case of a conflict between the provisions of this Section and any other provision of this Code, the provisions of this Section shall control.

(Source: P.A. 100-23, eff. 7-6-17; 100-201, eff. 8-18-17; 100-563, eff. 12-8-17; 100-611, eff. 7-20-18; 100-1166, eff. 1-4-19; 101-610, eff. 1-1-20.)

(40 ILCS 5/7-109.4 new)

Sec. 7-109.4. Tier 1 regular employee. "Tier 1 regular employee" means a participant or an annuitant under this Article who first became a participant or member before January 1, 2011 under any retirement system or pension fund under this Code, other than a retirement system or pension fund established under Articles 2, 3, 4, 5, 6, or 18 or in any self-managed plan established under this Code, or the retirement plan established under Section 22-101.

"Tier 1 regular employee" includes a person who received a separation benefit but is otherwise qualified under this Section and subsequently becomes a participating employee on or after January 1, 2011.

"Tier 1 regular employee" includes a former participating employee who received a separation benefit under Section 7-167 for service earned prior to January 1, 2011 who returns to a qualifying position after January 1, 2011.

"Tier 1 regular employee" includes a participating employee who has omitted service as defined in Section 7-111.5 that includes any period prior to January 1, 2011 only if he or she establishes sufficient service credit under item (12) of subsection (a) of Section 7-139 to include service prior to January 1, 2011.

Notwithstanding anything contrary in this Section, "Tier 1 regular employee" does not include a participant or annuitant who is eligible to have his or her annuity calculated under Section 7-142.1 or a person who elected to establish alternative credits under Section 7-145.1.

(40 ILCS 5/7-109.5 new)

Sec. 7-109.5. Tier 2 regular employee. "Tier 2 regular employee" means a person who first becomes a participant under this Article on or after January 1, 2011 and is not a Tier 1 regular employee.

Notwithstanding anything contrary in this Section, "Tier 2 regular employee" does not include a participant or annuitant who is eligible to have his or her annuity calculated under Section 7-142.1 or a person who elected to establish alternative credits by electing in writing after January 1, 2011, but before August 8, 2011, under Section 7-145.1 of this Code.

(40 ILCS 5/7-114) (from Ch. 108 1/2, par. 7-114)

Sec. 7-114. Earnings. "Earnings":

(a) An amount to be determined by the board, equal to the sum of:

1. The total amount of money paid to an employee for personal services or official duties as an employee (except those employed as independent contractors) paid out of the general fund, or out of any special funds controlled by the municipality, or by any instrumentality thereof, or participating instrumentality, including compensation, fees, allowances (but not including amounts associated with a vehicle allowance payable to an employee who first becomes a participating employee on or after the effective date of this amendatory Act of the 100th General Assembly), or other emolument paid for official duties (but not including automobile maintenance, travel expense, or reimbursements for expenditures incurred in the performance of duties) and, for fee offices, the fees or earnings of the offices to the extent such fees are paid out of funds controlled by the municipality, or instrumentality or participating instrumentality; and

2. The money value, as determined by rules prescribed by the governing body of the municipality, or instrumentality thereof, of any board, lodging, fuel, laundry, and other allowances provided an employee in lieu of money.

(b) For purposes of determining benefits payable under this fund payments to a person who is engaged in an independently established trade, occupation, profession or business and who is paid for his service on a basis other than a monthly or other regular salary, are not earnings.

(c) If a disabled participating employee is eligible to receive Workers' Compensation for an accidental injury and the participating municipality or instrumentality which employed the participating employee when injured continues to pay the participating employee regular salary or other compensation or pays the employee an amount in excess of the Workers' Compensation amount, then earnings shall be deemed to be the total payments, including an amount equal to the Workers' Compensation payments. These payments shall be subject to employee contributions and allocated as if paid to the participating employee when the regular payroll amounts would have been paid if the participating employee had continued working, and creditable service shall be awarded for this period.

(d) If an elected official who is a participating employee becomes disabled but does not resign and is not removed from office, then earnings shall include all salary payments made for the remainder of that term of office and the official shall be awarded creditable service for the term of office.

(e) If a participating employee is paid pursuant to "An Act to provide for the continuation of compensation for law enforcement officers, correctional officers and firemen who suffer disabling injury in the line of duty", approved September 6, 1973, as amended, the payments shall be deemed earnings, and the participating employee shall be awarded creditable service for this period.

(f) Additional compensation received by a person while serving as a supervisor of assessments, assessor, deputy assessor or member of a board of review from the State of Illinois pursuant to Section 4-10 or 4-15 of the Property Tax Code shall not be earnings for purposes of this Article and shall not be included in the contribution formula or calculation of benefits for such person pursuant to this Article.

(g) Notwithstanding any other provision of this Article, calendar year earnings for Tier 2 regular employees to whom this Section applies shall not exceed the amount determined by the Public Pension Division of the Department of Insurance as required in this subsection; however, that amount shall annually thereafter be increased by the lesser of (i) 3% of that amount, including all previous adjustments, or (ii) one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, including all previous adjustments.

For the purposes of this Section, "consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the Fund by November 1 of each year.

(Source: P.A. 100-411, eff. 8-25-17.)

(40 ILCS 5/7-116) (from Ch. 108 1/2, par. 7-116)

(Text of Section WITHOUT the changes made by P.A. 98-599, which has been held unconstitutional)

Sec. 7-116. "Final rate of earnings":

(a) For retirement and survivor annuities, the monthly earnings obtained by dividing the total earnings received by the employee during the period of either (1) for Tier 1 regular employees, the 48 consecutive months of service within the last 120 months of service in which his total earnings were the highest, (2) for Tier 2 regular employees, the 96 consecutive months of service within the last 120 months of service in which his total earnings were the highest, or (3) ~~or (2)~~ the employee's total period of service, by the number of months of service in such period.

(b) For death benefits, the higher of the rate determined under paragraph (a) of this Section or total earnings received in the last 12 months of service divided by twelve. If the deceased employee has less than 12 months of service, the monthly final rate shall be the monthly rate of pay the employee was receiving when he began service.

(c) For disability benefits, the total earnings of a participating employee in the last 12 calendar months of service prior to the date he becomes disabled divided by 12.

(d) In computing the final rate of earnings: (1) the earnings rate for all periods of prior service shall be considered equal to the average earnings rate for the last 3 calendar years of prior service for which creditable service is received under Section 7-139 or, if there is less than 3 years of creditable prior service, the average for the total prior service period for which creditable service is received under Section 7-139; (2) for out of state service and authorized leave, the earnings rate shall be the rate upon which service credits are granted; (3) periods of military leave shall not be considered; (4) the earnings rate for all periods of disability shall be considered equal to the rate of earnings upon which the employee's disability benefits are

computed for such periods; (5) the earnings to be considered for each of the final three months of the final earnings period for persons who first became participants before January 1, 2012 and the earnings to be considered for each of the final 24 months for participants who first become participants on or after January 1, 2012 shall not exceed 125% of the highest earnings of any other month in the final earnings period; and (6) the annual amount of final rate of earnings shall be the monthly amount multiplied by the number of months of service normally required by the position in a year.

(Source: P.A. 97-609, eff. 1-1-12.)

(40 ILCS 5/7-141) (from Ch. 108 1/2, par. 7-141)

Sec. 7-141. Retirement annuities - Conditions. Retirement annuities shall be payable as hereinafter set forth:

(a) A participating employee who, regardless of cause, is separated from the service of all participating municipalities and instrumentalities thereof and participating instrumentalities shall be entitled to a retirement annuity provided:

1. He is at least age 55 if he is a Tier 1 regular employee, he is age 62 if he is a Tier 2 regular employee, or, in the case of a person who is eligible to have his annuity calculated under Section 7-142.1, he is at least age 50;

2. He is not entitled to receive earnings for employment in a position requiring him, or entitling him to elect, to be a participating employee;

3. The amount of his annuity, before the application of paragraph (b) of Section 7-142 is at least $10 per month;

4. If he first became a participating employee after December 31, 1961 and is a Tier 1 regular employee, he has at least 8 years of service, or, if he is a Tier 2 regular member, he has at least 10 years of service. This service requirement shall not apply to any participating employee, regardless of participation date, if the General Assembly terminates the Fund.

(b) Retirement annuities shall be payable:

1. As provided in Section 7-119;

2. Except as provided in item 3, upon receipt by the fund of a written application. The effective date may be not more than one year prior to the date of the receipt by the fund of the application;

3. Upon attainment of age 70 1/2 if the member (i) is no longer in service, and (ii) is otherwise entitled to an annuity under this Article;

4. To the beneficiary of the deceased annuitant for the unpaid amount accrued to date of death, if any.

(Source: P.A. 97-328, eff. 8-12-11; 97-609, eff. 1-1-12.)

(40 ILCS 5/7-141.1)

Sec. 7-141.1. Early retirement incentive.

(a) The General Assembly finds and declares that:

(1) Units of local government across the State have been functioning under a financial crisis.

(2) This financial crisis is expected to continue.

(3) Units of local government must depend on additional sources of revenue and, when those sources are not forthcoming, must establish cost-saving programs.

(4) An early retirement incentive designed specifically to target highly-paid senior employees could result in significant annual cost savings.

(5) The early retirement incentive should be made available only to those units of local government that determine that an early retirement incentive is in their best interest.

(6) A unit of local government adopting a program of early retirement incentives under this Section is encouraged to implement personnel procedures to prohibit, for at least 5 years, the rehiring (whether on payroll or by independent contract) of employees who receive early retirement incentives.

(7) A unit of local government adopting a program of early retirement incentives under this Section is also encouraged to replace as few of the participating employees as possible and to hire replacement employees for salaries totaling no more than 80% of the total salaries formerly paid to the employees who participate in the early retirement program.

It is the primary purpose of this Section to encourage units of local government that can realize true cost savings, or have determined that an early retirement program is in their best interest, to implement an early retirement program.

(b) Until June 27, 1997 (the effective date of Public Act 90-32) ~~this amendatory Act of 1997~~, this Section does not apply to any employer that is a city, village, or incorporated town, nor to the employees of

any such employer. Beginning on June 27, 1997 (the effective date of Public Act 90-32) ~~this amendatory Act of 1997~~, any employer under this Article, including an employer that is a city, village, or incorporated town, may establish an early retirement incentive program for its employees under this Section. The decision of a city, village, or incorporated town to consider or establish an early retirement program is at the sole discretion of that city, village, or incorporated town, and nothing in Public Act 90-32 ~~this amendatory Act of 1997~~ limits or otherwise diminishes this discretion. Nothing contained in this Section shall be construed to require a city, village, or incorporated town to establish an early retirement program and no city, village, or incorporated town may be compelled to implement such a program.

The benefits provided in this Section are available only to members employed by a participating employer that has filed with the Board of the Fund a resolution or ordinance expressly providing for the creation of an early retirement incentive program under this Section for its employees and specifying the effective date of the early retirement incentive program. Subject to the limitation in subsection (h), an employer may adopt a resolution or ordinance providing a program of early retirement incentives under this Section at any time.

The resolution or ordinance shall be in substantially the following form:

RESOLUTION (ORDINANCE) NO. ....
A RESOLUTION (ORDINANCE) ADOPTING AN EARLY RETIREMENT INCENTIVE PROGRAM FOR EMPLOYEES IN THE ILLINOIS MUNICIPAL RETIREMENT FUND

WHEREAS, Section 7-141.1 of the Illinois Pension Code provides that a participating employer may elect to adopt an early retirement incentive program offered by the Illinois Municipal Retirement Fund by adopting a resolution or ordinance; and

WHEREAS, The goal of adopting an early retirement program is to realize a substantial savings in personnel costs by offering early retirement incentives to employees who have accumulated many years of service credit; and

WHEREAS, Implementation of the early retirement program will provide a budgeting tool to aid in controlling payroll costs; and

WHEREAS, The (name of governing body) has determined that the adoption of an early retirement incentive program is in the best interests of the (name of participating employer); therefore be it

RESOLVED (ORDAINED) by the (name of governing body) of (name of participating employer) that:

(1) The (name of participating employer) does hereby adopt the Illinois Municipal Retirement Fund early retirement incentive program as provided in Section 7-141.1 of the Illinois Pension Code. The early retirement incentive program shall take effect on (date).

(2) In order to help achieve a true cost savings, a person who retires under the early retirement incentive program shall lose those incentives if he or she later accepts employment with any IMRF employer in a position for which participation in IMRF is required or is elected by the employee.

(3) In order to utilize an early retirement incentive as a budgeting tool, the (name of participating employer) will use its best efforts either to limit the number of employees who replace the employees who retire under the early retirement program or to limit the salaries paid to the employees who replace the employees who retire under the early retirement program.

(4) The effective date of each employee's retirement under this early retirement program shall be set by (name of employer) and shall be no earlier than the effective date of the program and no later than one year after that effective date; except that the employee may require that the retirement date set by the employer be no later than the June 30 next occurring after the effective date of the program and no earlier than the date upon which the employee qualifies for retirement.

(5) To be eligible for the early retirement incentive under this Section, the employee must have attained age 50 and have at least 20 years of creditable service by his or her retirement date.

(6) The (clerk or secretary) shall promptly file a certified copy of this resolution (ordinance) with the Board of Trustees of the Illinois Municipal Retirement Fund.

CERTIFICATION

I, (name), the (clerk or secretary) of the (name of participating employer) of the County of (name), State of Illinois, do hereby certify that I am the keeper of the books and records of the (name of employer) and that the foregoing is a true and correct copy of a resolution (ordinance) duly adopted by the (governing body) at a meeting duly convened and held on (date).

SEAL
(Signature of clerk or secretary)

(c) To be eligible for the benefits provided under an early retirement incentive program adopted under this Section, a member must:

(1) be a participating employee of this Fund who, on the effective date of the program, (i) is in active payroll status as an employee of a participating employer that has filed the required ordinance or resolution with the Board, (ii) is on layoff status from such a position with a right of re-employment or recall to service, (iii) is on a leave of absence from such a position, or (iv) is on disability but has not been receiving benefits under Section 7-146 or 7-150 for a period of more than 2 years from the date of application;

(2) have never previously received a retirement annuity under this Article or under the Retirement Systems Reciprocal Act using service credit established under this Article;

(3) (blank);

(4) have at least 20 years of creditable service in the Fund by the date of retirement, without the use of any creditable service established under this Section;

(5) have attained age 50 by the date of retirement if he or she is a Tier 1 regular employee or age 57 if he or she is a Tier 2 regular employee, without the use of any age enhancement received under this Section; and

(6) be eligible to receive a retirement annuity under this Article by the date of retirement, for which purpose the age enhancement and creditable service established under this Section may be considered.

(d) The employer shall determine the retirement date for each employee participating in the early retirement program adopted under this Section. The retirement date shall be no earlier than the effective date of the program and no later than one year after that effective date, except that the employee may require that the retirement date set by the employer be no later than the June 30 next occurring after the effective date of the program and no earlier than the date upon which the employee qualifies for retirement. The employer shall give each employee participating in the early retirement program at least 30 days written notice of the employee's designated retirement date, unless the employee waives this notice requirement.

(e) An eligible person may establish up to 5 years of creditable service under this Section. In addition, for each period of creditable service established under this Section, a person shall have his or her age at retirement deemed enhanced by an equivalent period.

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of final rate of earnings and the determination of earnings, salary, or compensation under this or any other Article of the Code.

The age enhancement established under this Section may be used for all purposes under this Article (including calculation of the reduction imposed under subdivision (a)1b(iv) of Section 7-142), except for purposes of a reversionary annuity under Section 7-145 and any distributions required because of age. The age enhancement established under this Section may be used in calculating a proportionate annuity payable by this Fund under the Retirement Systems Reciprocal Act, but shall not be used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(f) For all creditable service established under this Section, the member must pay to the Fund an employee contribution consisting of the total employee contribution rate in effect at the time the member purchases the service for the plan in which the member was participating with the employer at that time multiplied by the member's highest annual salary rate used in the determination of the final rate of earnings for retirement annuity purposes for each year of creditable service granted under this Section. Contributions for fractions of a year of service shall be prorated. Any amounts that are disregarded in determining the final rate of earnings under subdivision (d)(5) of Section 7-116 (the 125% rule) shall also be disregarded in determining the required contribution under this subsection (f).

The employee contribution shall be paid to the Fund as follows: If the member is entitled to a lump sum payment for accumulated vacation, sick leave, or personal leave upon withdrawal from service, the employer shall deduct the employee contribution from that lump sum and pay the deducted amount directly to the Fund. If there is no such lump sum payment or the required employee contribution exceeds the net amount of the lump sum payment, then the remaining amount due, at the option of the employee, may either be paid to the Fund before the annuity commences or deducted from the retirement annuity in 24 equal monthly installments.

(g) An annuitant who has received any age enhancement or creditable service under this Section and thereafter accepts employment with or enters into a personal services contract with an employer under this Article thereby forfeits that age enhancement and creditable service; except that this restriction does not apply to (1) service in an elective office, so long as the annuitant does not participate in this Fund with respect to that office, (2) a person appointed as an officer under subsection (f) of Section 3-109 of this Code, and (3) a person appointed as an auxiliary police officer pursuant to Section 3.1-30-5 of the Illinois Municipal Code. A person forfeiting early retirement incentives under this subsection (i) must repay to the Fund that portion of the retirement annuity already received which is attributable to the early retirement incentives that are being forfeited, (ii) shall not be eligible to participate in any future early retirement program adopted under this Section, and (iii) is entitled to a refund of the employee contribution paid under subsection (f). The Board shall deduct the required repayment from the refund and may impose a reasonable payment schedule for repaying the amount, if any, by which the required repayment exceeds the refund amount.

(h) The additional unfunded liability accruing as a result of the adoption of a program of early retirement incentives under this Section by an employer shall be amortized over a period of 10 years beginning on January 1 of the second calendar year following the calendar year in which the latest date for beginning to receive a retirement annuity under the program (as determined by the employer under subsection (d) of this Section) occurs; except that the employer may provide for a shorter amortization period (of no less than 5 years) by adopting an ordinance or resolution specifying the length of the amortization period and submitting a certified copy of the ordinance or resolution to the Fund no later than 6 months after the effective date of the program. An employer, at its discretion, may accelerate payments to the Fund.

An employer may provide more than one early retirement incentive program for its employees under this Section. However, an employer that has provided an early retirement incentive program for its employees under this Section may not provide another early retirement incentive program under this Section until the liability arising from the earlier program has been fully paid to the Fund.

(Source: P.A. 99-382, eff. 8-17-15.)

(40 ILCS 5/7-142) (from Ch. 108 1/2, par. 7-142)

Sec. 7-142. Retirement annuities - Amount.

(a) The amount of a retirement annuity shall be the sum of the following, determined in accordance with the actuarial tables in effect at the time of the grant of the annuity:

1. For Tier 1 regular employees with 8 or more years of service or for Tier 2 regular employees, an annuity computed pursuant to subparagraphs a or b of this subparagraph 1, whichever is the higher, and for employees with less than 8 or 10 years of service, respectively, the annuity computed pursuant to subparagraph a:

a. The monthly annuity which can be provided from the total accumulated normal, municipality and prior service credits, as of the attained age of the employee on the date the annuity begins provided that such annuity shall not exceed 75% of the final rate of earnings of the employee.

b. (i) The monthly annuity amount determined as follows by multiplying (a) 1 2/3% for annuitants with not more than 15 years or (b) 1 2/3% for the first 15 years and 2% for each year in excess of 15 years for annuitants with more than 15 years by the number of years plus fractional years, prorated on a basis of months, of creditable service and multiply the product thereof by the employee's final rate of earnings.

(ii) For the sole purpose of computing the formula (and not for the purposes of the limitations hereinafter stated) $125 shall be considered the final rate of earnings in all cases where the final rate of earnings is less than such amount.

(iii) The monthly annuity computed in accordance with this subparagraph b, shall not exceed an amount equal to 75% of the final rate of earnings.

(iv) For employees who have less than 35 years of service, the annuity computed in accordance with this subparagraph b (as reduced by application of subparagraph (iii) above) shall be reduced by 0.25% thereof (0.5% if service was terminated before January 1, 1988 or if the employee is a Tier 2 regular employee) for each month or fraction thereof (1) that the employee's age is less than 60 years for Tier 1 regular employees, ~~or~~ (2) that the employee's age is less than 67 years for Tier 2 regular employees, or (3) if the employee has at least 30 years of

service credit, that the employee's service credit is less than 35 years, whichever is less, on the date the annuity begins.

2. The annuity which can be provided from the total accumulated additional credits as of the attained age of the employee on the date the annuity begins.

(b) If payment of an annuity begins prior to the earliest age at which the employee will become eligible for an old age insurance benefit under the Federal Social Security Act, he may elect that the annuity payments from this fund shall exceed those payable after his attaining such age by an amount, computed as determined by rules of the Board, but not in excess of his estimated Social Security Benefit, determined as of the effective date of the annuity, provided that in no case shall the total annuity payments made by this fund exceed in actuarial value the annuity which would have been payable had no such election been made.

(c) ~~The retirement annuity shall be increased each year by 2%, not compounded, of the monthly amount of annuity, taking into consideration any adjustment under paragraph (b) of this Section. This increase shall be effective each January 1 and computed from the effective date of the retirement annuity, the first increase being .167% of the monthly amount times the number of months from the effective date to January 1.~~ Beginning January 1, 1984 and each January 1 thereafter, the retirement annuity of a Tier 1 regular employee shall be increased by 3% each year, not compounded. This increase shall be computed from the effective date of the retirement annuity, the first increase being 0.25% of the monthly amount times the number of months from the effective date to January 1. This increase shall not be applicable to annuitants who are not in service on or after September 8, 1971.

A retirement annuity of a Tier 2 regular employee shall receive annual increases on the January 1 occurring either on or after the attainment of age 67 or the first anniversary of the annuity start date, whichever is later. Each annual increase shall be calculated at the lesser of 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1 of the originally granted retirement annuity. If the annual unadjusted percentage change in the consumer price index-u for the 12 months ending with the September preceding each November 1 is zero or there is a decrease, then the annuity shall not be increased.

(d) Any elected county officer who was entitled to receive a stipend from the State on or after July 1, 2009 and on or before June 30, 2010 may establish earnings credit for the amount of stipend not received, if the elected county official applies in writing to the fund within 6 months after the effective date of this amendatory Act of the 96th General Assembly and pays to the fund an amount equal to (i) employee contributions on the amount of stipend not received, (ii) employer contributions determined by the Board equal to the employer's normal cost of the benefit on the amount of stipend not received, plus (iii) interest on items (i) and (ii) at the actuarially assumed rate.

(Source: P.A. 96-961, eff. 7-2-10.)

(40 ILCS 5/7-144) (from Ch. 108 1/2, par. 7-144)

Sec. 7-144. Retirement annuities - suspended during employment.

(a) If any person receiving any annuity again becomes an employee and receives earnings from employment in a position requiring him, or entitling him to elect, to become a participating employee, then the annuity payable to such employee shall be suspended as of the 1st day of the month coincidental with or next following the date upon which such person becomes such an employee, unless the person is authorized under subsection (b) of Section 7-137.1 of this Code to continue receiving a retirement annuity during that period. Upon proper qualification of the participating employee payment of such annuity may be resumed on the 1st day of the month following such qualification and upon proper application therefor. The participating employee in such case shall be entitled to a supplemental annuity arising from service and credits earned subsequent to such re-entry as a participating employee.

Notwithstanding any other provision of this Article, an annuitant shall be considered a participating employee if he or she returns to work as an employee with a participating employer and works more than 599 hours annually (or 999 hours annually with a participating employer that has adopted a resolution pursuant to subsection (e) of Section 7-137 of this Code). Each of these annual periods shall commence on the month and day upon which the annuitant is first employed with the participating employer following the effective date of the annuity.

(a-5) If any annuitant under this Article must be considered a participating employee per the provisions of subsection (a) of this Section, and the participating municipality or participating instrumentality that employs or re-employs that annuitant knowingly fails to notify the Board to suspend the annuity, the participating municipality or participating instrumentality may be required to reimburse the Fund for an amount up to one-half of the total of any annuity payments made to the annuitant after the date

the annuity should have been suspended, as determined by the Board. In no case shall the total amount repaid by the annuitant plus any amount reimbursed by the employer to the Fund be more than the total of all annuity payments made to the annuitant after the date the annuity should have been suspended. This subsection shall not apply if the annuitant returned to work for the employer for less than 12 months.

The Fund shall notify all annuitants that they must notify the Fund immediately if they return to work for any participating employer. The notification by the Fund shall occur upon retirement and no less than annually thereafter in a format determined by the Fund. The Fund shall also develop and maintain a system to track annuitants who have returned to work and notify the participating employer and annuitant at least annually of the limitations on returning to work under this Section.

(b) Supplemental annuities to persons who return to service for less than 48 months shall be computed under the provisions of Sections 7-141, 7-142 and 7-143. In determining whether an employee is eligible for an annuity which requires a minimum period of service, his entire period of service shall be taken into consideration but the supplemental annuity shall be based on earnings and service in the supplemental period only. The effective date of the suspended and supplemental annuity for the purpose of increases after retirement shall be considered to be the effective date of the suspended annuity.

(c) Supplemental annuities to persons who return to service for 48 months or more shall be a monthly amount determined as follows:

(1) An amount shall be computed under subparagraph b of paragraph (1) of subsection (a) of Section 7-142, considering all of the service credits of the employee;

(2) The actuarial value in monthly payments for life of the annuity payments made before suspension shall be determined and subtracted from the amount determined in (1) above;

(3) The monthly amount of the suspended annuity, with any applicable increases after retirement computed from the effective date to the date of reinstatement, shall be subtracted from the amount determined in (2) above and the remainder shall be the amount of the supplemental annuity provided that this amount shall not be less than the amount computed under subsection (b) of this Section.

(4) The suspended annuity shall be reinstated at an amount including any increases after retirement from the effective date to date of reinstatement.

(5) The effective date of the combined suspended and supplemental annuities for the purposes of increases after retirement shall be considered to be the effective date of the supplemental annuity.

(d) If a Tier 2 regular employee becomes a member or participant under any other system or fund created by this Code and is employed on a full-time basis, except for those members or participants exempted from the provisions of subsection (a) of Section 1-160 of this Code (other than a participating employee under this Article), then the person's retirement annuity shall be suspended during that employment. Upon termination of that employment, the person's retirement annuity shall resume and be recalculated as required by this Section.

(e) If a Tier 2 regular employee first began participation on or after January 1, 2012 and is receiving a retirement annuity and accepts on a contractual basis a position to provide services to a governmental entity from which he or she has retired, then that person's annuity or retirement pension shall be suspended during that contractual service, notwithstanding the provisions of any other Section in this Article. Such annuitant shall notify the Fund, as well as his or her contractual employer, of his or her retirement status before accepting contractual employment. A person who fails to submit such notification shall be guilty of a Class A misdemeanor and required to pay a fine of $1,000. Upon termination of that contractual employment, the person's retirement annuity shall resume and be recalculated as required by this Section.

(Source: P.A. 98-389, eff. 8-16-13; 99-745, eff. 8-5-16.)

(40 ILCS 5/7-156) (from Ch. 108 1/2, par. 7-156)

Sec. 7-156. Surviving spouse annuities - amount.

(a) The amount of surviving spouse annuity shall be:

1. Upon the death of an employee annuitant or such person entitled, upon application, to a retirement annuity at date of death, (i) an amount equal to ~~1/2~~ 50% for a Tier 1 regular employee or 66 2/3% for a Tier 2 regular employee of the retirement annuity which was or would have been payable exclusive of the amount so payable which was provided from additional credits, and disregarding any election made under paragraph (b) of Section 7-142, plus (ii) an annuity which could be provided at the then attained age of the surviving spouse and under actuarial tables then in effect, from the excess of the additional credits, (excluding any such credits used to create a reversionary annuity) used to provide the annuity granted

pursuant to paragraph (a) (2) of Section 7-142 of this article over the total annuity payments made pursuant thereto.

2. Upon the death of a participating employee on or after attainment of age 55, an amount equal to ~~1/2~~ 50% for a Tier 1 regular employee or 66 2/3% for a Tier 2 regular employee of the retirement annuity which he could have had as of the date of death had he then retired and applied for annuity, exclusive of the portion thereof which could have been provided from additional credits, and disregarding paragraph (b) of Section 7-142, plus an amount equal to the annuity which could be provided from the total of his accumulated additional credits at date of death, on the basis of the attained age of the surviving spouse on such date.

3. Upon the death of a participating employee before age 55, an amount equal to ~~1/2~~ 50% for a Tier 1 regular employee or 66 2/3% for a Tier 2 regular employee of the retirement annuity which he could have had as of his attained age on the date of death, had he then retired and applied for annuity, and the provisions of this Article that no such annuity shall begin until the employee has attained at least age 55 were not applicable, exclusive of the portion thereof which could have been provided from additional credits and disregarding paragraph (b) of Section 7-142, plus an amount equal to the annuity which could be provided from the total of his accumulated additional credits at date of death, on the basis of the attained age of the surviving spouse on such date.

In the case of the surviving spouse of a person who dies before June 1, 2006 (the effective date of Public Act 94-712) ~~this amendatory Act of the 94th General Assembly~~, if the surviving spouse is more than 5 years younger than the deceased, that portion of the annuity which is not based on additional credits shall be reduced in the ratio of the value of a life annuity of $1 per year at an age of 5 years less than the attained age of the deceased, at the earlier of the date of the death or the date his retirement annuity begins, to the value of a life annuity of $1 per year at the attained age of the surviving spouse on such date, according to actuarial tables approved by the Board. This reduction does not apply to the surviving spouse of a person who dies on or after June 1, 2006 (the effective date of Public Act 94-712) ~~this amendatory Act of the 94th General Assembly~~.

In computing the amount of a surviving spouse annuity, incremental increases of retirement annuities to the date of death of the employee annuitant shall be considered.

(b) If the employee was a Tier 1 regular employee, each ~~Each~~ surviving spouse annuity payable on January 1, 1988 shall be increased on that date by 3% of the original amount of the annuity. Each surviving spouse annuity that begins after January 1, 1988 shall be increased on the January 1 next occurring after the annuity begins, by an amount equal to (i) 3% of the original amount thereof if the deceased employee was receiving a retirement annuity at the time of his death; otherwise (ii) 0.25% ~~0.167%~~ of the original amount thereof for each complete month which has elapsed since the date the annuity began.

On each January 1 after the date of the initial increase under this subsection, each surviving spouse annuity shall be increased by 3% of the originally granted amount of the annuity.

(c) If the participating employee was a Tier 2 regular employee, each surviving spouse annuity shall be increased (1) on each January 1 occurring on or after the commencement of the annuity if the deceased member died while receiving a retirement annuity or (2) in other cases, on each January 1 occurring after the first anniversary of the commencement of the annuity. Such annual increase shall be calculated at 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, whichever is less, of the originally granted surviving spouse annuity. If the annual unadjusted percentage change in the consumer price index-u for the 12 months ending with the September preceding each November 1 is zero or there is a decrease, then the annuity shall not be increased.

(Source: P.A. 94-712, eff. 6-1-06.)

(40 ILCS 5/7-191) (from Ch. 108 1/2, par. 7-191)

Sec. 7-191. To have accounts audited.

To have the accounts of the fund audited annually by a certified public accountant ~~approved by the Auditor General~~.

(Source: Laws 1963, p. 161.)

Article 15.

Section 15-5. The Illinois Pension Code is amended by changing Section 13-310 as follows:

(40 ILCS 5/13-310) (from Ch. 108 1/2, par. 13-310)

Sec. 13-310. Ordinary disability benefit.

(a) Any employee who becomes disabled as the result of any cause other than injury or illness incurred in the performance of duty for the employer or any other employer, or while engaged in self-employment activities, shall be entitled to an ordinary disability benefit. The eligible period for this benefit shall be 25% of the employee's total actual service prior to the date of disability with a cumulative maximum period of 5 years.

(b) The benefit shall be allowed only if the employee files an application in writing with the Board, and a medical report is submitted by at least one licensed and practicing physician as part of the employee's application.

The benefit is not payable for any disability which begins during any period of unpaid leave of absence. No benefit shall be allowed for any period of disability prior to 30 days before application is made, unless the Board finds good cause for the delay in filing the application. The benefit shall not be paid during any period for which the employee receives or is entitled to receive any part of salary.

The benefit is not payable for any disability which begins during any period of absence from duty other than allowable vacation time in any calendar year. An employee whose disability begins during any such ineligible period of absence from service may not receive benefits until the employee recovers from the disability and is in service for at least 15 consecutive working days after such recovery.

In the case of an employee who first enters service on or after June 13, 1997, an ordinary disability benefit is not payable for the first 3 days of disability that would otherwise be payable under this Section if the disability does not continue for at least 11 additional days.

Beginning on the effective date of this amendatory Act of the 94th General Assembly, an employee who first entered service on or after June 13, 1997 is also eligible for ordinary disability benefits on the 31st day after the last day worked, provided all sick leave is exhausted.

(c) The benefit shall be 50% of the employee's salary at the date of disability, and shall terminate when the earliest of the following occurs:

(1) The employee returns to work or receives a retirement annuity paid wholly or in part under this Article;

(2) The disability ceases;

(3) The employee willfully and continuously refuses to follow medical advice and treatment to enable the employee to return to work. However this provision does not apply to an employee who relies in good faith on treatment by prayer through spiritual means alone in accordance with the tenets and practice of a recognized church or religious denomination, by a duly accredited practitioner thereof;

(4) The employee (i) refuses to submit to a reasonable physical examination within 30 days of application by a physician appointed by the Board, (ii) in the case of chronic alcoholism, the employee refuses to join a rehabilitation program licensed by the Department of Public Health of the State of Illinois and certified by the Joint Commission on the Accreditation of Hospitals, (iii) fails or refuses to consent to and sign an authorization allowing the Board to receive copies of or to examine the employee's medical and hospital records, or (iv) fails or refuses to provide complete information regarding any other employment for compensation he or she has received since becoming disabled; or

(5) The eligible period for this benefit has been exhausted.

The first payment of the benefit shall be made not later than one month after the same has been granted, and subsequent payments shall be made at least monthly ~~intervals of not more than 30 days~~.
(Source: P.A. 94-621, eff. 8-18-05.)

Article 20.

Section 20-5. The Illinois Pension Code is amended by changing Sections 17-140 and 17-151.1 as follows:

(40 ILCS 5/17-140) (from Ch. 108 1/2, par. 17-140)

Sec. 17-140. Board officers. The president, recording secretary and other officers of the Board shall be elected by and from the members of the Board ~~board~~ at the first meeting of the Board after the election of trustees.

In case any officer whose signature appears upon any check or draft, issued pursuant to this Article, ceases ~~(after attaching his signature)~~ to hold ~~his~~ office, the ~~before the delivery thereof to the payee, his~~ signature nevertheless shall be valid and sufficient for all purposes ~~with the same effect as if he had remained in office until delivery thereof~~.

(Source: P.A. 90-566, eff. 1-2-98.)

(40 ILCS 5/17-151.1)

Sec. 17-151.1. Recovery of amount paid in error.

(a) The Board may retain out of any annuity or benefit payable to any person any amount that the Board determines is owing to the Fund because (i) required employee contributions were not made in whole or in part, (ii) employee or member obligations to return refunds were not met, or (iii) money was paid to any employee, member, or annuitant through misrepresentation, fraud, or error.

If the Fund mistakenly sets any benefit at an incorrect amount, the Fund shall recalculate the benefit as soon as may be practicable after the mistake is discovered. The Fund shall provide the recipient, or the survivor or beneficiary of the recipient, as the case may be, with at least 60 days' notice of the corrected amount.

If the benefit was mistakenly set too low, the Fund shall make a lump sum payment to the recipient, or the survivor or beneficiary of the recipient, as the case may be, of an amount equal to the difference between the benefits that should have been paid and those actually paid, plus interest at the rate of 3% from the date the unpaid amounts accrued to the date of payment.

If the benefit was mistakenly set too high, the Fund may recover the amount overpaid from the recipient, or the survivor or beneficiary of the recipient, as the case may be, plus interest at 3% from the date of overpayment to the date of recovery. The recipient, or the survivor or beneficiary of the recipient, as the case may be, may elect to repay the sum owed either directly by a lump sum payment, in agreed-upon monthly payments over a period not to exceed 5 years, or through an actuarial equivalent reduction of the corrected benefit. However, if (1) the amount of the benefit was mistakenly set too high, (2) the error was undiscovered for 3 years or longer from the date of the first mistaken benefit payment, and (3) the error was not the result of incorrect information supplied by the affected member, then upon discovery of the mistake the benefit shall be adjusted to the correct level, but the recipient of the benefit shall not be required to repay to the Fund the excess amounts received in error.

(b) The Board and the Fund shall be held free from any liability for any money retained or paid in accordance with this Section, and the employee, member, or pensioner shall be assumed to have assented and agreed to the disposition of money due.

(c) The changes made by this amendatory Act of the 94th General Assembly are not limited to persons in service on or after the effective date of this amendatory Act.

(Source: P.A. 94-425, eff. 8-2-05.)

Article 25.

Section 25-5. The Illinois Pension Code is amended by changing Section 17-106.1 as follows:

(40 ILCS 5/17-106.1)

Sec. 17-106.1. Administrator. Administrator means a member who (i) is employed in a position that requires him or her to hold a professional educator license with an administrative endorsement ~~Type 75 Certificate~~ issued by the State Board of Education ~~State Teacher Certification Board~~, (ii) is not on the Chicago teachers' or the Chicago charter school teachers' salary schedule, or (iii) is paid on an administrative payroll.

(Source: P.A. 94-514, eff. 8-10-05; 94-912, eff. 6-23-06.)

Article 30.

Section 30-5. The Illinois Pension Code is amended by changing Section 17-131 as follows:

(40 ILCS 5/17-131) (from Ch. 108 1/2, par. 17-131)

Sec. 17-131. Administration of payroll deductions.

(a) An Employer or the Board shall make pension deductions in each pay period on the basis of the salary earned in that period, exclusive of salaries for overtime, extracurricular activities, or any employment on an optional basis, such as in summer school.

(b) If a salary paid in a pay period includes adjustments on account of errors or omissions in prior pay periods, then salary amounts and related pension deductions shall be separately identified as to the adjusted pay period and deductions by the Employer or the Board shall be at rates in force during the applicable adjusted pay period.

(c) If members earn salaries for the school year, as established by an Employer, or if they earn annual salaries over more than a 10-calendar month period, or if they earn annual salaries over more than 170 calendar days, the required contribution amount shall be deducted by the Employer in installments on the basis of salary earned in each pay period. The total amounts for each pay period shall be deducted whenever salary payments represent a partial or whole day's pay.

(d) If an Employer or the Board pays a salary to a member for vacation periods, then the salary shall be considered part of the member's pensionable salary, shall be subject to the standard deductions for pension contributions, and shall be considered to represent pay for the number of whole days of vacation.

(e) If deductions from salaries result in amounts of less than one cent, the fractional sums shall be increased to the next higher cent. Any excess of these fractional increases over the prescribed annual contributions shall be credited to the members' accounts.

(f) In the event that, pursuant to Section 17-130.1, employee contributions are picked up or made by the Employer or the Board ~~of Education~~ on behalf of its employees, then the amount of the employee contributions which are picked up or made in that manner shall not be deducted from the salaries of such employees.

(Source: P.A. 101-261, eff. 8-9-19.)

Article 35.

Section 35-5. The Illinois Pension Code is amended by changing Sections 15-159 and 15-202 as follows:

(40 ILCS 5/15-159) (from Ch. 108 1/2, par. 15-159)

Sec. 15-159. Board created.

(a) A board of trustees constituted as provided in this Section shall administer this System. The board shall be known as the Board of Trustees of the State Universities Retirement System.

(b) (Blank).

(c) (Blank).

(d) Beginning on the 90th day after April 3, 2009 (the effective date of Public Act 96-6), the Board of Trustees shall be constituted as follows:

(1) The Chairperson of the Board of Higher Education.

(2) Four trustees appointed by the Governor with the advice and consent of the Senate who may not be members of the system or hold an elective State office and who shall serve for a term of 6 years, except that the terms of the initial appointees under this subsection (d) shall be as follows: 2 for a term of 3 years and 2 for a term of 6 years. The term of an appointed trustee shall terminate immediately upon becoming a member of the system or being sworn into an elective State office, and the position shall be considered to be vacant and shall be filled pursuant to subsection (f) of this Section.

(3) Four participating employees ~~active participants~~ of the system to be elected from the contributing membership of the system by the contributing members, no more than 2 of which may be from any of the University of Illinois campuses, who shall serve for a term of 6 years, except that the terms of the initial electees shall be as follows: 2 for a term of 3 years and 2 for a term of 6 years.

(4) Two annuitants of the system who have been annuitants for at least one full year, to be elected from and by the annuitants of the system, no more than one of which may be from any of the University of Illinois campuses, who shall serve for a term of 6 years, except that the terms of the initial electees shall be as follows: one for a term of 3 years and one for a term of 6 years.

The chairperson of the Board shall be appointed by the Governor from among the trustees.

For the purposes of this Section, the Governor may make a nomination and the Senate may confirm the nominee in advance of the commencement of the nominee's term of office.

(e) The 6 elected trustees shall be elected within 90 days after April 3, 2009 (the effective date of Public Act 96-6) for a term beginning on the 90th day after that effective date. Trustees shall be elected thereafter as terms expire for a 6-year term beginning July 15 next following their election, and such election shall be held on May 1, or on May 2 when May 1 falls on a Sunday. The board may establish rules for the election of trustees to implement the provisions of Public Act 96-6 and for future elections. Candidates for the participating trustee shall be nominated by petitions in writing, signed by not less than 400 participants with their addresses shown opposite their names. Candidates for the annuitant trustee shall be nominated by petitions in writing, signed by not less than 100 annuitants with their addresses shown

opposite their names. If there is more than one qualified nominee for each elected trustee, then the board shall conduct a secret ballot election by mail for that trustee, in accordance with rules as established by the board. If there is only one qualified person nominated by petition for each elected trustee, then the election as required by this Section shall not be conducted for that trustee and the board shall declare such nominee duly elected. A vacancy occurring in the elective membership of the board shall be filled for the unexpired term by the elected trustees serving on the board for the remainder of the term. Nothing in this subsection shall preclude the adoption of rules providing for internet or phone balloting in addition, or as an alternative, to election by mail.

(f) A vacancy in the appointed membership on the board of trustees caused by resignation, death, expiration of term of office, or other reason shall be filled by a qualified person appointed by the Governor for the remainder of the unexpired term.

(g) Trustees ~~(other than the trustees incumbent on June 30, 1995 or as provided in subsection (c) of this Section)~~ shall continue in office until their respective successors are appointed and have qualified, except that a trustee elected ~~appointed~~ to one of the participating employee ~~participant~~ positions after the effective date of this amendatory Act of the 102nd General Assembly shall be disqualified immediately upon the termination of his or her status as a participating employee ~~participant~~ and a trustee elected ~~appointed~~ to one of the annuitant positions after the effective date of this amendatory Act of the 102nd General Assembly shall be disqualified immediately upon the termination of his or her status as an annuitant receiving a retirement annuity.

An elected trustee who is incumbent on the effective date of this amendatory Act of the 102nd General Assembly whose status as a participating employee or annuitant has terminated after having been elected shall continue to serve in the participating employee or annuitant position to which he or she was elected for the remainder of the term.

(h) Each trustee must take an oath of office before a notary public of this State and shall qualify as a trustee upon the presentation to the board of a certified copy of the oath. The oath must state that the person will diligently and honestly administer the affairs of the retirement system, and will not knowingly violate or willfully permit to be violated any provisions of this Article.

Each trustee shall serve without compensation but shall be reimbursed for expenses necessarily incurred in attending board meetings and carrying out his or her duties as a trustee or officer of the system.
(Source: P.A. 101-610, eff. 1-1-20.)

(40 ILCS 5/15-202)

Sec. 15-202. Optional defined contribution plan ~~benefit~~. As soon as practicable after August 10, 2018 (the effective date of Public Act 100-769) ~~this amendatory Act of the 100th General Assembly~~, the System shall offer a defined contribution plan ~~benefit~~ to participating employees ~~active members~~ of the System employed by eligible employers described under Section 457(e)(1)(A) of the Internal Revenue Code of 1986, as amended. The defined contribution plan ~~benefit~~ shall be an optional plan ~~benefit~~ to any such participating employee ~~member~~ who chooses to participate. The defined contribution plan ~~benefit~~ shall collect optional employee and optional employer contributions into an account and shall offer investment options to the participant. The plan ~~benefit~~ under this Section shall be operated in full compliance with any applicable State and federal laws, and the System shall utilize generally accepted practices in creating and maintaining the plan ~~benefit~~ for the best interest of the participants. The System may use funds from the employee and employer contributions to defray any and all costs of creating and maintaining the plan ~~benefit~~. The System shall produce an annual report on the participation in the plan ~~benefit~~ and shall make the report public. The changes made to this Section by this amendatory Act of the 102nd General Assembly are corrections of existing law and are intended to be retroactive to August 10, 2018 (the effective date of Public Act 100-769), notwithstanding Section 1-103.1 of this Code.
(Source: P.A. 100-769, eff. 8-10-18.)

Article 40.

Section 40-5. The Illinois Pension Code is amended by changing Section 10-107 as follows:

(40 ILCS 5/10-107) (from Ch. 108 1/2, par. 10-107)

Sec. 10-107. Financing - Tax levy. The forest preserve district may levy an annual tax on the value, as equalized or assessed by the Department of Revenue, of all taxable property in the district for the purpose of providing revenue for the fund. The rate of such tax in any year may not exceed the rate herein specified for that year or the rate which will produce, when extended, the sum herein stated for that year, whichever is

higher: for any year prior to 1970, .00103% or $195,000; for the year 1970, .00111% or $210,000; for the year 1971, .00116% or $220,000. For the year 1972 and each year thereafter, the Forest Preserve District shall levy a tax annually at a rate on the dollar of the value, as equalized or assessed by the Department of Revenue upon all taxable property in the county, when extended, not to exceed an amount equal to the total amount of contributions by the employees to the fund made in the calendar year 2 years prior to the year for which the annual applicable tax is levied, multiplied by 1.25 for the year 1972; and by 1.30 for the year 1973 and for each year thereafter.

The tax shall be levied and collected in like manner with the general taxes of the district and shall be in addition to the maximum of all other tax rates which the district may levy upon the aggregate valuation of all taxable property and shall be exclusive of and in addition to the maximum amount and rate of taxes the district may levy for general purposes or under and by virtue of any laws which limit the amount of tax which the district may levy for general purposes. The county clerk of the county in which the forest preserve district is located in reducing tax levies under the provisions of "An Act concerning the levy and extension of taxes", approved May 9, 1901, as amended, shall not consider any such tax as a part of the general tax levy for forest preserve purposes, and shall not include the same in the limitation of 1% of the assessed valuation upon which taxes are required to be extended, and shall not reduce the same under the provisions of that Act. The proceeds of the tax herein authorized shall be kept as a separate fund.

The forest preserve district may use other lawfully available funds in lieu of all or part of the levy.

The Board may establish a manpower program reserve, or a special forest preserve district contribution rate, with respect to employees whose wages are funded as program participants under the Comprehensive Employment and Training Act of 1973 in the manner provided in subsection (d) or (e), respectively, of Section 9-169.

(Source: P.A. 81-1509.)

Article 45.

Section 45-5. The Illinois Pension Code is amended by changing Section 9-158 as follows:

(40 ILCS 5/9-158) (from Ch. 108 1/2, par. 9-158)

Sec. 9-158. Proof of disability, duty and ordinary. Proof of duty or ordinary disability shall be furnished to the board by at least one licensed and practicing physician appointed by or acceptable to the board, except that this requirement may be waived by the board for proof of duty disability if the employee has been compensated by the county for such disability or specific loss under the Workers' Compensation Act or Workers' Occupational Diseases Act. The physician requirement may also be waived by the board for ordinary disability maternity claims of up to 8 weeks. With respect to duty disability, satisfactory proof must be provided to the board that the final adjudication of the claim required under subsection (d) of Section 9-159 established that the disability or death resulted from an injury incurred in the performance of an act or acts of duty. The board may require other evidence of disability. Each disabled employee who receives duty or ordinary disability benefit shall be examined at least once a year or a longer period of time as determined by the board, by one or more licensed and practicing physicians appointed by the board. When the disability ceases, the board shall discontinue payment of the benefit.

(Source: P.A. 99-578, eff. 7-15-16.)

Article 50.

Section 50-5. The Illinois Pension Code is amended by adding Section 14-148.5 as follows:

(40 ILCS 5/14-148.5 new)

Sec. 14-148.5. Indemnification of financial institution for recovery of overpayment. The System may indemnify a bank, savings and loan association, or other financial institution insured by an agency of the federal government as necessary to recover for the System any benefit overpayment that the System has made to the financial institution on behalf of a member.

(40 ILCS 5/21-120 rep.)

Section 50-10. The Illinois Pension Code is amended by repealing Section 21-120.

Article 55.

Section 55-5. The Illinois Pension Code is amended by adding Section 4-108.8 and by changing Sections 7-139.8, 14-110, and 14-152.1 as follows:

(40 ILCS 5/4-108.8 new)

Sec. 4-108.8. Transfer of creditable service to the State Employees' Retirement System.

(a) Any active member of the State Employees' Retirement System who is an arson investigator may apply for transfer of some or all of his or her credits and creditable service accumulated in any firefighters' pension fund under this Article to the State Employees' Retirement System in accordance with Section 14-110. The creditable service shall be transferred only upon payment by the firefighters' pension fund to the State Employees' Retirement System of an amount equal to:

(1) the amounts accumulated to the credit of the applicant for the service to be transferred on file with the fund on the date of transfer;

(2) employer contributions in an amount equal to the amount determined under paragraph (1); and

(3) any interest paid by the applicant in order to reinstate service to be transferred.

Participation in the firefighters' pension fund with respect to the service to be transferred shall terminate on the date of transfer.

(b) Any person applying to transfer service under this Section may reinstate service that was terminated by receipt of a refund, by paying to the firefighters' pension fund the amount of the refund with interest thereon at the actuarially assumed rate of interest, compounded annually, from the date of refund to the date of payment.

(40 ILCS 5/7-139.8) (from Ch. 108 1/2, par. 7-139.8)

Sec. 7-139.8. Transfer to Article 14 System.

(a) Any active member of the State Employees' Retirement System who is a State policeman, an investigator for the Secretary of State, a conservation police officer, an investigator for the Office of the Attorney General, an investigator for the Department of Revenue, a Commerce Commission police officer, an investigator for the Office of the State's Attorneys Appellate Prosecutor, or a controlled substance inspector may apply for transfer of some or all of his or her credits and creditable service accumulated in this Fund for service as a sheriff's law enforcement employee, person employed by a participating municipality to perform police duties, or law enforcement officer employed on a full-time basis by a forest preserve district to the State Employees' Retirement System in accordance with Section 14-110. The creditable service shall be transferred only upon payment by this Fund to the State Employees' Retirement System of an amount equal to:

(1) the amounts accumulated to the credit of the applicant for the service to be transferred, including interest; and

(2) municipality credits based on such service, including interest; and

(3) any interest paid by the applicant to reinstate such service.

Participation in this Fund as to any credits transferred under this Section shall terminate on the date of transfer.

(b) Any person applying to transfer service under this Section may reinstate credits and creditable service terminated upon receipt of a separation benefit, by paying to the Fund the amount of the separation benefit plus interest thereon at the actuarially assumed rate of interest to the date of payment.

(Source: P.A. 95-530, eff. 8-28-07; 96-745, eff. 8-25-09.)

(40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

Sec. 14-110. Alternative retirement annuity.

(a) Any member who has withdrawn from service with not less than 20 years of eligible creditable service and has attained age 55, and any member who has withdrawn from service with not less than 25 years of eligible creditable service and has attained age 50, regardless of whether the attainment of either of the specified ages occurs while the member is still in service, shall be entitled to receive at the option of the member, in lieu of the regular or minimum retirement annuity, a retirement annuity computed as follows:

(i) for periods of service as a noncovered employee: if retirement occurs on or after January 1, 2001, 3% of final average compensation for each year of creditable service; if retirement occurs before January 1, 2001, 2 1/4% of final average compensation for each of the first 10 years of creditable service, 2 1/2% for each year above 10 years to and including 20 years of creditable service, and 2 3/4% for each year of creditable service above 20 years; and

(ii) for periods of eligible creditable service as a covered employee: if retirement occurs on or after January 1, 2001, 2.5% of final average compensation for each year of creditable service; if

retirement occurs before January 1, 2001, 1.67% of final average compensation for each of the first 10 years of such service, 1.90% for each of the next 10 years of such service, 2.10% for each year of such service in excess of 20 but not exceeding 30, and 2.30% for each year in excess of 30.

Such annuity shall be subject to a maximum of 75% of final average compensation if retirement occurs before January 1, 2001 or to a maximum of 80% of final average compensation if retirement occurs on or after January 1, 2001.

These rates shall not be applicable to any service performed by a member as a covered employee which is not eligible creditable service. Service as a covered employee which is not eligible creditable service shall be subject to the rates and provisions of Section 14-108.

(b) For the purpose of this Section, "eligible creditable service" means creditable service resulting from service in one or more of the following positions:

(1) State policeman;

(2) fire fighter in the fire protection service of a department;

(3) air pilot;

(4) special agent;

(5) investigator for the Secretary of State;

(6) conservation police officer;

(7) investigator for the Department of Revenue or the Illinois Gaming Board;

(8) security employee of the Department of Human Services;

(9) Central Management Services security police officer;

(10) security employee of the Department of Corrections or the Department of Juvenile Justice;

(11) dangerous drugs investigator;

(12) investigator for the Department of State Police;

(13) investigator for the Office of the Attorney General;

(14) controlled substance inspector;

(15) investigator for the Office of the State's Attorneys Appellate Prosecutor;

(16) Commerce Commission police officer;

(17) arson investigator;

(18) State highway maintenance worker;

(19) security employee of the Department of Innovation and Technology; or

(20) transferred employee.

A person employed in one of the positions specified in this subsection is entitled to eligible creditable service for service credit earned under this Article while undergoing the basic police training course approved by the Illinois Law Enforcement Training Standards Board, if completion of that training is required of persons serving in that position. For the purposes of this Code, service during the required basic police training course shall be deemed performance of the duties of the specified position, even though the person is not a sworn peace officer at the time of the training.

A person under paragraph (20) is entitled to eligible creditable service for service credit earned under this Article on and after his or her transfer by Executive Order No. 2003-10, Executive Order No. 2004-2, or Executive Order No. 2016-1.

(c) For the purposes of this Section:

(1) The term "State policeman" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.

(2) The term "fire fighter in the fire protection service of a department" includes all officers in such fire protection service including fire chiefs and assistant fire chiefs.

(3) The term "air pilot" includes any employee whose official job description on file in the Department of Central Management Services, or in the department by which he is employed if that department is not covered by the Personnel Code, states that his principal duty is the operation of aircraft, and who possesses a pilot's license; however, the change in this definition made by this amendatory Act of 1983 shall not operate to exclude any noncovered employee who was an "air pilot" for the purposes of this Section on January 1, 1984.

(4) The term "special agent" means any person who by reason of employment by the Division of Narcotic Control, the Bureau of Investigation or, after July 1, 1977, the Division of Criminal Investigation, the Division of Internal Investigation, the Division of Operations, or any other Division or organizational entity in the Department of State Police is vested by law with duties to maintain public order, investigate violations of the criminal law of this State, enforce the laws of this State,

make arrests and recover property. The term "special agent" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.

(5) The term "investigator for the Secretary of State" means any person employed by the Office of the Secretary of State and vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

A person who became employed as an investigator for the Secretary of State between January 1, 1967 and December 31, 1975, and who has served as such until attainment of age 60, either continuously or with a single break in service of not more than 3 years duration, which break terminated before January 1, 1976, shall be entitled to have his retirement annuity calculated in accordance with subsection (a), notwithstanding that he has less than 20 years of credit for such service.

(6) The term "Conservation Police Officer" means any person employed by the Division of Law Enforcement of the Department of Natural Resources and vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. The term "Conservation Police Officer" includes the positions of Chief Conservation Police Administrator and Assistant Conservation Police Administrator.

(7) The term "investigator for the Department of Revenue" means any person employed by the Department of Revenue and vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

The term "investigator for the Illinois Gaming Board" means any person employed as such by the Illinois Gaming Board and vested with such peace officer duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act.

(8) The term "security employee of the Department of Human Services" means any person employed by the Department of Human Services who (i) is employed at the Chester Mental Health Center and has daily contact with the residents thereof, (ii) is employed within a security unit at a facility operated by the Department and has daily contact with the residents of the security unit, (iii) is employed at a facility operated by the Department that includes a security unit and is regularly scheduled to work at least 50% of his or her working hours within that security unit, or (iv) is a mental health police officer. "Mental health police officer" means any person employed by the Department of Human Services in a position pertaining to the Department's mental health and developmental disabilities functions who is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. "Security unit" means that portion of a facility that is devoted to the care, containment, and treatment of persons committed to the Department of Human Services as sexually violent persons, persons unfit to stand trial, or persons not guilty by reason of insanity. With respect to past employment, references to the Department of Human Services include its predecessor, the Department of Mental Health and Developmental Disabilities.

The changes made to this subdivision (c)(8) by Public Act 92-14 apply to persons who retire on or after January 1, 2001, notwithstanding Section 1-103.1.

(9) "Central Management Services security police officer" means any person employed by the Department of Central Management Services who is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(10) For a member who first became an employee under this Article before July 1, 2005, the term "security employee of the Department of Corrections or the Department of Juvenile Justice" means any employee of the Department of Corrections or the Department of Juvenile Justice or the former Department of Personnel, and any member or employee of the Prisoner Review Board, who has daily contact with inmates or youth by working within a correctional facility or Juvenile facility operated by the Department of Juvenile Justice or who is a parole officer or an employee who has direct contact with committed persons in the performance of his or her job duties. For a member who first becomes an employee under this Article on or after July 1, 2005, the term means an employee of the Department of Corrections or the Department of Juvenile Justice who is any of the following: (i) officially headquartered at a correctional facility or Juvenile facility operated by the Department of

Juvenile Justice, (ii) a parole officer, (iii) a member of the apprehension unit, (iv) a member of the intelligence unit, (v) a member of the sort team, or (vi) an investigator.

(11) The term "dangerous drugs investigator" means any person who is employed as such by the Department of Human Services.

(12) The term "investigator for the Department of State Police" means a person employed by the Department of State Police who is vested under Section 4 of the Narcotic Control Division Abolition Act with such law enforcement powers as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(13) "Investigator for the Office of the Attorney General" means any person who is employed as such by the Office of the Attorney General and is vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. For the period before January 1, 1989, the term includes all persons who were employed as investigators by the Office of the Attorney General, without regard to social security status.

(14) "Controlled substance inspector" means any person who is employed as such by the Department of Professional Regulation and is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. The term "controlled substance inspector" includes the Program Executive of Enforcement and the Assistant Program Executive of Enforcement.

(15) The term "investigator for the Office of the State's Attorneys Appellate Prosecutor" means a person employed in that capacity on a full time basis under the authority of Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.

(16) "Commerce Commission police officer" means any person employed by the Illinois Commerce Commission who is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act.

(17) "Arson investigator" means any person who is employed as such by the Office of the State Fire Marshal and is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. A person who was employed as an arson investigator on January 1, 1995 and is no longer in service but not yet receiving a retirement annuity may convert his or her creditable service for employment as an arson investigator into eligible creditable service by paying to the System the difference between the employee contributions actually paid for that service and the amounts that would have been contributed if the applicant were contributing at the rate applicable to persons with the same social security status earning eligible creditable service on the date of application.

(18) The term "State highway maintenance worker" means a person who is either of the following:

(i) A person employed on a full-time basis by the Illinois Department of Transportation in the position of highway maintainer, highway maintenance lead worker, highway maintenance lead/lead worker, heavy construction equipment operator, power shovel operator, or bridge mechanic; and whose principal responsibility is to perform, on the roadway, the actual maintenance necessary to keep the highways that form a part of the State highway system in serviceable condition for vehicular traffic.

(ii) A person employed on a full-time basis by the Illinois State Toll Highway Authority in the position of equipment operator/laborer H-4, equipment operator/laborer H-6, welder H-4, welder H-6, mechanical/electrical H-4, mechanical/electrical H-6, water/sewer H-4, water/sewer H-6, sign maker/hanger H-4, sign maker/hanger H-6, roadway lighting H-4, roadway lighting H-6, structural H-4, structural H-6, painter H-4, or painter H-6; and whose principal responsibility is to perform, on the roadway, the actual maintenance necessary to keep the Authority's tollways in serviceable condition for vehicular traffic.

(19) The term "security employee of the Department of Innovation and Technology" means a person who was a security employee of the Department of Corrections or the Department of Juvenile Justice, was transferred to the Department of Innovation and Technology pursuant to Executive Order 2016-01, and continues to perform similar job functions under that Department.

(20) "Transferred employee" means an employee who was transferred to the Department of Central Management Services by Executive Order No. 2003-10 or Executive Order No. 2004-2 or transferred to the Department of Innovation and Technology by Executive Order No. 2016-1, or both, and was entitled to eligible creditable service for services immediately preceding the transfer.

(d) A security employee of the Department of Corrections or the Department of Juvenile Justice, a security employee of the Department of Human Services who is not a mental health police officer, and a security employee of the Department of Innovation and Technology shall not be eligible for the alternative retirement annuity provided by this Section unless he or she meets the following minimum age and service requirements at the time of retirement:

(i) 25 years of eligible creditable service and age 55; or

(ii) beginning January 1, 1987, 25 years of eligible creditable service and age 54, or 24 years of eligible creditable service and age 55; or

(iii) beginning January 1, 1988, 25 years of eligible creditable service and age 53, or 23 years of eligible creditable service and age 55; or

(iv) beginning January 1, 1989, 25 years of eligible creditable service and age 52, or 22 years of eligible creditable service and age 55; or

(v) beginning January 1, 1990, 25 years of eligible creditable service and age 51, or 21 years of eligible creditable service and age 55; or

(vi) beginning January 1, 1991, 25 years of eligible creditable service and age 50, or 20 years of eligible creditable service and age 55.

Persons who have service credit under Article 16 of this Code for service as a security employee of the Department of Corrections or the Department of Juvenile Justice, or the Department of Human Services in a position requiring certification as a teacher may count such service toward establishing their eligibility under the service requirements of this Section; but such service may be used only for establishing such eligibility, and not for the purpose of increasing or calculating any benefit.

(e) If a member enters military service while working in a position in which eligible creditable service may be earned, and returns to State service in the same or another such position, and fulfills in all other respects the conditions prescribed in this Article for credit for military service, such military service shall be credited as eligible creditable service for the purposes of the retirement annuity prescribed in this Section.

(f) For purposes of calculating retirement annuities under this Section, periods of service rendered after December 31, 1968 and before October 1, 1975 as a covered employee in the position of special agent, conservation police officer, mental health police officer, or investigator for the Secretary of State, shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the employee contributions that would have been required for such service as a noncovered employee, and the amount of employee contributions actually paid, plus (2) if payment is made after July 31, 1987, regular interest on the amount specified in item (1) from the date of service to the date of payment.

For purposes of calculating retirement annuities under this Section, periods of service rendered after December 31, 1968 and before January 1, 1982 as a covered employee in the position of investigator for the Department of Revenue shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the employee contributions that would have been required for such service as a noncovered employee, and the amount of employee contributions actually paid, plus (2) if payment is made after January 1, 1990, regular interest on the amount specified in item (1) from the date of service to the date of payment.

(g) A State policeman may elect, not later than January 1, 1990, to establish eligible creditable service for up to 10 years of his service as a policeman under Article 3, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.5, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman may elect, not later than July 1, 1993, to establish eligible creditable service for up to 10 years of his service as a member of the County Police Department under Article 9, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 9-121.10 and the amounts that would have

been contributed had those contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(h) Subject to the limitation in subsection (i), a State policeman or investigator for the Secretary of State may elect to establish eligible creditable service for up to 12 years of his service as a policeman under Article 5, by filing a written election with the Board on or before January 31, 1992, and paying to the System by January 31, 1994 an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 5-236, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman, conservation police officer, or investigator for the Secretary of State may elect to establish eligible creditable service for up to 10 years of service as a sheriff's law enforcement employee under Article 7, by filing a written election with the Board on or before January 31, 1993, and paying to the System by January 31, 1994 an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 7-139.7, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman, conservation police officer, or investigator for the Secretary of State may elect to establish eligible creditable service for up to 5 years of service as a police officer under Article 3, a policeman under Article 5, a sheriff's law enforcement employee under Article 7, a member of the county police department under Article 9, or a police officer under Article 15 by filing a written election with the Board and paying to the System an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4 and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), an investigator for the Office of the Attorney General, or an investigator for the Department of Revenue, may elect to establish eligible creditable service for up to 5 years of service as a police officer under Article 3, a policeman under Article 5, a sheriff's law enforcement employee under Article 7, or a member of the county police department under Article 9 by filing a written election with the Board within 6 months after August 25, 2009 (the effective date of Public Act 96-745) and paying to the System an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the actuarially assumed rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman, conservation police officer, investigator for the Office of the Attorney General, an investigator for the Department of Revenue, or investigator for the Secretary of State may elect to establish eligible creditable service for up to 5 years of service as a person employed by a participating municipality to perform police duties, or law enforcement officer employed on a full-time basis by a forest preserve district under Article 7, a county corrections officer, or a court services officer under Article 9, by filing a written election with the Board within 6 months after August 25, 2009 (the effective date of Public Act 96-745) and paying to the System an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Sections 7-139.8 and 9-121.10 and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the actuarially assumed rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman, arson investigator, or Commerce Commission police officer may elect to establish eligible creditable service for up to 5 years of service as a person employed by a participating municipality to perform police duties under Article 7, a county corrections officer, a court services officer under Article 9, or a firefighter under Article 4 by filing a written election with the Board within 6 months after the effective date of this amendatory Act of the 102nd General

Assembly and paying to the System an amount to be determined by the Board equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Sections 4-108.8, 7-139.8, and 9-121.10 and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the actuarially assumed rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a conservation police officer may elect to establish eligible creditable service for up to 5 years of service as a person employed by a participating municipality to perform police duties under Article 7, a county corrections officer, or a court services officer under Article 9 by filing a written election with the Board within 6 months after the effective date of this amendatory Act of the 102nd General Assembly and paying to the System an amount to be determined by the Board equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Sections 7-139.8 and 9-121.10 and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the actuarially assumed rate for each year, compounded annually, from the date of service to the date of payment.

Notwithstanding the limitation in subsection (i), a State policeman or conservation police officer may elect to convert service credit earned under this Article to eligible creditable service, as defined by this Section, by filing a written election with the board within 6 months after the effective date of this amendatory Act of the 102nd General Assembly and paying to the System an amount to be determined by the Board equal to (i) the difference between the amount of employee contributions originally paid for that service and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) the difference between the employer's normal cost of the credit prior to the conversion authorized by this amendatory Act of the 102nd General Assembly and the employer's normal cost of the credit converted in accordance with this amendatory Act of the 102nd General Assembly, plus (iii) interest thereon at the actuarially assumed rate for each year, compounded annually, from the date of service to the date of payment.

(i) The total amount of eligible creditable service established by any person under subsections (g), (h), (j), (k), (l), (l-5), and (o) of this Section shall not exceed 12 years.

(j) Subject to the limitation in subsection (i), an investigator for the Office of the State's Attorneys Appellate Prosecutor or a controlled substance inspector may elect to establish eligible creditable service for up to 10 years of his service as a policeman under Article 3 or a sheriff's law enforcement employee under Article 7, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (1) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.6 or 7-139.8, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (2) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(k) Subject to the limitation in subsection (i) of this Section, an alternative formula employee may elect to establish eligible creditable service for periods spent as a full-time law enforcement officer or full-time corrections officer employed by the federal government or by a state or local government located outside of Illinois, for which credit is not held in any other public employee pension fund or retirement system. To obtain this credit, the applicant must file a written application with the Board by March 31, 1998, accompanied by evidence of eligibility acceptable to the Board and payment of an amount to be determined by the Board, equal to (1) employee contributions for the credit being established, based upon the applicant's salary on the first day as an alternative formula employee after the employment for which credit is being established and the rates then applicable to alternative formula employees, plus (2) an amount determined by the Board to be the employer's normal cost of the benefits accrued for the credit being established, plus (3) regular interest on the amounts in items (1) and (2) from the first day as an alternative formula employee after the employment for which credit is being established to the date of payment.

(l) Subject to the limitation in subsection (i), a security employee of the Department of Corrections may elect, not later than July 1, 1998, to establish eligible creditable service for up to 10 years of his or her service as a policeman under Article 3, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.5, and the amounts that would have been contributed had such contributions been made at the rates applicable to security employees of the Department of Corrections, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(l-5) Subject to the limitation in subsection (i) of this Section, a State policeman may elect to establish eligible creditable service for up to 5 years of service as a full-time law enforcement officer employed by the federal government or by a state or local government located outside of Illinois for which credit is not held in any other public employee pension fund or retirement system. To obtain this credit, the applicant must file a written application with the Board no later than 3 years after the effective date of this amendatory Act of the 101st General Assembly, accompanied by evidence of eligibility acceptable to the Board and payment of an amount to be determined by the Board, equal to (1) employee contributions for the credit being established, based upon the applicant's salary on the first day as an alternative formula employee after the employment for which credit is being established and the rates then applicable to alternative formula employees, plus (2) an amount determined by the Board to be the employer's normal cost of the benefits accrued for the credit being established, plus (3) regular interest on the amounts in items (1) and (2) from the first day as an alternative formula employee after the employment for which credit is being established to the date of payment.

(m) The amendatory changes to this Section made by this amendatory Act of the 94th General Assembly apply only to: (1) security employees of the Department of Juvenile Justice employed by the Department of Corrections before the effective date of this amendatory Act of the 94th General Assembly and transferred to the Department of Juvenile Justice by this amendatory Act of the 94th General Assembly; and (2) persons employed by the Department of Juvenile Justice on or after the effective date of this amendatory Act of the 94th General Assembly who are required by subsection (b) of Section 3-2.5-15 of the Unified Code of Corrections to have any bachelor's or advanced degree from an accredited college or university or, in the case of persons who provide vocational training, who are required to have adequate knowledge in the skill for which they are providing the vocational training.

(n) A person employed in a position under subsection (b) of this Section who has purchased service credit under subsection (j) of Section 14-104 or subsection (b) of Section 14-105 in any other capacity under this Article may convert up to 5 years of that service credit into service credit covered under this Section by paying to the Fund an amount equal to (1) the additional employee contribution required under Section 14-133, plus (2) the additional employer contribution required under Section 14-131, plus (3) interest on items (1) and (2) at the actuarially assumed rate from the date of the service to the date of payment.

(o) Subject to the limitation in subsection (i), a conservation police officer, investigator for the Secretary of State, Commerce Commission police officer, investigator for the Department of Revenue or the Illinois Gaming Board, or arson investigator subject to subsection (g) of Section 1-160 may elect to convert up to 8 years of service credit established before the effective date of this amendatory Act of the 101st General Assembly as a conservation police officer, investigator for the Secretary of State, Commerce Commission police officer, investigator for the Department of Revenue or the Illinois Gaming Board, or arson investigator under this Article into eligible creditable service by filing a written election with the Board no later than one year after the effective date of this amendatory Act of the 101st General Assembly, accompanied by payment of an amount to be determined by the Board equal to (i) the difference between the amount of the employee contributions actually paid for that service and the amount of the employee contributions that would have been paid had the employee contributions been made as a noncovered employee serving in a position in which eligible creditable service, as defined in this Section, may be earned, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(Source: P.A. 100-19, eff. 1-1-18; 100-611, eff. 7-20-18; 101-610, eff. 1-1-20.)

(40 ILCS 5/14-152.1)

Sec. 14-152.1. Application and expiration of new benefit increases.

(a) As used in this Section, "new benefit increase" means an increase in the amount of any benefit provided under this Article, or an expansion of the conditions of eligibility for any benefit under this Article, that results from an amendment to this Code that takes effect after June 1, 2005 (the effective date of Public Act 94-4). "New benefit increase", however, does not include any benefit increase resulting from the changes made to Article 1 or this Article by Public Act 96-37, Public Act 100-23, Public Act 100-587, Public Act 100-611, Public Act 101-10, Public Act 101-610, or this amendatory Act of the 102nd General Assembly ~~or this amendatory Act of the 101st General Assembly~~.

(b) Notwithstanding any other provision of this Code or any subsequent amendment to this Code, every new benefit increase is subject to this Section and shall be deemed to be granted only in conformance with and contingent upon compliance with the provisions of this Section.

(c) The Public Act enacting a new benefit increase must identify and provide for payment to the System of additional funding at least sufficient to fund the resulting annual increase in cost to the System as it accrues.

Every new benefit increase is contingent upon the General Assembly providing the additional funding required under this subsection. The Commission on Government Forecasting and Accountability shall analyze whether adequate additional funding has been provided for the new benefit increase and shall report its analysis to the Public Pension Division of the Department of Insurance. A new benefit increase created by a Public Act that does not include the additional funding required under this subsection is null and void. If the Public Pension Division determines that the additional funding provided for a new benefit increase under this subsection is or has become inadequate, it may so certify to the Governor and the State Comptroller and, in the absence of corrective action by the General Assembly, the new benefit increase shall expire at the end of the fiscal year in which the certification is made.

(d) Every new benefit increase shall expire 5 years after its effective date or on such earlier date as may be specified in the language enacting the new benefit increase or provided under subsection (c). This does not prevent the General Assembly from extending or re-creating a new benefit increase by law.

(e) Except as otherwise provided in the language creating the new benefit increase, a new benefit increase that expires under this Section continues to apply to persons who applied and qualified for the affected benefit while the new benefit increase was in effect and to the affected beneficiaries and alternate payees of such persons, but does not apply to any other person, including, without limitation, a person who continues in service after the expiration date and did not apply and qualify for the affected benefit while the new benefit increase was in effect.

(Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18; 100-611, eff. 7-20-18; 101-10, eff. 6-5-19; 101-81, eff. 7-12-19; 101-610, eff. 1-1-20.)

Article 65.

Section 65-5. The Illinois Pension Code is amended by changing Section 17-147 as follows:

(40 ILCS 5/17-147) (from Ch. 108 1/2, par. 17-147)

Sec. 17-147. Custody of Fund; bonds; legal ~~Fund - Bonds - Legal~~ proceedings. The city treasurer, ex officio ~~ex officio~~, shall be the custodian of the Fund, and shall secure and safely keep it, subject to the control and direction of the Board. The city treasurer ~~He~~ shall keep the ~~his~~ books and accounts concerning the Fund in the manner prescribed by the Board. The books and accounts shall always be subject to the inspection of the Board or any member thereof. The city treasurer shall be liable on the city treasurer's ~~his~~ official bond for the proper performance of ~~his~~ duties and the conservation of the Fund.

Payments from the Fund shall be made upon checks or through direct deposit transmittals authorized ~~warrants signed by the president and the secretary of the Board of Education, the president of the Board, and countersigned~~ by the executive director or by such person as the Board may designate from time to time by appropriate resolution.

Neither the treasurer nor any other officer having the custody of the Fund is entitled to retain any interest accruing thereon, but such interest shall accrue and inure to the benefit of such Fund, become a part thereof, subject to the purposes of this Article.

Any legal proceedings necessary for the enforcement of the provisions of this Article shall be brought by and in the name of the Board of the Fund.

(Source: P.A. 90-566, eff. 1-2-98.)

Article 70.

Section 70-5. The Illinois Pension Code is amended by changing Section 16-106 as follows:

(40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

Sec. 16-106. Teacher. "Teacher": The following individuals, provided that, for employment prior to July 1, 1990, they are employed on a full-time basis, or if not full-time, on a permanent and continuous basis in a position in which services are expected to be rendered for at least one school term:

(1) Any educational, administrative, professional or other staff employed in the public common schools included within this system in a position requiring certification under the law governing the certification of teachers;

(2) Any educational, administrative, professional or other staff employed in any facility of the Department of Children and Family Services or the Department of Human Services, in a position requiring certification under the law governing the certification of teachers, and any person who (i) works in such a position for the Department of Corrections, (ii) was a member of this System on May 31, 1987, and (iii) did not elect to become a member of the State Employees' Retirement System pursuant to Section 14-108.2 of this Code; except that "teacher" does not include any person who (A) becomes a security employee of the Department of Human Services, as defined in Section 14-110, after June 28, 2001 (the effective date of Public Act 92-14), or (B) becomes a member of the State Employees' Retirement System pursuant to Section 14-108.2c of this Code;

(3) Any regional superintendent of schools, assistant regional superintendent of schools, State Superintendent of Education; any person employed by the State Board of Education as an executive; any executive of the boards engaged in the service of public common school education in school districts covered under this system of which the State Superintendent of Education is an ex-officio member;

(4) Any employee of a school board association operating in compliance with Article 23 of the School Code who is certificated under the law governing the certification of teachers, provided that he or she becomes such an employee before the effective date of this amendatory Act of the 99th General Assembly;

(5) Any person employed by the retirement system who:

(i) was an employee of and a participant in the system on August 17, 2001 (the effective date of Public Act 92-416), or

(ii) becomes an employee of the system on or after August 17, 2001;

(6) Any educational, administrative, professional or other staff employed by and under the supervision and control of a regional superintendent of schools or the chief administrative officer of the education service centers established under Section 2-3.62 of the School Code and serving that portion of a Class II county outside a city of 500,000 or more inhabitants, provided such employment position requires the person to be certificated under the law governing the certification of teachers and is in an educational program serving 2 or more districts in accordance with a joint agreement authorized by the School Code or by federal legislation;

(7) Any educational, administrative, professional or other staff employed in an educational program serving 2 or more school districts in accordance with a joint agreement authorized by the School Code or by federal legislation and in a position requiring certification under the laws governing the certification of teachers;

(8) Any officer or employee of a statewide teacher organization or officer of a national teacher organization who is certified under the law governing certification of teachers, provided: (i) the individual had previously established creditable service under this Article, (ii) the individual files with the system an irrevocable election to become a member before the effective date of this amendatory Act of the 97th General Assembly, (iii) the individual does not receive credit for such service under any other Article of this Code, and (iv) the individual first became an officer or employee of the teacher organization and becomes a member before the effective date of this amendatory Act of the 97th General Assembly;

(9) Any educational, administrative, professional, or other staff employed in a charter school operating in compliance with the Charter Schools Law who is certificated under the law governing the certification of teachers;

(10) Any person employed, on the effective date of this amendatory Act of the 94th General Assembly, by the Macon-Piatt Regional Office of Education in a birth-through-age-three pilot program receiving funds under Section 2-389 of the School Code who is required by the Macon-Piatt Regional Office of Education to hold a teaching certificate, provided that the Macon-Piatt Regional Office of Education makes an election, within 6 months after the effective date of this amendatory Act of the 94th General Assembly, to have the person participate in the system. Any service established prior to the effective date of this amendatory Act of the 94th General Assembly for service as an employee of the Macon-Piatt Regional Office of Education in a birth-through-age-three pilot program receiving funds under Section 2-389 of the School Code shall be considered service as a teacher if employee and employer contributions have been received by the system and the system has not refunded those contributions.

An annuitant receiving a retirement annuity under this Article who is employed by a board of education or other employer as permitted under Section 16-118 or 16-150.1 is not a "teacher" for purposes of this Article. A person who has received a single-sum retirement benefit under Section 16-136.4 of this Article is not a "teacher" for purposes of this Article. For purposes of this Article, "teacher" does not include a person employed by an entity that provides substitute teaching services under Section 2-3.173 of the School Code and is not a school district.
(Source: P.A. 100-813, eff. 8-13-18; 101-502, eff. 8-23-19.)

Article 99.

Section 99-90. The State Mandates Act is amended by adding Section 8.45 as follows:
(30 ILCS 805/8.45 new)
Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 102nd General Assembly.

Section 99-99. Effective date. This Article and Articles 5, 15, 35, 50, and 55 take effect upon becoming law.".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Martwick, **Senate Bill No. 1056** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.
And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 59; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Van Pelt |
| Collins | Holmes | Pacione-Zayas | Villa |
| Connor | Hunter | Peters | Villanueva |
| Crowe | Johnson | Plummer | Villivalam |
| Cullerton, T. | Jones, E. | Rezin | Wilcox |
| Cunningham | Joyce | Rose | Mr. President |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).
Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Villanueva, **Senate Bill No. 1085** was recalled from the order of third reading to the order of second reading.

Senator Villanueva offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 1085**

AMENDMENT NO. 1 . Amend Senate Bill 1085 by replacing everything after the enacting clause with the following:

"Section 1. Short title; references to Act.

(a) Short title. This Act may be cited as the Educational Planning Services Consumer Protection Act.

(b) References to Act. This Act may be referred to as the Segura Law.

Section 5. Findings. The General Assembly finds and declares all of the following:

(1) It is in the interest of this State to protect Illinois residents and their families from the predatory and deceptive practices of certain educational planning service providers. It is in the public interest to protect all Illinois families, but particularly the most vulnerable families, those who are of lower income, and those without prior college-going experience, from costly, deceptive, and predatory practices that have proliferated as the cost of postsecondary education has risen and anxiety about student loan debt has grown.

(2) By charging an upfront premium, these entities can leave these most vulnerable families little or no recourse if they receive no services or if the services that they receive are inadequate. Additionally, many of the services offered by for-profit entities at a premium are readily available at no charge to all students through programs offered by public and not-for-profit organizations, such as the Illinois Student Assistance Commission, a local library, or an institution of higher learning.

(3) Families with little knowledge of the college planning process, few financial resources, limited English proficiency, or a combination of these factors are particularly vulnerable to high pressure tactics that may be used to induce them to sign lengthy, highly technical, and costly contracts. Currently, there is no adequate recourse available to help families who have been victimized by opportunistic bad actors.

(4) Some educational planning service providers have also provided legally questionable guidance to families who would like to reduce their higher education costs but would not typically qualify for grants based on financial need. Families have been counseled by disreputable educational planning service providers to take extreme and deceptive measures, such as relinquishing their parental responsibilities through a court-ordered legal guardianship so that the child qualifies as an independent student, thereby basing a need calculation on only the student's financial information, allowing the student to qualify for need-based aid.

(5) Unrestrained, these types of deceptive practices are a barrier to higher education access and to the ideals of diversity, equity, and inclusion in higher education in this State, and it is in the public interest to regulate them. The Segura Law would be the first step in providing recourse and thereby security to aspiring Illinois college students and their families.

Section 10. Purpose and construction. The purpose of this Act is to protect consumers who enter into agreements with educational planning service providers and to regulate educational planning service providers. This Act shall be construed as a consumer protection law for all purposes. This Act shall be liberally construed to effectuate its purpose.

Section 15. Definitions. As used in this Act:

"Consumer" means any person who purchases or contracts for the purchase of educational planning services.

"Educational planning services" means college and career preparatory planning services, including, but not limited to, advice regarding and assistance with college and career searches; college application preparation or submission; financial aid application planning, preparation, or submission; and scholarship searches and applications.

"Educational planning service provider" means any person or entity engaging in or holding itself out as engaging in the business of providing educational planning services in exchange for any fee or compensation or any person who solicits or acts on behalf of any person or entity engaging in or holding itself out as engaging in the business of providing educational planning services in exchange for any fee or compensation. "Educational planning service provider" does not include any of the following:

(1) A not-for-profit or public institution of higher learning, as defined in the Higher Education Student Assistance Act, and the individuals employed by that institution where educational planning services are provided as part of the financial aid or career counseling services offered by the institution.

(2) Public entities and their officers while acting in their official capacities.

(3) Persons acting on behalf of a consumer under court order or as a legal representative.

"Enrollment fee" or "set up fee" means any fee, obligation, or compensation paid or to be paid by the consumer to an educational planning service provider in consideration of or in connection with establishing a contract or other agreement with a consumer related to the provision of educational planning services.

"Maintenance fee" means any fee, obligation, or compensation paid or to be paid by the consumer on a periodic basis to an educational planning service provider in consideration for maintaining the relationship and services to be provided by the educational planning service provider in accordance with a contract with a consumer related to the provision of educational planning services.

Section 20. Prohibitions and requirements.

(a) It shall be unlawful for any person or entity to act as an educational planning service provider except as authorized by this Act.

(b) An educational planning service provider may not provide educational planning services to a consumer for a fee without a written contract signed and dated by both the consumer and the educational planning service provider. A contract between an educational planning service provider and a consumer for the provision of educational planning services shall disclose clearly and conspicuously all of the following:

(1) The name and address of the consumer.

(2) The date of execution of the contract.

(3) The legal name of the educational planning service provider, including any other business names used by the educational planning service provider.

(4) The corporate address and regular business address, including a street address, of the educational planning service provider.

(5) The telephone number at which the consumer may speak with a representative of the educational planning service provider during normal business hours.

(6) A description of the services and an itemized list of all fees to be paid by the consumer for each service and the date, approximate date, or circumstances under which each fee will become due.

(7) The contents of the Consumer Notice and Rights Form provided in Section 25 of this Act.

(8) A written notice to the consumer that the consumer may cancel the contract at any time until after the educational planning service provider has fully performed each service the educational planning service provider contracted to perform or represented he or she would perform and that the consumer may not be required to pay for services the consumer did not receive and shall be entitled to a full refund of any fees paid for educational planning services not provided.

(9) A form the consumer may use to cancel the contract pursuant to this Act. The form shall include the name and mailing address of the educational planning service provider and shall disclose clearly and conspicuously how the consumer can cancel the contract, including applicable addresses, telephone numbers, facsimile numbers, and electronic mail addresses the consumer can use to cancel the contract. Notwithstanding any other provision of this paragraph (9) to the contrary, a consumer's lack of strict adherence to an educational planning service provider's cancellation form or processes does not invalidate a consumer's good faith and reasonable method or form of cancellation.

(c) If an educational planning service provider communicates with a consumer primarily in a language other than English, then the educational planning service provider shall furnish to the consumer a translation of all the disclosures and documents required by this Act, including, but not limited to, the contract, in that other language.

(d) An educational planning service provider may not charge or receive from a consumer any enrollment fee, set up fee, up-front fee of any kind, or maintenance fee, and a consumer shall pay only for the educational planning services provided.

(e) An educational planning service provider may not do any of the following:

(1) Represent, expressly or by implication, any results or outcomes of its educational planning services in any advertising, marketing, or other communication to consumers unless the educational planning service provider possesses substantiation for such representation at the time such representation is made.

(2) Expressly or by implication, make any unfair or deceptive representations or any omissions of material facts in any of its advertising or marketing communications concerning educational planning services.

(3) Advertise or market educational planning services, enter into a contract for educational planning services, or provide educational planning services without making the disclosures required in this Act at the times and in the form and manner as described in this Act.

(4) Advise about or represent, expressly or by implication, any unlawful services to be provided or fees to be collected by the educational planning service provider.

(5) Advise or represent, expressly or by implication, that consumers pay any fees that are unearned by the educational planning service provider.

(6) Advise, encourage, or represent, expressly or by implication, that a consumer provide false or misleading information about financial or other circumstances to gain admission into a higher education institution or to be eligible for student financial aid, including, but not limited to, advising a consumer to petition for the appointment of a guardian for a minor for the primary purpose of reducing the financial resources available to the minor in order to cause the minor to qualify for public or private financial aid.

Section 25. Required disclosures.

(a) In any marketing or advertising communications, an education planning service provider must provide the following disclosure verbatim, both orally and in writing, with the caption:

CONSUMER NOTICE OF AVAILABILITY
OF THESE SERVICES FOR FREE

Educational planning services of this type are provided free of charge at no cost to you by the Illinois Student Assistance Commission and may also be offered by other public or not-for-profit entities, such as a public library or an institution of higher learning.

(b) An educational planning service provider must provide the following warning verbatim, both orally and in writing, with the caption "CONSUMER NOTICE AND RIGHTS FORM" in at least 28-point font and the remaining portion in at least 14-point font, to a consumer before the consumer signs a contract for the educational planning service provider's services:

CONSUMER NOTICE AND RIGHTS FORM

AVAILABILITY OF THESE SERVICES FOR FREE

Educational planning services of this type are provided free of charge at no cost to you by the Illinois Student Assistance Commission and may be offered by other public or not-for-profit entities, such as a public library or an institution of higher learning.

YOUR RIGHT TO CANCEL

If you sign a contract with an educational planning service provider, you have the right to cancel at any time and receive a full refund of all unearned fees you have paid to the provider. You will not be responsible for payment of services that are not fully performed.

IF YOU ARE DISSATISFIED OR YOU HAVE QUESTIONS

If you are dissatisfied with an educational planning service provider or have any questions, please bring it to the attention of the Illinois Attorney General's Office.

(c) The educational planning service provider must maintain proof that it has provided to the consumer the Consumer Notice and Rights Form in accordance with subsection (b) of this Section.

(d) The consumer shall sign and date an acknowledgment form titled "Consumer Notice and Rights Form" that states: "I, the consumer, have received from the educational planning service provider a copy of the form titled "Consumer Notice and Rights Form," and I have been provided the Illinois Student Assistance Commission's Internet website address where educational planning services are provided free of charge.". The educational planning service provider or its representative shall also sign and date the acknowledgment form, which shall include the name and address of the educational planning service provider. The acknowledgment form shall be in duplicate and shall be incorporated into the Consumer Notice and Rights Form under subsection (b) of this Section. The original acknowledgment form shall be retained by the educational planning service provider, and the duplicate copy shall be retained by the consumer.

(e) If the acknowledgment form under subsection (d) of this Section is in an electronic format, then, in addition to the other requirements of this Act, the acknowledgment form shall:

(1) contain a live link to the Illinois Student Assistance Commission's Internet website where educational planning services are offered free of charge; and

(2) be digitally signed by the consumer in compliance with the provisions of the federal Electronic Signatures in Global and National Commerce Act concerning consumer disclosures, including subsection (c) of Section 101 of that Act.

Section 30. Cancellation of contract; refund.

(a) A consumer may cancel a contract with an educational planning service provider at any time before the educational planning service provider has fully performed each service the educational planning service provider contracted to perform or represented it would perform.

(b) If a consumer cancels a contract with an educational planning service provider, then the educational planning service provider shall refund all fees and compensation, with the exception of any earned fees for services provided.

(c) At any time upon a material violation of this Act on the part of the educational planning service provider, the educational planning service provider shall refund all fees and compensation to the consumer.

(d) An educational planning service provider shall make any refund required under this Act within 5 business days after the notice of cancellation or voiding of the contract due to a violation of this Act and shall include with the refund a full statement of account showing fees received and fees refunded.

(e) Upon cancellation or voiding of the contract, all direct debit authorizations granted to the educational planning service provider by the consumer shall be considered revoked and voided.

(f) Upon the termination of the contract for any reason, the educational planning service provider shall provide timely notice that it no longer represents the consumer to any entity or agency with whom the educational planning service provider has had any prior communication on behalf of the consumer in connection with the provision of any educational planning services.

Section 35. Noncompliance.

(a) Any waiver by a consumer of any protection provided by or any right of the consumer under this Act:

(1) shall be treated as void; and

(2) may not be enforced by any federal or State court or any other person.

(b) Any attempt by a person to obtain a waiver from a consumer of any protection provided by or any right or protection of the consumer or any obligation or requirement of the educational planning service provider under this Act is a violation of this Act.

(c) Any contract for educational planning services that does not comply with the applicable provisions of this Act:

(1) shall be treated as void; and

(2) may not be enforced by any federal or State court or any other person.

Upon notice of a void contract, a refund by the educational planning service provider to the consumer shall be made as provided under subsections (c), (d), (e), and (f) of Section 30 of this Act.

Section 40. Civil remedies; injunction.

(a) A violation of this Act constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties, and authority granted to the Attorney General or State's

Attorney by the Consumer Fraud and Deceptive Business Practices Act shall be available to him or her for the enforcement of this Act.

(b) A consumer who suffers loss by reason of a violation of this Act may bring a civil action in accordance with the Consumer Fraud and Deceptive Business Practices Act to enforce a provision of this Act. All remedies and rights granted to a consumer by the Consumer Fraud and Deceptive Business Practices Act shall be available to the consumer bringing such an action. The remedies and rights provided for in this Act are not exclusive, but cumulative, and all other applicable claims are specifically preserved.

(c) Any contract for educational planning services made in violation of this Act shall be null and void and of no legal effect.

(d) To engage in educational planning services in violation of this Act is declared to be inimical to the public welfare and to constitute a public nuisance. The Illinois Student Assistance Commission may, in the name of the people of the State of Illinois, through the Attorney General, file a complaint for an injunction in the circuit court to enjoin such person from engaging in that unlawful business. An injunction proceeding shall be in addition to and not in lieu of penalties and remedies otherwise provided in this Act.

Section 45. Notice. The Illinois Student Assistance Commission must make available on its Internet website the most current disclosure of free support, and the educational planning service provider is responsible for providing to the consumer the most current disclosure of free support available on the Commission's Internet website.

Section 90. Rules. The Illinois Student Assistance Commission shall adopt and enforce all reasonable rules necessary or appropriate for the administration of this Act.

Section 900. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2WWW as follows:

(815 ILCS 505/2WWW new)

Sec. 2WWW. Violations of the Educational Planning Services Consumer Protection Act. Any person who violates the Educational Planning Services Consumer Protection Act commits an unlawful practice within the meaning of this Act.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Villanueva, **Senate Bill No. 1085** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Van Pelt |
| Collins | Holmes | Pacione-Zayas | Villa |

| | | | |
|---|---|---|---|
| Connor | Hunter | Peters | Villanueva |
| Crowe | Johnson | Plummer | Villivalam |
| Cullerton, T. | Jones, E. | Rezin | Wilcox |
| Cunningham | Joyce | Rose | Mr. President |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Bush, **Senate Bill No. 1079** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was postponed in the Committee on Licensed Activities.

Senator Bush offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO SENATE BILL 1079**

AMENDMENT NO. 2 . Amend Senate Bill 1079 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Section 2105-15.5 as follows:

(20 ILCS 2105/2105-15.5)

Sec. 2105-15.5. Continuing education; sexual harassment prevention training.

(a) The Department shall require each licensee to complete sexual harassment prevention training provided by the licensee's employer, the Department of Human Rights, or any continuing education provider authorized to provide continuing education under an Act administered by the Department in accordance with Section 2-109 of the Illinois Human Rights Act. The training shall be completed, at a minimum, prior to a licensee's renewal of his or her license. ~~As used in this Section, "sexual harassment" means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. For the purpose of this definition, "working environment" is not limited to a physical location that an employee is assigned to perform his or her duties and does not require an employment relationship.~~

~~(b) For license renewals occurring on or after January 1, 2020 for a profession that has continuing education requirements, the required continuing education hours shall include at least one hour of sexual harassment prevention training.~~

(b) ~~(c)~~ The Department may adopt rules for the implementation of this Section.

(Source: P.A. 100-762, eff. 1-1-19.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Bush, **Senate Bill No. 1079** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Van Pelt |
| Collins | Holmes | Pacione-Zayas | Villa |
| Connor | Hunter | Peters | Villanueva |
| Crowe | Johnson | Plummer | Villivalam |
| Cullerton, T. | Jones, E. | Rezin | Wilcox |
| Cunningham | Joyce | Rose | Mr. President |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Fine, **Senate Bill No. 1169** was recalled from the order of third reading to the order of second reading.

Senator Fine offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 1169**

AMENDMENT NO. 1 . Amend Senate Bill 1169 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 14-8.03 as follows:

(105 ILCS 5/14-8.03) (from Ch. 122, par. 14-8.03)

Sec. 14-8.03. Transition services.

(a) For purposes of this Section:

"Independent living skills" may include, without limitation, personal hygiene, health care, fitness, food preparation and nutrition, home management and safety, dressing and clothing care, financial management and wellness, self-esteem, self-advocacy, self-determination, community living, housing options, public safety, leisure and recreation, and transportation.

"Transition ~~"transition~~ services" means a coordinated set of activities for a child with a disability that (i) is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, which may include for-credit courses, career and technical education, and non-credit courses and instruction, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or

community participation; (ii) is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and (iii) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills, benefits counseling and planning, work incentives education, and the provision of a functional vocational evaluation. Transition services for a child with a disability may be special education, if provided as specially designed instruction, or a related service if required to assist a child with a disability to benefit from special education.

(a-5) Beginning no later than the first individualized education plan (IEP) in effect when the student turns age 14 1/2 (or younger if determined appropriate by the IEP Team) and updated annually thereafter, the IEP must include (i) measurable post-secondary goals based upon age-appropriate transition assessments and other information available regarding the student that are related to training, education, employment, and independent living skills and (ii) the transition services needed to assist the student in reaching those goals, including courses of study.

As a component of transition planning, the school district shall provide the student with information about the school district's career and technical education (CTE) opportunities. The CTE information shall include a list of programming options, the scope and sequence of study for pursuing those options, and the locations of those options. A student in high school with an IEP may enroll in the school district's CTE program at any time if participation in a CTE program is consistent with the student's transition goals.

(b) Transition planning must be conducted as part of the IEP process and must be governed by the procedures applicable to the development, review, and revision of the IEP, including notices to the parents and student, parent and student participation, and annual review. To appropriately assess and develop IEP transition goals and transition services for a child with a disability, additional participants may be necessary and may be invited by the school district, parent, or student to participate in the transition planning process. Additional participants may include without limitation a representative from the Department of Human Services or another State agency, a case coordinator, or persons representing other public or community agencies or services, such as adult service providers, disability services coordinators of ~~or~~ public community colleges, and a CTE coordinator. The IEP shall identify each person responsible for coordinating and delivering transition services. If the IEP team determines that the student requires transition services from a public or private entity outside of the school district, the IEP team shall identify potential outside resources, assign one or more IEP team members to contact the appropriate outside entities, make the necessary referrals, provide any information and documents necessary to complete the referral, follow up with the entity to ensure that the student has been successfully linked to the entity, and monitor the student's progress to determine if the student's IEP transition goals and benchmarks are being met. The student's IEP shall indicate one or more specific time periods during the school year when the IEP team shall review the services provided by the outside entity and the student's progress in such activities. The public school's responsibility for delivering educational services does not extend beyond the time the student leaves school or when the student's eligibility ends due to age under this Article.

(c) A school district shall submit annually a summary of each eligible student's IEP transition goals and transition services resulting from the IEP Team meeting to the appropriate local Transition Planning Committee. If students with disabilities who are ineligible for special education services request transition services, local public school districts shall assist those students by identifying post-secondary school goals, delivering appropriate education services, and coordinating with other agencies and services for assistance.
(Source: P.A. 98-517, eff. 8-22-13.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Fine, **Senate Bill No. 1169** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Van Pelt |
| Collins | Holmes | Pacione-Zayas | Villa |
| Connor | Hunter | Peters | Villanueva |
| Crowe | Johnson | Plummer | Villivalam |
| Cullerton, T. | Jones, E. | Rezin | Wilcox |
| Cunningham | Joyce | Rose | Mr. President |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Fowler, **Senate Bill No. 1360** was recalled from the order of third reading to the order of second reading.

Senator Fowler offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 1360**

AMENDMENT NO. 1 . Amend Senate Bill 1360 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Gambling Act is amended by changing Sections 6 and 7 as follows:

(230 ILCS 10/6) (from Ch. 120, par. 2406)

Sec. 6. Application for owners license.

(a) A qualified person may apply to the Board for an owners license to conduct a gambling operation as provided in this Act. The application shall be made on forms provided by the Board and shall contain such information as the Board prescribes, including but not limited to the identity of the riverboat on which such gambling operation is to be conducted, if applicable, and the exact location where such riverboat or casino will be located, a certification that the riverboat will be registered under this Act at all times during which gambling operations are conducted on board, detailed information regarding the ownership and management of the applicant, and detailed personal information regarding the applicant. Any application for an owners license to be re-issued on or after June 1, 2003 shall also include the applicant's license bid in a form prescribed by the Board. Information provided on the application shall be used as a basis for a thorough background investigation which the Board shall conduct with respect to each applicant. An incomplete application shall be cause for denial of a license by the Board.

(a-5) In addition to any other information required under this Section, each application for an owners license must include the following information:

(1) The history and success of the applicant and each person and entity disclosed under subsection (c) of this Section in developing tourism facilities ancillary to gaming, if applicable.

(2) The likelihood that granting a license to the applicant will lead to the creation of quality, living wage jobs and permanent, full-time jobs for residents of the State and residents of the unit of local government that is designated as the home dock of the proposed facility where gambling is to be conducted by the applicant.

(3) The projected number of jobs that would be created if the license is granted and the projected number of new employees at the proposed facility where gambling is to be conducted by the applicant.

(4) The record, if any, of the applicant and its developer in meeting commitments to local agencies, community-based organizations, and employees at other locations where the applicant or its developer has performed similar functions as they would perform if the applicant were granted a license.

(5) Identification of adverse effects that might be caused by the proposed facility where gambling is to be conducted by the applicant, including the costs of meeting increased demand for public health care, child care, public transportation, affordable housing, and social services, and a plan to mitigate those adverse effects.

(6) The record, if any, of the applicant and its developer regarding compliance with:

(A) federal, state, and local discrimination, wage and hour, disability, and occupational and environmental health and safety laws; and

(B) state and local labor relations and employment laws.

(7) The applicant's record, if any, in dealing with its employees and their representatives at other locations.

(8) A plan concerning the utilization of minority-owned and women-owned businesses and concerning the hiring of minorities and women.

(9) Evidence the applicant used its best efforts to reach a goal of 25% ownership representation by minority persons and 5% ownership representation by women.

(10) Evidence the applicant has entered into a construction project labor agreement that includes provisions establishing wages, benefits, and other compensation for employees performing work under the project labor agreement at that location and a commitment to pay a prevailing wage for employees who are engaged in construction. The project labor agreements must conform to the requirements contained in Sections 20 and 25 of the Project Labor Agreements Act. For any pending application before the Board on the effective date of this amendatory Act of the 102nd General Assembly, the applicant shall submit evidence complying with this paragraph within 30 days after the effective date of this amendatory Act of the 102nd General Assembly. The Board shall not award any pending applications until the applicant has submitted this information.

(b) Applicants shall submit with their application all documents, resolutions, and letters of support from the governing body that represents the municipality or county wherein the licensee will be located.

(c) Each applicant shall disclose the identity of every person or entity having a greater than 1% direct or indirect pecuniary interest in the gambling operation with respect to which the license is sought. If the disclosed entity is a trust, the application shall disclose the names and addresses of all 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.

(d) An application shall be filed and considered in accordance with the rules of the Board. Each application shall be accompanied by a nonrefundable application fee of $250,000. In addition, a nonrefundable fee of $50,000 shall be paid at the time of filing to defray the costs associated with the background investigation conducted by the Board. If the costs of the investigation exceed $50,000, the applicant shall pay the additional amount to the Board within 7 days after requested by the Board. If the costs of the investigation are less than $50,000, the applicant shall receive a refund of the remaining amount. All information, records, interviews, reports, statements, memoranda or other data supplied to or used by the Board in the course of its review or investigation of an application for a license or a renewal under this Act shall be privileged, strictly confidential and shall be used only for the purpose of evaluating an applicant for a license or a renewal. Such information, records, interviews, reports, statements, memoranda or other data shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person, except for any action deemed necessary by the Board. The application fee shall be deposited into the State Gaming Fund.

(e) The Board shall charge each applicant a fee set by the Department of State Police to defray the costs associated with the search and classification of fingerprints obtained by the Board with respect to the

applicant's application. These fees shall be paid into the State Police Services Fund. In order to expedite the application process, the Board may establish rules allowing applicants to acquire criminal background checks and financial integrity reviews as part of the initial application process from a list of vendors approved by the Board.

(f) The licensed owner shall be the person primarily responsible for the boat or casino itself. Only one gambling operation may be authorized by the Board on any riverboat or in any casino. The applicant must identify the riverboat or premises it intends to use and certify that the riverboat or premises: (1) has the authorized capacity required in this Act; (2) is accessible to persons with disabilities; and (3) is fully registered and licensed in accordance with any applicable laws.

(g) A person who knowingly makes a false statement on an application is guilty of a Class A misdemeanor.

(Source: P.A. 101-31, eff. 6-28-19.)

(230 ILCS 10/7) (from Ch. 120, par. 2407)

Sec. 7. Owners licenses.

(a) The Board shall issue owners licenses to persons or entities that apply for such licenses upon payment to the Board of the non-refundable license fee as provided in subsection (e) or (e-5) and upon a determination by the Board that the applicant is eligible for an owners license pursuant to this Act and the rules of the Board. From December 15, 2008 (the effective date of Public Act 95-1008) ~~this amendatory Act of the 95th General Assembly~~ until (i) 3 years after December 15, 2008 (the effective date of Public Act 95-1008) ~~this amendatory Act of the 95th General Assembly~~, (ii) the date any organization licensee begins to operate a slot machine or video game of chance under the Illinois Horse Racing Act of 1975 or this Act, (iii) the date that payments begin under subsection (c-5) of Section 13 of this Act, (iv) the wagering tax imposed under Section 13 of this Act is increased by law to reflect a tax rate that is at least as stringent or more stringent than the tax rate contained in subsection (a-3) of Section 13, or (v) when an owners licensee holding a license issued pursuant to Section 7.1 of this Act begins conducting gaming, whichever occurs first, as a condition of licensure and as an alternative source of payment for those funds payable under subsection (c-5) of Section 13 of this Act, any owners licensee that holds or receives its owners license on or after May 26, 2006 (the effective date of Public Act 94-804) ~~this amendatory Act of the 94th General Assembly~~, other than an owners licensee operating a riverboat with adjusted gross receipts in calendar year 2004 of less than $200,000,000, must pay into the Horse Racing Equity Trust Fund, in addition to any other payments required under this Act, an amount equal to 3% of the adjusted gross receipts received by the owners licensee. The payments required under this Section shall be made by the owners licensee to the State Treasurer no later than 3:00 o'clock p.m. of the day after the day when the adjusted gross receipts were received by the owners licensee. A person or entity is ineligible to receive an owners license if:

(1) the person has been convicted of a felony under the laws of this State, any other state, or the United States;

(2) the person has been convicted of any violation of Article 28 of the Criminal Code of 1961 or the Criminal Code of 2012, or substantially similar laws of any other jurisdiction;

(3) the person has submitted an application for a license under this Act which contains false information;

(4) the person is a member of the Board;

(5) a person defined in (1), (2), (3), or (4) is an officer, director, or managerial employee of the entity;

(6) the entity employs a person defined in (1), (2), (3), or (4) who participates in the management or operation of gambling operations authorized under this Act;

(7) (blank); or

(8) a license of the person or entity issued under this Act, or a license to own or operate gambling facilities in any other jurisdiction, has been revoked.

The Board is expressly prohibited from making changes to the requirement that licensees make payment into the Horse Racing Equity Trust Fund without the express authority of the Illinois General Assembly and making any other rule to implement or interpret Public Act 95-1008 ~~this amendatory Act of the 95th General Assembly~~. For the purposes of this paragraph, "rules" is given the meaning given to that term in Section 1-70 of the Illinois Administrative Procedure Act.

(b) In determining whether to grant an owners license to an applicant, the Board shall consider:

(1) the character, reputation, experience, and financial integrity of the applicants and of any other or separate person that either:

(A) controls, directly or indirectly, such applicant; or

(B) is controlled, directly or indirectly, by such applicant or by a person which controls, directly or indirectly, such applicant;

(2) the facilities or proposed facilities for the conduct of gambling;

(3) the highest prospective total revenue to be derived by the State from the conduct of gambling;

(4) the extent to which the ownership of the applicant reflects the diversity of the State by including minority persons, women, and persons with a disability and the good faith affirmative action plan of each applicant to recruit, train and upgrade minority persons, women, and persons with a disability in all employment classifications; the Board shall further consider granting an owners license and giving preference to an applicant under this Section to applicants in which minority persons and women hold ownership interest of at least 16% and 4%, respectively;

(4.5) the extent to which the ownership of the applicant includes veterans of service in the armed forces of the United States, and the good faith affirmative action plan of each applicant to recruit, train, and upgrade veterans of service in the armed forces of the United States in all employment classifications;

(5) the financial ability of the applicant to purchase and maintain adequate liability and casualty insurance;

(6) whether the applicant has adequate capitalization to provide and maintain, for the duration of a license, a riverboat or casino;

(7) the extent to which the applicant exceeds or meets other standards for the issuance of an owners license which the Board may adopt by rule;

(8) the amount of the applicant's license bid;

(9) the extent to which the applicant or the proposed host municipality plans to enter into revenue sharing agreements with communities other than the host municipality; and

(10) the extent to which the ownership of an applicant includes the most qualified number of minority persons, women, and persons with a disability;

(11) whether the applicant has entered into a construction project labor agreement that includes provisions establishing wages, benefits, and other compensation for employees performing work under the project labor agreement at that location; the project labor agreements must conform to the requirements contained in Sections 20 and 25 of the Project Labor Agreements Act; and

(12) whether the applicant pays a prevailing wage for employees who are engaged in construction.

(c) Each owners license shall specify the place where the casino shall operate or the riverboat shall operate and dock.

(d) Each applicant shall submit with his or her application, on forms provided by the Board, 2 sets of his or her fingerprints.

(e) In addition to any licenses authorized under subsection (e-5) of this Section, the Board may issue up to 10 licenses authorizing the holders of such licenses to own riverboats. In the application for an owners license, the applicant shall state the dock at which the riverboat is based and the water on which the riverboat will be located. The Board shall issue 5 licenses to become effective not earlier than January 1, 1991. Three of such licenses shall authorize riverboat gambling on the Mississippi River, or, with approval by the municipality in which the riverboat was docked on August 7, 2003 and with Board approval, be authorized to relocate to a new location, in a municipality that (1) borders on the Mississippi River or is within 5 miles of the city limits of a municipality that borders on the Mississippi River and (2) on August 7, 2003, had a riverboat conducting riverboat gambling operations pursuant to a license issued under this Act; one of which shall authorize riverboat gambling from a home dock in the city of East St. Louis; and one of which shall authorize riverboat gambling from a home dock in the City of Alton. One other license shall authorize riverboat gambling on the Illinois River in the City of East Peoria or, with Board approval, shall authorize land-based gambling operations anywhere within the corporate limits of the City of Peoria. The Board shall issue one additional license to become effective not earlier than March 1, 1992, which shall authorize riverboat gambling on the Des Plaines River in Will County. The Board may issue 4 additional licenses to become effective not earlier than March 1, 1992. In determining the water upon which riverboats will operate, the Board shall consider the economic benefit which riverboat gambling confers on the State, and shall seek to assure that all regions of the State share in the economic benefits of riverboat gambling.

In granting all licenses, the Board may give favorable consideration to economically depressed areas of the State, to applicants presenting plans which provide for significant economic development over a large geographic area, and to applicants who currently operate non-gambling riverboats in Illinois. The Board shall review all applications for owners licenses, and shall inform each applicant of the Board's decision. The Board may grant an owners license to an applicant that has not submitted the highest license bid, but if it does not select the highest bidder, the Board shall issue a written decision explaining why another applicant was selected and identifying the factors set forth in this Section that favored the winning bidder. The fee for issuance or renewal of a license pursuant to this subsection (e) shall be $250,000.

(e-5) In addition to licenses authorized under subsection (e) of this Section:

(1) the Board may issue one owners license authorizing the conduct of casino gambling in the City of Chicago;

(2) the Board may issue one owners license authorizing the conduct of riverboat gambling in the City of Danville;

(3) the Board may issue one owners license authorizing the conduct of riverboat gambling in the City of Waukegan;

(4) the Board may issue one owners license authorizing the conduct of riverboat gambling in the City of Rockford;

(5) the Board may issue one owners license authorizing the conduct of riverboat gambling in a municipality that is wholly or partially located in one of the following townships of Cook County: Bloom, Bremen, Calumet, Rich, Thornton, or Worth Township; and

(6) the Board may issue one owners license authorizing the conduct of riverboat gambling in the unincorporated area of Williamson County adjacent to the Big Muddy River.

Except for the license authorized under paragraph (1), each application for a license pursuant to this subsection (e-5) shall be submitted to the Board no later than 120 days after June 28, 2019 (the effective date of Public Act 101-31). All applications for a license under this subsection (e-5) shall include the nonrefundable application fee and the nonrefundable background investigation fee as provided in subsection (d) of Section 6 of this Act. In the event that an applicant submits an application for a license pursuant to this subsection (e-5) prior to June 28, 2019 (the effective date of Public Act 101-31), such applicant shall submit the nonrefundable application fee and background investigation fee as provided in subsection (d) of Section 6 of this Act no later than 6 months after June 28, 2019 (the effective date of Public Act 101-31).

The Board shall consider issuing a license pursuant to paragraphs (1) through (6) of this subsection only after the corporate authority of the municipality or the county board of the county in which the riverboat or casino shall be located has certified to the Board the following:

(i) that the applicant has negotiated with the corporate authority or county board in good faith;

(ii) that the applicant and the corporate authority or county board have mutually agreed on the permanent location of the riverboat or casino;

(iii) that the applicant and the corporate authority or county board have mutually agreed on the temporary location of the riverboat or casino;

(iv) that the applicant and the corporate authority or the county board have mutually agreed on the percentage of revenues that will be shared with the municipality or county, if any;

(v) that the applicant and the corporate authority or county board have mutually agreed on any zoning, licensing, public health, or other issues that are within the jurisdiction of the municipality or county;

(vi) that the corporate authority or county board has passed a resolution or ordinance in support of the riverboat or casino in the municipality or county;

(vii) the applicant for a license under paragraph (1) has made a public presentation concerning its casino proposal; and

(viii) the applicant for a license under paragraph (1) has prepared a summary of its casino proposal and such summary has been posted on a public website of the municipality or the county.

At least 7 days before the corporate authority of a municipality or county board of the county submits a certification to the Board concerning items (i) through (viii) of this subsection, it shall hold a public hearing to discuss items (i) through (viii), as well as any other details concerning the proposed riverboat or casino in the municipality or county. The corporate authority or county board must subsequently memorialize the details concerning the proposed riverboat or casino in a resolution that must be adopted by a majority of the corporate authority or county board before any certification is sent to the Board. The Board shall not alter, amend, change, or otherwise interfere with any agreement between the applicant and the

corporate authority of the municipality or county board of the county regarding the location of any temporary or permanent facility.

In addition, within 10 days after June 28, 2019 (the effective date of Public Act 101-31), the Board, with consent and at the expense of the City of Chicago, shall select and retain the services of a nationally recognized casino gaming feasibility consultant. Within 45 days after June 28, 2019 (the effective date of Public Act 101-31), the consultant shall prepare and deliver to the Board a study concerning the feasibility of, and the ability to finance, a casino in the City of Chicago. The feasibility study shall be delivered to the Mayor of the City of Chicago, the Governor, the President of the Senate, and the Speaker of the House of Representatives. Ninety days after receipt of the feasibility study, the Board shall make a determination, based on the results of the feasibility study, whether to recommend to the General Assembly that the terms of the license under paragraph (1) of this subsection (e-5) should be modified. The Board may begin accepting applications for the owners license under paragraph (1) of this subsection (e-5) upon the determination to issue such an owners license.

In addition, prior to the Board issuing the owners license authorized under paragraph (4) of subsection (e-5), an impact study shall be completed to determine what location in the city will provide the greater impact to the region, including the creation of jobs and the generation of tax revenue.

(e-10) The licenses authorized under subsection (e-5) of this Section shall be issued within 12 months after the date the license application is submitted. If the Board does not issue the licenses within that time period, then the Board shall give a written explanation to the applicant as to why it has not reached a determination and when it reasonably expects to make a determination. The fee for the issuance or renewal of a license issued pursuant to this subsection (e-10) shall be $250,000. Additionally, a licensee located outside of Cook County shall pay a minimum initial fee of $17,500 per gaming position, and a licensee located in Cook County shall pay a minimum initial fee of $30,000 per gaming position. The initial fees payable under this subsection (e-10) shall be deposited into the Rebuild Illinois Projects Fund. If at any point after June 1, 2020 there are no pending applications for a license under subsection (e-5) and not all licenses authorized under subsection (e-5) have been issued, then the Board shall reopen the license application process for those licenses authorized under subsection (e-5) that have not been issued. The Board shall follow the licensing process provided in subsection (e-5) with all time frames tied to the last date of a final order issued by the Board under subsection (e-5) rather than the effective date of the amendatory Act.

(e-15) Each licensee of a license authorized under subsection (e-5) of this Section shall make a reconciliation payment 3 years after the date the licensee begins operating in an amount equal to 75% of the adjusted gross receipts for the most lucrative 12-month period of operations, minus an amount equal to the initial payment per gaming position paid by the specific licensee. Each licensee shall pay a $15,000,000 reconciliation fee upon issuance of an owners license. If this calculation results in a negative amount, then the licensee is not entitled to any reimbursement of fees previously paid. This reconciliation payment may be made in installments over a period of no more than 6 years.

All payments by licensees under this subsection (e-15) shall be deposited into the Rebuild Illinois Projects Fund.

(e-20) In addition to any other revocation powers granted to the Board under this Act, the Board may revoke the owners license of a licensee which fails to begin conducting gambling within 15 months of receipt of the Board's approval of the application if the Board determines that license revocation is in the best interests of the State.

(f) The first 10 owners licenses issued under this Act shall permit the holder to own up to 2 riverboats and equipment thereon for a period of 3 years after the effective date of the license. Holders of the first 10 owners licenses must pay the annual license fee for each of the 3 years during which they are authorized to own riverboats.

(g) Upon the termination, expiration, or revocation of each of the first 10 licenses, which shall be issued for a 3-year period, all licenses are renewable annually upon payment of the fee and a determination by the Board that the licensee continues to meet all of the requirements of this Act and the Board's rules. However, for licenses renewed on or after May 1, 1998, renewal shall be for a period of 4 years, unless the Board sets a shorter period.

(h) An owners license, except for an owners license issued under subsection (e-5) of this Section, shall entitle the licensee to own up to 2 riverboats.

An owners licensee of a casino or riverboat that is located in the City of Chicago pursuant to paragraph (1) of subsection (e-5) of this Section shall limit the number of gaming positions to 4,000 for such

owner. An owners licensee authorized under subsection (e) or paragraph (2), (3), (4), or (5) of subsection (e-5) of this Section shall limit the number of gaming positions to 2,000 for any such owners license. An owners licensee authorized under paragraph (6) of subsection (e-5) of this Section shall limit the number of gaming positions to 1,200 for such owner. The initial fee for each gaming position obtained on or after June 28, 2019 (the effective date of Public Act 101-31) shall be a minimum of $17,500 for licensees not located in Cook County and a minimum of $30,000 for licensees located in Cook County, in addition to the reconciliation payment, as set forth in subsection (e-15) of this Section. The fees under this subsection (h) shall be deposited into the Rebuild Illinois Projects Fund. The fees under this subsection (h) that are paid by an owners licensee authorized under subsection (e) shall be paid by July 1, 2021.

Each owners licensee under subsection (e) of this Section shall reserve its gaming positions within 30 days after June 28, 2019 (the effective date of Public Act 101-31). The Board may grant an extension to this 30-day period, provided that the owners licensee submits a written request and explanation as to why it is unable to reserve its positions within the 30-day period.

Each owners licensee under subsection (e-5) of this Section shall reserve its gaming positions within 30 days after issuance of its owners license. The Board may grant an extension to this 30-day period, provided that the owners licensee submits a written request and explanation as to why it is unable to reserve its positions within the 30-day period.

A licensee may operate both of its riverboats concurrently, provided that the total number of gaming positions on both riverboats does not exceed the limit established pursuant to this subsection. Riverboats licensed to operate on the Mississippi River and the Illinois River south of Marshall County shall have an authorized capacity of at least 500 persons. Any other riverboat licensed under this Act shall have an authorized capacity of at least 400 persons.

(h-5) An owners licensee who conducted gambling operations prior to January 1, 2012 and obtains positions pursuant to Public Act 101-31 shall make a reconciliation payment 3 years after any additional gaming positions begin operating in an amount equal to 75% of the owners licensee's average gross receipts for the most lucrative 12-month period of operations minus an amount equal to the initial fee that the owners licensee paid per additional gaming position. For purposes of this subsection (h-5), "average gross receipts" means (i) the increase in adjusted gross receipts for the most lucrative 12-month period of operations over the adjusted gross receipts for 2019, multiplied by (ii) the percentage derived by dividing the number of additional gaming positions that an owners licensee had obtained by the total number of gaming positions operated by the owners licensee. If this calculation results in a negative amount, then the owners licensee is not entitled to any reimbursement of fees previously paid. This reconciliation payment may be made in installments over a period of no more than 6 years. These reconciliation payments shall be deposited into the Rebuild Illinois Projects Fund.

(i) A licensed owner is authorized to apply to the Board for and, if approved therefor, to receive all licenses from the Board necessary for the operation of a riverboat or casino, including a liquor license, a license to prepare and serve food for human consumption, and other necessary licenses. All use, occupation, and excise taxes which apply to the sale of food and beverages in this State and all taxes imposed on the sale or use of tangible personal property apply to such sales aboard the riverboat or in the casino.

(j) The Board may issue or re-issue a license authorizing a riverboat to dock in a municipality or approve a relocation under Section 11.2 only if, prior to the issuance or re-issuance of the license or approval, the governing body of the municipality in which the riverboat will dock has by a majority vote approved the docking of riverboats in the municipality. The Board may issue or re-issue a license authorizing a riverboat to dock in areas of a county outside any municipality or approve a relocation under Section 11.2 only if, prior to the issuance or re-issuance of the license or approval, the governing body of the county has by a majority vote approved of the docking of riverboats within such areas.

(k) An owners licensee may conduct land-based gambling operations upon approval by the Board and payment of a fee of $250,000, which shall be deposited into the State Gaming Fund.

(l) An owners licensee may conduct gaming at a temporary facility pending the construction of a permanent facility or the remodeling or relocation of an existing facility to accommodate gaming participants for up to 24 months after the temporary facility begins to conduct gaming. Upon request by an owners licensee and upon a showing of good cause by the owners licensee, the Board shall extend the period during which the licensee may conduct gaming at a temporary facility by up to 12 months. The Board shall make rules concerning the conduct of gaming from temporary facilities.

(Source: P.A. 100-391, eff. 8-25-17; 100-1152, eff. 12-14-18; 101-31, eff. 6-28-19; 101-648, eff. 6-30-20; revised 8-19-20.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILLS OF THE SENATE A THIRD TIME**

On motion of Senator Fowler, **Senate Bill No. 1360** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS 2.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Koehler | Stadelman |
| Aquino | Ellman | Landek | Stoller |
| Bailey | Feigenholtz | Lightford | Syverson |
| Belt | Fine | Loughran Cappel | Tracy |
| Bennett | Fowler | Martwick | Turner, D. |
| Bryant | Gillespie | Morrison | Turner, S. |
| Bush | Glowiak Hilton | Muñoz | Van Pelt |
| Castro | Harris | Murphy | Villa |
| Collins | Hastings | Pacione-Zayas | Villanueva |
| Connor | Holmes | Peters | Villivalam |
| Crowe | Hunter | Rezin | Wilcox |
| Cullerton, T. | Johnson | Rose | Mr. President |
| Cunningham | Jones, E. | Simmons | |
| Curran | Joyce | Sims | |

The following voted in the negative:

McConchie
Plummer

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Koehler, **Senate Bill No. 1533** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |

| | | | |
|---|---|---|---|
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Van Pelt |
| Collins | Holmes | Pacione-Zayas | Villa |
| Connor | Hunter | Peters | Villanueva |
| Crowe | Johnson | Plummer | Villivalam |
| Cullerton, T. | Jones, E. | Rezin | Wilcox |
| Cunningham | Joyce | Rose | Mr. President |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

At the hour of 4:36 o'clock p.m., Senator Koehler, presiding.

## READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Muñoz, **Senate Bill No. 1536** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Van Pelt |
| Collins | Holmes | Pacione-Zayas | Villa |
| Connor | Hunter | Peters | Villanueva |
| Crowe | Johnson | Plummer | Villivalam |
| Cullerton, T. | Jones, E. | Rezin | Mr. President |
| Cunningham | Joyce | Rose | |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Muñoz, **Senate Bill No. 1542** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Villa |
| Collins | Holmes | Pacione-Zayas | Villanueva |
| Connor | Hunter | Peters | Villivalam |
| Crowe | Johnson | Plummer | Wilcox |
| Cullerton, T. | Jones, E. | Rezin | Mr. President |
| Cunningham | Joyce | Rose | |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Muñoz, **Senate Bill No. 1545** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Van Pelt |
| Collins | Holmes | Pacione-Zayas | Villa |
| Connor | Hunter | Peters | Villanueva |
| Crowe | Johnson | Plummer | Villivalam |
| Cullerton, T. | Jones, E. | Rezin | Wilcox |
| Cunningham | Joyce | Rose | Mr. President |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

At the hour of 4:42 o'clock p.m., Senator Muñoz, presiding.

**READING BILLS OF THE SENATE A THIRD TIME**

On motion of Senator Villanueva, **Senate Bill No. 1561** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Villa |
| Collins | Holmes | Pacione-Zayas | Villanueva |
| Connor | Hunter | Peters | Villivalam |
| Crowe | Johnson | Plummer | Wilcox |
| Cullerton, T. | Jones, E. | Rezin | Mr. President |
| Cunningham | Joyce | Rose | |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Loughran Cappel, **Senate Bill No. 1566** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Van Pelt |
| Collins | Holmes | Pacione-Zayas | Villa |
| Connor | Hunter | Peters | Villanueva |
| Crowe | Johnson | Plummer | Villivalam |
| Cullerton, T. | Jones, E. | Rezin | Wilcox |

| | | | |
|---|---|---|---|
| Cunningham | Joyce | Rose | Mr. President |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Martwick, **Senate Bill No. 1575** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Van Pelt |
| Collins | Holmes | Pacione-Zayas | Villa |
| Connor | Hunter | Peters | Villanueva |
| Crowe | Johnson | Plummer | Villivalam |
| Cullerton, T. | Jones, E. | Rezin | Wilcox |
| Cunningham | Joyce | Rose | Mr. President |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Martwick, **Senate Bill No. 1582** was recalled from the order of third reading to the order of second reading.

Senator Martwick offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 1582**

AMENDMENT NO. 1 . Amend Senate Bill 1582 on page 4, line 6, after "allowed" by inserting "under the Agreement for that project location".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILLS OF THE SENATE A THIRD TIME**

On motion of Senator Martwick, **Senate Bill No. 1582** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Van Pelt |
| Collins | Holmes | Pacione-Zayas | Villa |
| Connor | Hunter | Peters | Villanueva |
| Crowe | Johnson | Plummer | Villivalam |
| Cullerton, T. | Jones, E. | Rezin | Wilcox |
| Cunningham | Joyce | Rose | Mr. President |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Rose, **Senate Bill No. 1640** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Van Pelt |
| Collins | Holmes | Pacione-Zayas | Villa |
| Connor | Hunter | Peters | Villanueva |
| Crowe | Johnson | Plummer | Villivalam |
| Cullerton, T. | Jones, E. | Rezin | Wilcox |
| Cunningham | Joyce | Rose | Mr. President |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Joyce, **Senate Bill No. 1655** was recalled from the order of third reading to the order of second reading.

Senator Joyce offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 1655**

AMENDMENT NO. 1 . Amend Senate Bill 1655 by replacing everything after the enacting clause with the following:

"Section 5. Conveyance to City of Morris.

(a) The Director of the Department of Natural Resources, on behalf of the State of Illinois, is authorized to execute and deliver to the City of Morris, a municipality organized and existing under the laws of the State of Illinois, of the County of Grundy, State of Illinois, for and in consideration of $1 paid to the Department, a quitclaim deed to the following described real property:

That part of the Illinois and Michigan Canal Reserve located in the Northwest Quarter of Section 9, Township 33 North, Range 7 East of the Third Principal Meridian, City of Morris, County of Grundy, State of Illinois, more particularly described as follows:

Commencing at a PK Nail marking the Northwest corner of said Section 9; thence South 00 degrees 58 minutes 09 seconds East along the West line of said Section 9, 147.22 feet (147.30 feet record)to a brass disk in concrete marking the North Illinois and Michigan Canal Reserve; thence continuing South 00 degrees 58 minutes 09 seconds East along said West line, 251.80 feet (251.82 feet record) to a brass disk in concrete marking the South Illinois and Michigan Canal Reserve; thence South 88 degrees 02 minutes 40 degrees East along the South Illinois and Michigan Canal Reserve, 2335.20 feet to the Point of Beginning; thence North 01 degrees 09 minutes 50 seconds East, 42.26 feet; thence South 89 degrees 57 minutes 24 seconds East, 318.82 feet to the East line of the Northwest Quarter of said Section 9; thence South 01 degrees 00 minutes 36 seconds East along the East line of said Northwest Quarter, 52.97 feet to a point on the South line of the Illinois and Michigan Canal Reserve; thence North 88 degrees 02 minutes 48 seconds West along the South line of the Illinois and Michigan Canal Reserve, 320.80 feet to the Point of Beginning, containing 15,221 square feet 0.349 acres, more or less.

(b) The conveyance of real property shall be made subject to:

(1) Existing public utilities, existing public roads, and any and all reservations, easements, encumbrances, covenants, and restrictions of record.

(2) The express condition that if the real property ceases to be used for public purposes, it shall revert to the State of Illinois, Department of Natural Resources.

(3) The right, title, and interest of the United States of America, if any, in and to any of the subject parcel as a reversionary interest or otherwise under Congressional Acts of March 30, 1822, March 25, 1827, July 1, 1947 and any others, if applicable.

(c) The Director of Natural Resources shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, and this Section within 60 days after its effective date and, upon receipt of the payment required by subsection (a), shall deliver to the City of Morris to record the certified document and quitclaim deed in the Recorder's Office in the county in which the land is located.

Section 10. Conveyance to the Forest Preserve District of Cook County.

(a) The Director of the Department of Natural Resources, on behalf of the State of Illinois, is authorized to execute and deliver to the Forest Preserve District of Cook County, a forest preserve district organized and existing under the laws of the State of Illinois, of the County of Cook, State of Illinois, for and in consideration of $1 paid to said Department, a quitclaim deed to the following described real property:

Tract 1
Part of "26th Street and Wolf Road Subdivision", according to the plat thereof, recorded September 30, 1925, as document 9051579, in Book 218 of Plats, Page 8; and part of "31st Street and Wolf Road Subdivision", according to the plat thereof, recorded September 30, 1925, as document 9051580, in Book 218 of Plats, page 7, all in Fractional Section 30, Township 39 North, Range 12 East of the Third Principal Meridian, Cook County, Illinois, described more particularly as follows:

Commencing at the Southeast corner of said Section 30 also being the platted intersection of the centerlines of 31st Street and Wolf Road, thence North 02 degrees 37 minutes 22 seconds West , 664.10 feet along the centerline of Wolf Road to the intersection of the centerline of 30th Street; thence South 88 degrees 04 minutes 58 seconds West along the centerline of 30th Street, 50.00 feet to the West right of way line of Wolf Road, also being the Point of Beginning; thence continuing South 88 degrees 04 minutes 58 seconds West along the centerline of 30th Street, 950.41 feet to the intersection of the centerline of Woodlawn Avenue; thence North 02 degrees 33 minutes 08 seconds West along the centerline of Woodlawn Avenue 663.77 feet to the intersection of the centerline of 29th Street; thence North 88 degrees 03 minutes 53 seconds East along the centerline of 29th Street, 333.17 feet to the intersection of the centerline of Park Avenue; thence North 02 degrees 34 minutes 50 seconds West along the centerline of Park Avenue, 663.88 feet to the intersection of the centerline of 28th Street; thence South 88 degrees 02 minutes 47 seconds West along the centerline of 28th Street, 332.72 feet to the intersection of the centerline of Woodlawn Avenue; thence North 02 degrees 32 minutes 47 seconds West along the centerline of Woodlawn Avenue, 623.77 feet to the South right of way line of Constitution Drive (formerly 26th Street); thence North 88 degrees 01 minutes 41 seconds East along the South right of way line of Constitution Drive (formerly 26th Street), 573.86 feet to the Northwest corner of Lot 2 in Block 2; thence South 02 degree 35 minutes 46 seconds East along the West line of Lot 2 in Block 2 extended, 135.01 feet to the centerline of an alley; thence North 88 degree 01 minutes 41 seconds East along the centerline of an alley, 91.28 feet to the intersection of the centerline of Drake Avenue; thence North 02 degree 35 minutes 46 seconds West along the centerline of Drake Avenue, 135.37 feet to the South right of way line of Constitution Drive (formerly 26th Street); thence North 88 degree 01 minutes 41 seconds East along the South right of way line of Constitution Drive (formerly 26th Street), 282.57 feet to the West right of way line of Wolf Road; thence South 02 degrees 37 minutes 22 seconds East along the West right of way line of Wolf Road, 1952.25 feet to the Point of Beginning.

Tract 2
Part of "31st Street and Wolf Road Subdivision", according to the plat thereof, recorded September 30, 1925, as document 9051580, in Book 218 of Plats, page 7, all in Fractional Section 30, Township 39 North, Range 12 East of the Third Principal Meridian, Cook County, Illinois, described more particularly as follows:

Commencing at the Southeast corner of said Section 30 also being the platted intersection of the centerlines of 31st Street and Wolf Road, thence North along the centerline of Wolf Road to the North right of way line of 31st Street extended easterly; thence West along said North right of way line of 31st Street to the Southeast corner of Lot 24 of Block 8, being the Point of Beginning; thence continuing West along the North right of way line of 31st Street to the Southwest corner of Lot 25 of Block 8; thence North along the West line of Lot 25, Block 8 extended to the centerline of a 20.00 wide alley; thence East along the centerline of said alley to the intersection of the East line of Lot 24 of Block 8 extended; thence South along said East line to the Point of Beginning.

ALSO,

The West half of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 30, Township 39 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

ALSO,

The South half of the Northeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 30, Township 39 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

ALSO,

The South half of the Southeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 30, Township 39 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

AND,

Tract 1:
The North half of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 30, Township 39 North, Range 12 East of the Third Principal Meridian in Cook County, Illinois.

Tract 2:
Easement for the ingress and egress for the benefit of Tract 1 aforesaid as created by Grant from Joseph C. Steiner and Georgianna Steiner, his wife and Catholic Bishop of Chicago to Albert B. Bunta dated October 11, 1966 and recorded December 21, 1966 as Document 20027273, over and across the West 40.0 feet of the Southwest Quarter of the Southeast Quarter of Section 30, Township 39 North, Range 12 East of the Third Principal Meridian, lying South of and adjoining above described property and extending South to 31st Street, all in Cook County, Illinois (EXCEPT that part falling in Tract 1 aforesaid).

(b) The conveyances of real property authorized by this Section shall be made subject to: (1) existing public utilities, existing public roads, and any and all reservations, easements, encumbrances, covenants, and restrictions of record; and (2) the express condition that if the real property ceases to be used for public purposes, it shall revert to the State of Illinois, Department of Natural Resources.

(c) The Director of Natural Resources shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, and this Section within 60 days after its effective date and, upon receipt of the payment required by subsection (a), shall record the certified document in the Recorder's Office in the county in which the land is located.

Section 15. Conveyance to the City of Staunton.

(a) The Director of the Department of Natural Resources, on behalf of the State of Illinois, is authorized to execute and deliver to the City of Staunton, a municipality organized and existing under the laws of the State of Illinois, of the County of Macoupin, State of Illinois, for and in consideration of $1 paid to said Department, a quitclaim deed to the following described real property:

Parcel #3 of the former Consolidation Coal Company #14, being part of the West 1/2 of the Northeast 1/4 of Section 30, Township 7 North, Range 6 West of the 3rd Principal Meridian, Macoupin County, Illinois, more particularly described as follows:

Commencing at the Northeast Corner of the Northwest 1/4 of the Northeast 1/4 of said Section 30, Township 7 North, Range 6 West; thence South 0 degrees 38 minutes East, 1826.72 feet along the Quarter-Quarter Section Line to the true Point of Beginning; thence continuing South 0 degrees 38 minutes East, 9.10 feet; thence North 67 degrees 49 minutes West, 324.53 feet; thence North 53 degrees 35 minutes West, 437.20 feet; thence North 41 degrees 31 minutes West, 72.19 feet; thence North 41 degrees 18 minutes East, 252.11 feet, thence South 30 degrees 53 minutes East, 496.13 feet; thence South 44 degrees 20 minutes East, 89.20 feet; thence South 59 degrees 39 minutes East, 251.10 feet to the true Point of Beginning; comprising 2.13 acres, more or less.

(b) The conveyance of real property authorized by this Section shall be made subject to: (1) existing public utilities, existing public roads, and any and all reservations, easements, encumbrances, covenants, and

restrictions of record; and (2) the express condition that if said real property ceases to be used for public purposes, it shall revert to the State of Illinois, Department of Natural Resources.

(c) The Director of Natural Resources shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, and this Section within 60 days after its effective date and, upon receipt of the payment required by subsection (a), shall record the certified document in the Recorder's Office in the county in which the land is located.

Section 20. "An Act concerning civil law", approved August 22, 2005 (Public Act 94-653), as amended by "An Act concerning civil law, approved December 13, 2019 (Public Act 101-607), is amended by changing Section 5 as follows:

(P.A. 94-653, Sec. 5; P.A. 101-607, Sec. 1-5)

Sec. 5. The Illinois Department of Natural Resources ~~Human Services~~ is hereby authorized to ~~grant and~~ convey and quitclaim any and all rights held under the terms of a Grant of Conservation Right and Easement dated May 7, 2008 and recorded June 23, 2008 as Document Number 0817531024 in the Recorder's Office of Cook County, Illinois ~~permanent conservation easement~~ to the Chicago Park District, a park district organized and existing under the laws of the State of Illinois. ~~Illinois Department of Natural Resources or to the Chicago Park District on a parcel containing 30 acres, more or less, that is located in Section 18, Township 40 North, Range 13 East of the third principal meridian, Cook County, Illinois, situated to the West and South of the Chicago Read Mental Health Center, for the purpose of preserving and protecting the wetlands and forested area for the benefit of the patients of the facility, the community, and the general public.~~

(Source: P.A. 101-607, eff. 12-13-19.)

Section 25. "An Act concerning property", approved August 9, 2019, Public Act 101-361, is amended by changing Sections 15 and 30 as follows:

(P.A. 101-361, Sec. 15)

Sec. 15. (a) The Director of the Department of Natural Resources, on behalf of the State of Illinois, is authorized to execute and deliver to the City of Wyoming, a municipality organized and existing under the laws of the State of Illinois, of the County of Stark, State of Illinois, for and in consideration of $1.00 paid to the Department, a quitclaim deed to the following described real property, to wit:

A tract conveyed to the State of Illinois, Department of Conservation (now Department of Natural Resources) by deed dated February 10, 1969, and recorded July 17, 1969, as ~~(~~Document Number 53205 in the Recorder's Office of Stark County, Illinois and ~~)~~ described as:

All of the Chicago, Rock Island and Pacific Railroad Company's abandoned right of way in Lot 1, Block 10~~;~~ and ~~part of~~ Lot 3, Block 9 of Giles C. ~~in~~ Dana's Addition to Town ~~City~~ of Wyoming lying 50 feet on each side of the Railroad Company's main track centerline as formerly located.

Situated in Section l, Township 12 North, Range 6 East, of the 4th ~~46~~ Principal Meridian, Stark County, Illinois.

(b) The conveyance of real property shall be made subject to: (1) existing public utilities, existing public roads, and any and all reservations, easements, encumbrances, covenants, and restrictions of record; and (2) the express condition that if the real property ceases to be used for public purposes, it shall revert to the State of Illinois, Department of Natural Resources.

(Source: P.A. 101-361, eff. 8-9-19.)

(P.A. 101-361, Sec. 30)

Sec. 30. (a) The Director of the Department of Natural Resources, on behalf of the State of Illinois, is authorized to exchange certain real property in Pulaski County, Illinois, hereinafter referred to in this Section as Parcel 1, for certain real property of equal or greater value in Pulaski County, Illinois, hereinafter referred to in this Section as Parcel 2, the Parcels being described as follows:

PARCEL 1:

The North 86 ~~106~~ feet of the following described tract of land conveyed to the People of the State of Illinois, Department of Natural Resources, Springfield, IL., by Warranty Deed dated June 19, 2009, recorded June 25, 2009, Document No. 24582, in Book 257, Page 816, described as follows to-wit:

"A tract of land in the Southwest Quarter of the Northwest Quarter of Section 14, Township 14 South, Range 1 East of the 3rd P.M., more particularly described as follows: Beginning at the Northwest corner of the Southwest Quarter of the Northwest Quarter, thence South along the West Section line of said Quarter-Quarter Section, a distance of 20 feet for a point of beginning; thence East a distance of 272 feet along a line parallel to the Northerly Section line of said Quarter-Quarter Section; thence South a distance of 320 feet and 3 inches on a line parallel to the West Section line of said Quarter-Quarter Section; thence West a distance of 272 feet along a line parallel to the North line of said Southwest Quarter of the Northwest Quarter; thence North a distance of 320 feet and 3 inches following the Westerly line of said Quarter-Quarter Section to the point of beginning, containing 2 acres, more or less, situated in the County of Pulaski and State of Illinois."

PARCEL 2:

The South 86 ~~106~~ feet of the North 426.25 feet of the West 272 feet of the Southwest Quarter of the Northwest Quarter of Section 14, Township 14 South, Range 1 East of the 3rd P.M., situated in the County of Pulaski and State of Illinois.

(b) The transaction under this Section will be to the mutual advantages of both parties. Each party shall be responsible for any and all title costs associated with their respective properties.

(c) The conveyance of Parcel 1 as authorized by this Section shall be made subject to existing public utilities, existing public roads, and any and all reservations, easements, encumbrances, covenants, and restrictions of record.

(d) The Director of the Department of Natural Resources shall obtain an opinion of title from the Attorney General certifying that the State of Illinois will receive merchantable title to the real property in this Section referred to as Parcel 2.

(Source: P.A. 101-361, eff. 8-9-19.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILLS OF THE SENATE A THIRD TIME**

On motion of Senator Joyce, **Senate Bill No. 1655** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |

| | | | |
|---|---|---|---|
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Van Pelt |
| Collins | Holmes | Pacione-Zayas | Villa |
| Connor | Hunter | Peters | Villanueva |
| Crowe | Johnson | Plummer | Villivalam |
| Cullerton, T. | Jones, E. | Rezin | Wilcox |
| Cunningham | Joyce | Rose | Mr. President |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Murphy, **Senate Bill No. 1780** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Stadelman |
| Aquino | Ellman | Lightford | Stoller |
| Bailey | Feigenholtz | Loughran Cappel | Syverson |
| Barickman | Fine | Martwick | Tracy |
| Belt | Fowler | McClure | Turner, D. |
| Bennett | Gillespie | McConchie | Turner, S. |
| Bryant | Glowiak Hilton | Morrison | Villa |
| Bush | Harris | Muñoz | Villanueva |
| Castro | Hastings | Murphy | Villivalam |
| Collins | Holmes | Pacione-Zayas | Wilcox |
| Connor | Hunter | Peters | Mr. President |
| Crowe | Johnson | Rezin | |
| Cullerton, T. | Jones, E. | Rose | |
| Cunningham | Joyce | Simmons | |
| Curran | Koehler | Sims | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Martwick, **Senate Bill No. 1795** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |

| | | | |
|---|---|---|---|
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Villa |
| Collins | Holmes | Pacione-Zayas | Villanueva |
| Connor | Hunter | Peters | Villivalam |
| Crowe | Johnson | Plummer | Wilcox |
| Cullerton, T. | Jones, E. | Rezin | Mr. President |
| Cunningham | Joyce | Rose | |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Ellman, **Senate Bill No. 1854** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Villa |
| Collins | Holmes | Pacione-Zayas | Villanueva |
| Connor | Hunter | Peters | Villivalam |
| Crowe | Johnson | Plummer | Mr. President |
| Cullerton, T. | Jones, E. | Rezin | |
| Cunningham | Joyce | Rose | |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Lightford, **Senate Bill No. 1965** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 48; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Koehler | Simmons |
| Bailey | Ellman | Landek | Sims |
| Belt | Feigenholtz | Lightford | Stadelman |

| | | | |
|---|---|---|---|
| Bennett | Fine | Loughran Cappel | Turner, D. |
| Bryant | Fowler | Martwick | Turner, S. |
| Bush | Gillespie | McClure | Villa |
| Castro | Glowiak Hilton | Morrison | Villanueva |
| Collins | Harris | Muñoz | Villivalam |
| Connor | Hastings | Murphy | Mr. President |
| Crowe | Holmes | Pacione-Zayas | |
| Cullerton, T. | Johnson | Peters | |
| Cunningham | Jones, E. | Rezin | |
| Curran | Joyce | Rose | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Hunter asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 1965**.

On motion of Senator Hunter, **Senate Bill No. 1839** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Villa |
| Collins | Holmes | Pacione-Zayas | Villanueva |
| Connor | Hunter | Peters | Villivalam |
| Crowe | Johnson | Plummer | Mr. President |
| Cullerton, T. | Jones, E. | Rezin | |
| Cunningham | Joyce | Rose | |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Hunter, **Senate Bill No. 1842** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |

| | | | |
|---|---|---|---|
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Villa |
| Collins | Holmes | Pacione-Zayas | Villanueva |
| Connor | Hunter | Peters | Villivalam |
| Crowe | Johnson | Plummer | Mr. President |
| Cullerton, T. | Jones, E. | Rezin | |
| Cunningham | Joyce | Rose | |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Fine, **Senate Bill No. 1970** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 49; NAYS 5.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Ellman | Koehler | Stadelman |
| Aquino | Feigenholtz | Landek | Stewart |
| Belt | Fine | Lightford | Stoller |
| Bennett | Fowler | Loughran Cappel | Syverson |
| Bush | Gillespie | Martwick | Tracy |
| Castro | Glowiak Hilton | McConchie | Turner, D. |
| Collins | Harris | Muñoz | Villa |
| Connor | Hastings | Murphy | Villanueva |
| Crowe | Holmes | Pacione-Zayas | Villivalam |
| Cullerton, T. | Hunter | Peters | Mr. President |
| Cunningham | Johnson | Rezin | |
| Curran | Jones, E. | Simmons | |
| DeWitte | Joyce | Sims | |

The following voted in the negative:

| | | |
|---|---|---|
| Bailey | Plummer | Turner, S. |
| Bryant | Rose | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Plummer asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 1970**.

On motion of Senator Koehler, **Senate Bill No. 2007** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stewart |
| Bailey | Feigenholtz | Loughran Cappel | Stoller |
| Barickman | Fine | Martwick | Syverson |
| Belt | Fowler | McClure | Tracy |
| Bennett | Gillespie | McConchie | Turner, D. |
| Bryant | Glowiak Hilton | Morrison | Turner, S. |
| Bush | Harris | Muñoz | Van Pelt |
| Castro | Hastings | Murphy | Villa |
| Collins | Holmes | Pacione-Zayas | Villanueva |
| Connor | Hunter | Peters | Villivalam |
| Crowe | Johnson | Plummer | Mr. President |
| Cullerton, T. | Jones, E. | Rezin | |
| Cunningham | Joyce | Rose | |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Martwick, **Senate Bill No. 1577** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Simmons |
| Aquino | Ellman | Lightford | Sims |
| Bailey | Feigenholtz | Loughran Cappel | Stadelman |
| Barickman | Fine | Martwick | Syverson |
| Belt | Fowler | McClure | Tracy |
| Bennett | Glowiak Hilton | McConchie | Turner, D. |
| Bryant | Harris | Morrison | Turner, S. |
| Bush | Hastings | Muñoz | Van Pelt |
| Castro | Holmes | Murphy | Villa |
| Collins | Hunter | Pacione-Zayas | Villanueva |
| Connor | Johnson | Peters | Villivalam |
| Crowe | Jones, E. | Plummer | Mr. President |
| Cullerton, T. | Joyce | Rezin | |
| Cunningham | Koehler | Rose | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Rezin, **Senate Bill No. 2153** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None; Present 1.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Ellman | Landek | Simmons |
| Bailey | Feigenholtz | Lightford | Sims |
| Barickman | Fine | Loughran Cappel | Stadelman |
| Belt | Fowler | Martwick | Stewart |
| Bennett | Gillespie | McClure | Stoller |
| Bryant | Glowiak Hilton | McConchie | Tracy |
| Bush | Harris | Morrison | Turner, D. |
| Castro | Hastings | Muñoz | Turner, S. |
| Collins | Holmes | Murphy | Van Pelt |
| Connor | Hunter | Pacione-Zayas | Villa |
| Crowe | Johnson | Peters | Villanueva |
| Cullerton, T. | Jones, E. | Plummer | Villivalam |
| Cunningham | Joyce | Rezin | Mr. President |
| DeWitte | Koehler | Rose | |

The following voted present:

Aquino

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Sims, **Senate Bill No. 2176** was recalled from the order of third reading to the order of second reading.

Senator Sims offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO SENATE BILL 2176**

AMENDMENT NO. 2 . Amend Senate Bill 2176 by deleting all of page 49; and

on page 50, by deleting lines 1 through 13; and

on page 110, by inserting immediately below line 2 the following:

"(15 ILCS 405/14.01 rep.)

Section 20.88. The State Comptroller Act is amended by repealing Section 14.01.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILLS OF THE SENATE A THIRD TIME**

On motion of Senator Sims, **Senate Bill No. 2176** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Stadelman |
| Aquino | Ellman | Loughran Cappel | Stewart |
| Bailey | Feigenholtz | Martwick | Stoller |
| Barickman | Fine | McClure | Syverson |
| Belt | Fowler | McConchie | Tracy |
| Bennett | Gillespie | Morrison | Turner, S. |
| Bryant | Glowiak Hilton | Muñoz | Van Pelt |
| Bush | Harris | Murphy | Villa |
| Castro | Hastings | Pacione-Zayas | Villanueva |
| Collins | Holmes | Peters | Villivalam |
| Connor | Hunter | Plummer | Mr. President |
| Crowe | Johnson | Rezin | |
| Cullerton, T. | Jones, E. | Rose | |
| Cunningham | Joyce | Simmons | |
| Curran | Koehler | Sims | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Stadelman, **Senate Bill No. 2279** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 40; NAYS 15.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Aquino | Feigenholtz | Koehler | Stadelman |
| Belt | Fine | Landek | Turner, D. |
| Bennett | Gillespie | Loughran Cappel | Van Pelt |
| Bush | Glowiak Hilton | Martwick | Villa |
| Castro | Harris | Morrison | Villanueva |
| Collins | Hastings | Muñoz | Villivalam |
| Connor | Holmes | Murphy | Mr. President |
| Crowe | Hunter | Pacione-Zayas | |
| Cullerton, T. | Johnson | Peters | |
| Cunningham | Jones, E. | Simmons | |
| Ellman | Joyce | Sims | |

The following voted in the negative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Plummer | Syverson |
| Bailey | Fowler | Rose | Tracy |
| Barickman | McClure | Stewart | Turner, S. |

| | | |
|---|---|---|
| Bryant | McConchie | Stoller |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Lightford, **Senate Bill No. 2338** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 40; NAYS 15.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Aquino | Gillespie | Lightford | Stadelman |
| Belt | Glowiak Hilton | Loughran Cappel | Turner, D. |
| Bush | Harris | Martwick | Van Pelt |
| Castro | Hastings | McConchie | Villa |
| Collins | Holmes | Morrison | Villanueva |
| Connor | Hunter | Muñoz | Villivalam |
| Cullerton, T. | Johnson | Murphy | Mr. President |
| Cunningham | Jones, E. | Pacione-Zayas | |
| Ellman | Joyce | Peters | |
| Feigenholtz | Koehler | Simmons | |
| Fine | Landek | Sims | |

The following voted in the negative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Rezin | Syverson |
| Bailey | Fowler | Rose | Tracy |
| Barickman | McClure | Stewart | Turner, S. |
| Bryant | Plummer | Stoller | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Rezin, **Senate Bill No. 2354** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Ellman | Lightford | Stewart |
| Aquino | Feigenholtz | Loughran Cappel | Stoller |
| Bailey | Fine | Martwick | Syverson |
| Barickman | Fowler | McClure | Tracy |
| Belt | Gillespie | McConchie | Turner, D. |
| Bennett | Glowiak Hilton | Morrison | Turner, S. |
| Bryant | Harris | Muñoz | Van Pelt |
| Bush | Hastings | Murphy | Villa |
| Castro | Holmes | Pacione-Zayas | Villanueva |

| | | | |
|---|---|---|---|
| Collins | Hunter | Peters | Villivalam |
| Connor | Johnson | Rezin | Mr. President |
| Crowe | Jones, E. | Rose | |
| Cullerton, T. | Joyce | Simmons | |
| Cunningham | Koehler | Sims | |
| DeWitte | Landek | Stadelman | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Collins, **Senate Bill No. 2136** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Curran | Joyce | Rose |
| Aquino | DeWitte | Koehler | Simmons |
| Bailey | Ellman | Landek | Sims |
| Barickman | Feigenholtz | Lightford | Stadelman |
| Belt | Fine | Loughran Cappel | Syverson |
| Bennett | Fowler | Martwick | Tracy |
| Bryant | Gillespie | McClure | Turner, D. |
| Bush | Glowiak Hilton | McConchie | Van Pelt |
| Castro | Harris | Morrison | Villa |
| Collins | Hastings | Muñoz | Villanueva |
| Connor | Holmes | Murphy | Villivalam |
| Crowe | Hunter | Pacione-Zayas | Mr. President |
| Cullerton, T. | Johnson | Peters | |
| Cunningham | Jones, E. | Rezin | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Connor, **Senate Bill No. 2360** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |

| | | | |
|---|---|---|---|
| Castro | Hastings | Murphy | Van Pelt |
| Collins | Holmes | Pacione-Zayas | Villa |
| Connor | Hunter | Peters | Villanueva |
| Crowe | Johnson | Plummer | Villivalam |
| Cullerton, T. | Jones, E. | Rezin | Mr. President |
| Cunningham | Joyce | Rose | |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Villivalam, **Senate Bill No. 2459** was recalled from the order of third reading to the order of second reading.

Senator Villivalam offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 2459**

AMENDMENT NO. 1 . Amend Senate Bill 2459 by replacing everything after the enacting clause with the following:

"Section 5. The Electronic Commerce Security Act is amended by changing Section 25-101 and by adding Section 25-120 as follows:

(5 ILCS 175/25-101)

Sec. 25-101. State agency use of electronic records.

(a) Each State agency shall determine if, and the extent to which, it will send and receive electronic records and electronic signatures to and from other persons and otherwise create, use, store, and rely upon electronic records and electronic signatures.

(b) In any case where a State agency decides to send or receive electronic records, or to accept document filings by electronic records, the State agency may, by appropriate agency rule (or court rule where appropriate), giving due consideration to security, specify:

(1) the manner and format in which such electronic records must be created, sent, received, and stored;

(2) if such electronic records must be signed, the type of electronic signature required, the manner and format in which such signature must be affixed to the electronic record, and the identity of, or criteria that must be met by, any third party used by the person filing the document to facilitate the process;

(3) control processes and procedures as appropriate to ensure adequate integrity, security, confidentiality, and auditability of such electronic records; and

(4) any other required attributes for such electronic records that are currently specified for corresponding paper documents, or reasonably necessary under the circumstances.

(c) All rules adopted by a State agency shall include the relevant minimum security requirements established by the Department of Central Management Services, if any.

(d) Whenever any rule of law requires or authorizes the filing of any information, notice, lien, or other document or record with any State agency, a filing made by an electronic record shall have the same force and effect as a filing made on paper in all cases where the State agency has authorized or agreed to such electronic filing and the filing is made in accordance with applicable rules or agreement.

(e) Except as otherwise provided under Section 25-120, nothing ~~Nothing~~ in this Act shall be construed to require any State agency to use or to permit the use of electronic records or electronic signatures.

(Source: P.A. 90-759, eff. 7-1-99.)

(5 ILCS 175/25-120 new)

Sec. 25-120. State agency electronic signature waiver.

(a) Notwithstanding any provision of this Act to the contrary, the Department of Transportation, the Illinois State Toll Highway Authority, and the Capital Development Board shall each accept the use of electronic signatures in transactions between those State agencies and other persons or entities, unless all parties to the transaction waive the right to use electronic signatures.

(b) The requirements of subsection (a) shall not apply to transactions of technical submissions, which shall be submitted in accordance with the following Acts: (i) the Illinois Architecture Practice Act of 1989; (ii) the Professional Engineering Practice Act of 1989; (iii) the Illinois Structural Engineering Practice Act of 1989; and (iv) the Illinois Professional Land Surveyor Act of 1989.

(c) For purposes of this Section, "technical submissions" has the same meanings as used under the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, and the Illinois Structural Engineering Practice Act of 1989, and includes any similar documents that may be submitted in performing requirements under the Illinois Professional Land Surveyor Act of 1989.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILLS OF THE SENATE A THIRD TIME**

On motion of Senator Villivalam, **Senate Bill No. 2459** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Ellman | Lightford | Stadelman |
| Aquino | Feigenholtz | Loughran Cappel | Stoller |
| Bailey | Fine | Martwick | Syverson |
| Barickman | Fowler | McClure | Tracy |
| Belt | Gillespie | McConchie | Turner, D. |
| Bennett | Glowiak Hilton | Morrison | Turner, S. |
| Bryant | Harris | Muñoz | Van Pelt |
| Bush | Hastings | Murphy | Villa |
| Castro | Holmes | Pacione-Zayas | Villanueva |
| Collins | Hunter | Peters | Villivalam |
| Connor | Johnson | Plummer | Mr. President |
| Crowe | Jones, E. | Rezin | |
| Cullerton, T. | Joyce | Rose | |
| Cunningham | Koehler | Simmons | |
| DeWitte | Landek | Sims | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Bush, **Senate Bill No. 2553** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Van Pelt |
| Collins | Holmes | Pacione-Zayas | Villa |
| Connor | Hunter | Peters | Villanueva |
| Crowe | Johnson | Plummer | Villivalam |
| Cullerton, T. | Jones, E. | Rezin | Mr. President |
| Cunningham | Joyce | Rose | |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Bush, **Senate Bill No. 2565** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | DeWitte | Landek | Sims |
| Aquino | Ellman | Lightford | Stadelman |
| Bailey | Feigenholtz | Loughran Cappel | Stewart |
| Barickman | Fine | Martwick | Stoller |
| Belt | Fowler | McClure | Syverson |
| Bennett | Gillespie | McConchie | Tracy |
| Bryant | Glowiak Hilton | Morrison | Turner, D. |
| Bush | Harris | Muñoz | Turner, S. |
| Castro | Hastings | Murphy | Van Pelt |
| Collins | Holmes | Pacione-Zayas | Villa |
| Connor | Hunter | Peters | Villanueva |
| Crowe | Johnson | Plummer | Villivalam |
| Cullerton, T. | Jones, E. | Rezin | Mr. President |
| Cunningham | Joyce | Rose | |
| Curran | Koehler | Simmons | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Murphy, **Senate Bill No. 2662** was recalled from the order of third reading to the order of second reading.

Senator Murphy offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 2662**

AMENDMENT NO. 1 . Amend Senate Bill 2662 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Identification Card Act is amended by changing Section 8 as follows:

(15 ILCS 335/8) (from Ch. 124, par. 28)

Sec. 8. Expiration.

(a) Except as otherwise provided in this Section:

(1) Every identification card issued hereunder, except to persons who have reached their 15th birthday, but are not yet 21 years of age, persons who are 65 years of age or older, and persons who are issued an Illinois Person with a Disability Identification Card, shall expire 5 years from the ensuing birthday of the applicant and a renewal shall expire 5 years thereafter.

(2) Every original or renewal identification card issued to a person who has reached his or her 15th birthday, but is not yet 21 years of age shall expire 3 months after the person's 21st birthday.

(b) Except as provided elsewhere in this Section, every original, renewal, or duplicate: (i) non-REAL ID identification card issued to a person who has reached his or her 65th birthday shall be permanent and need not be renewed; (ii) REAL ID compliant identification card issued on or after July 1, 2017, to a person who has reached his or her 65th birthday shall expire 8 years thereafter; (iii) non-REAL ID Illinois Person with a Disability Identification Card issued to a qualifying person shall expire 10 years thereafter; and (iv) REAL ID compliant Illinois Person with a Disability Identification Card issued on or after July 1, 2017, shall expire 8 years thereafter. The Secretary of State shall promulgate rules setting forth the conditions and criteria for the renewal of all Illinois Person with a Disability Identification Cards.

(c) Every identification card or Illinois Person with a Disability Identification Card issued under this Act to an applicant who is not a United States citizen or permanent resident, ~~other than a conditional permanent resident,~~ or an individual who has an approved application for asylum in the United States or has entered the United States in refugee status, shall expire on whichever is the earlier date of the following:

(1) as provided under subsection (a) or (b) of this Section;

(2) on the date the applicant's authorized stay in the United States terminates; or

(3) if the applicant's authorized stay is indefinite and the applicant is applying for a Limited Term REAL ID compliant identification card, one year from the date of issuance of the card.

(d) Every REAL ID compliant identification card or REAL ID compliant Person with a Disability Identification Card issued under this Act to an applicant who is not a United States citizen or permanent resident, ~~other than a conditional permanent resident,~~ or an individual who has an approved application for asylum in the United States or has entered the United States in refugee status, shall be marked "Limited Term".

(Source: P.A. 100-248, eff. 8-22-17; 100-827, eff. 8-13-18; 101-185, eff. 1-1-20.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Murphy, **Senate Bill No. 2662** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 39; NAYS 9.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Aquino | Ellman | Koehler | Rezin |
| Belt | Feigenholtz | Landek | Simmons |
| Bennett | Fine | Loughran Cappel | Sims |
| Bush | Gillespie | Martwick | Stadelman |
| Castro | Harris | McConchie | Van Pelt |
| Collins | Hastings | Morrison | Villa |
| Connor | Holmes | Muñoz | Villanueva |
| Cullerton, T. | Hunter | Murphy | Villivalam |
| Cunningham | Johnson | Pacione-Zayas | Mr. President |
| DeWitte | Jones, E. | Peters | |

The following voted in the negative:

| | | |
|---|---|---|
| Anderson | Fowler | Stewart |
| Bailey | Plummer | Syverson |
| Bryant | Rose | Tracy |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**SENATE BILL RECALLED**

On motion of Senator Holmes, **Senate Bill No. 2664** was recalled from the order of third reading to the order of second reading.

Senator Holmes offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 2664**

AMENDMENT NO. 1 . Amend Senate Bill 2664 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Notary Public Act is amended by changing Sections 1-104, 2-101, 2-102, 2-102.5, 2-103, 2-104, 2-105, 2-107, 3-101, 3-103, 3-104, 3-105, 3-106, 4-101, 5-101, 5-102, 6-102, 6-104, and Sections 7-106, 7-107, and 7-108 and by adding Sections 1-106, 2-101.5, 2-102.6, 2-102.7, 3-101.5, and 3-107, 6-102.5, and the heading of Article VI-A and Sections 6A-101, 6A-102, 6A-103, 6A-104, 6A-105, 6A-106, and 7-110 as follows:

(5 ILCS 312/1-104) (from Ch. 102, par. 201-104)

Sec. 1-104. Definitions. As used in this Act: ~~Notary Public and Notarization Defined.~~

"Accredited immigration representative" means a not for profit organization recognized by the Board of Immigration Appeals under 8 C.F.R. 292.29(a) and employees of those organizations accredited under 8 C.F.R. 292.29(d).

"Acknowledgment" means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

"Audio-video communication" means communication by which a person is able to see, hear, and communicate with another person in real time using electronic means.

"Communication technology" means an electronic device or process that allows a notary public and a remotely located individual to communicate with each other simultaneously by audio-video communication.

"Credential" means a tangible record evidencing the identity of a person, including a valid and unexpired identification card or other document issued by the federal government or any state government that contains the photograph and signature of the principal.

"Digital certificate" means a computer-based record or electronic file to a notary public or applicant for commission as an electronic notary public for the purpose of creating an official electronic signature. The digital certificate shall be kept in the exclusive control of the electronic notary public.

"Dynamic knowledge based authentication assessment" means an identity assessment that is based on a set of questions formulated from public or private data sources for which the person taking the assessment has not previously provided an answer that meets any rules adopted by the Secretary of State.

"Electronic" means of or relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"Electronic document" means information that is created, generated, sent, communicated, received, or stored by electronic means.

"Electronic notarial act" means an act that an electronic notary public of this State is authorized to perform. The term includes:

(1) taking an acknowledgment;

(2) administering an oath or affirmation;

(3) executing a jurat;

(4) certifying a true and correct copy; and

(5) performing such other duties as may be prescribed by a specific statute.

"Electronic notarial certificate" means the portion of a notarized electronic document that is completed by an online notary public and contains the following:

(1) the electronic notary public's electronic signature, electronic seal, title, and commission expiration date;

(2) other required information concerning the date and placement of the electronic notarization; and

(3) the facts attested to or certified by the electronic notary public in the particular notarization.

"Electronic notarial certificate" includes the form of an acknowledgment, jurat, verification on oath or affirmation, or verification of witness or attestation that is completed remotely by an electronic notary public and:

(1)contains the electronic notary's electronic signature, electronic seal, title and commission, and expiration date;

(2)contains other required information concerning the date and place of the electronic notarization;

(3)otherwise conforms to the requirements for an acknowledgment, jurat, verification on oath or affirmation, or verification of witness or attestation under the laws of this State; and

(4)indicates that the person making the acknowledgment, oath, or affirmation appeared.

"Electronic notarization system" means a set of applications, programs, hardware, software, or technology to enable an electronic notary to perform electronic notarial acts through audio-video communication.

"Electronic notary public" means a person commissioned by the Secretary of State to perform electronic notarial acts.

"Electronic presentation" means the transmission of a quality image of a government-issued identification credential to an electronic notary public through communication technology for the purpose of enabling the electronic notary public to identify the person appearing before the electronic notary public and to perform a credential analysis.

"Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

"Electronic seal" means information within a notarized electronic document that includes the names, commission number, jurisdiction, and expiration date of the commission of an electronic notary public and generally includes the information required to be set forth in a mechanical stamp under subsection (b-5) of Section 3-101.

"Electronic signature" means the official signature of the commissioned notary that is on file with the Secretary of State and has been reduced to an electronic format that may be attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

"Identity proofing" means a process or service operating according to criteria approved by the Secretary of state through which a third person affirms the identity of an individual through review of personal information from public and proprietary data sources, including (a) by means of dynamic knowledge-based authentication, such as a review of personal information from public or proprietary data sources; or (b) by means of analysis of biometric data, such as, but not limited to, facial recognition, voiceprint analysis, or fingerprint analysis.

"In the presence of" or "appear before" means:

(1) being in the same physical location as another person and close enough to see, hear, communicate with and exchange credentials with that person; or

(2)being in a different physical location from another person, but able to see, hear, and communicate with the person by means of audio-video communication that meets any rules adopted by the Secretary of State.

"Notarial act" means an act, whether performed with respect to a tangible or electronic record, that a notary public, a remote notary public, or an electronic notary public may perform under the laws of this State. "Notary act" includes taking an acknowledgment, administering an oath, or affirmation, taking a verification on oath, or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

"Notary public" or "notary" means an individual commissioned to perform notarial acts.

"Notarization" means the performance of a notarial act.

"Outside the United States" means a location outside of the geographic boundaries of a state or commonwealth of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory, or insular possession, or other location subject to the jurisdiction of the United States.

"Principal" means an individual:

(1) whose signature is notarized; or

(2) taking an oath or affirmation from the notary but not in the capacity of a witness for the notarization.

"Public key certificate" means an electronic credential which is used to identify an individual who signed an electronic record with the certificate.

"Real time" means the actual span of uninterrupted time during which all parts of an electronic notarial act occur.

"Remote notarial act" means a notarial act that is done by way of audio-video communication technology that allows for direct, contemporaneous interaction between the individual signing the document (the signatory) and the witness by sight and sound but that requires the notary public to use his or her physical stamp and seal to notarize the document without the aid of an electronic seal or signature.

"Remote notary public" means any notary public that performs a remote notarial act.

"Tamper evident" means that any change to an electronic document shall display evidence of the change.

"Unique to the electronic notary public" and "sole control" mean, with respect to an electronic notarization that the signing device used to affix the electronic signature of the electronic notary public and to render the official electronic seal information tamper evident must be accessible by and attributable solely to the electronic notary public to the exclusion of all other persons and entities for the necessary period of time that such device is engaged and operating to effectuate the authorized electronic notarization.

~~(a) The terms "notary public" and "notary" are used interchangeably to mean any individual appointed and commissioned to perform notarial acts.~~

~~(b) "Notarization" means the performance of a notarial act.~~

~~(c) "Accredited immigration representative" means a not for profit organization recognized by the Board of Immigration Appeals under 8 C.F.R. 292.2(a) and employees of those organizations accredited under 8 C.F.R. 292.2(d).~~

(Source: P.A. 93-1001, eff. 8-23-04.)

(5 ILCS 312/1-106 new)

Sec. 1-106. Electronic Notarization Fund. The Electronic Notarization Fund is created as a special fund in the State treasury. Moneys in the Electronic Notarization Fund during the preceding calendar year, shall be distributed, subject to appropriation, to the Secretary of State to fund the Department of Index's implementation of the electronic notarization commissions. This Section is effective on and after July 1, 2022.

(5 ILCS 312/2-101) (from Ch. 102, par. 202-101)

Sec. 2-101. Appointment.

(a) The Secretary of State may appoint and commission as notaries public for a 4-year term as many persons resident in a county in this State as he deems necessary. The Secretary of State may appoint and commission as notaries public for a one-year term as many persons who are residents of a state bordering Illinois whose place of work or business is within a county in this State as the Secretary deems necessary, but only if the laws of that state authorize residents of Illinois to be appointed and commissioned as notaries public in that state.

(b) A notary public commissioned in this State may apply for an electronic notary public commission to perform electronic notarial acts with the name that appears on the notary's commission.

(c) An individual may apply for a notary public commission and apply for an electronic notary public commission at the same time.

(d) Any notary or electronic notary appointed by the Secretary of State may elect not to perform a notarial act or an electronic notarial act for any reason.

(e) The commission of a notary public and an electronic notary public shall have the same term pursuant to subsection (a).

(f) The electronic notary public commission of a notary public is suspended by operation of law when the notary public is no longer appointed and commissioned as a notary public in this State under this Act. If the commission of the notary public has been revoked or suspended, the Secretary of State shall immediately notify the notary public in writing that his or her commission as a notary public and as an electronic notary public will be suspended by operation of law until he or she is reappointed.

(Source: P.A. 91-818, eff. 6-13-00.)

(5 ILCS 312/2-101.5 new)

Sec. 2-101.5. Course of study and examination.

(a) Applicants applying for the first time as a notary public or as an electronic notary public or applying to renew his or her appointment as a notary public or as an electronic notary public shall:

(1) complete any course of study on notarization and electronic notarization that is required by the Secretary of State; and

(2) pass an examination at the completion of the course.

(b) The Secretary of State shall have the authority to adopt administrative rules mandating a course of study and examination and establishing the course of study content, length of the course of study to be required, and to approve any course of study providers.

(5 ILCS 312/2-102) (from Ch. 102, par. 202-102)

Sec. 2-102. Application.

(a) Application for notary public commission. Every applicant for appointment and commission as a notary shall complete an application in a format prescribed by the Secretary of State to be filed with the Secretary of State, stating:

(1) ~~(a)~~ the applicant's official name, as it appears on his or her current driver's license or state-issued identification card;

(2) ~~(b)~~ the county in which the applicant resides or, if the applicant is a resident of a state bordering Illinois, the county in Illinois in which that person's principal place of work or principal place of business is located;

(3) ~~(c)~~ the applicant's residence address, as it appears on his or her current driver's license or state-issued identification card;

(4) the applicant's e-mail address;

(5) ~~(c-5)~~ the applicant's business address if different than the applicant's residence address, if performing notarial acts constitutes any portion of the applicant's job duties;

(6) ~~(d)~~ that the applicant has resided in the State of Illinois for 30 days preceding the application or that the applicant who is a resident of a state bordering Illinois has worked or maintained a business in Illinois for 30 days preceding the application;

(7) ~~(e)~~ that the applicant is a citizen of the United States or ~~an alien~~ lawfully admitted for permanent residence in the United States;

(8) ~~(f)~~ the applicant's date of birth;

(9) ~~(g)~~ that the applicant is proficient in the ~~able to read and write~~ the English language;

(10) that the applicant has not had a prior application or commission revoked due to a finding or decision by the Secretary of State ~~(h) that the applicant has never been the holder of a notary public appointment that was revoked or suspended during the past 10 years~~;

(11) ~~(i)~~ that the applicant has not been convicted of a felony;

(12) ~~(i-5)~~ that the applicant's signature authorizes the Office of the Secretary of State to conduct a verification to confirm the information provided in the application, including a criminal background check of the applicant, if necessary; ~~and~~

(13) that the applicant has provided satisfactory proof to the Secretary of State that the applicant has successfully completed any required course of study on notarization; and

(14) ~~(j)~~ any other information the Secretary of State deems necessary.

(b) Any notary appointed under subsection (a) shall have the authority to conduct remote notarizations.

(c) Application for electronic notary public commission. An application for an electronic notary public commission must be filed with the Secretary of State in a manner prescribed by the Secretary of State. Every applicant for appointment and commission as an electronic notary public shall complete an application to be filed with the Secretary of State, stating:

(1) all information required to be included in an application for appointment as an electronic notary public, as provided under subsection (a);

(2) that the applicant is commissioned as a notary public under this Act;

(3) the applicant's email address;

(4) that the applicant has provided satisfactory proof to the Secretary of State that the applicant has successfully completed any required course of study on electronic notarization and passed a qualifying examination;

(5) a description of the technology or device that the applicant intends to use to create his or her electronic signature in performing electronic notarial acts;

(6) the electronic signature of the applicant; and

(7) any other information the Secretary of State deems necessary.

(d) Electronic notarial acts. Before an electronic notary public performs an electronic notarial act using audio-video communication, he or she must be granted an electronic notary public commission by the Secretary of State under this Section, and identify the technology that the electronic notary public intends to sue, which must be approved by the Secretary of State.

(e) Approval of commission. Upon the applicant's fulfillment of the requirements for a notarial commission or an electronic notary public commission, the Secretary of State shall approve the commission and issue to the applicant a unique commission number.

(f) Rejection of application. The Secretary of State may reject an application for a notarial commission or an electronic notary public commission if the applicant fails to comply with any Section of this Act.

(Source: P.A. 99-112, eff. 1-1-16; 100-809, eff. 1-1-19.)

(5 ILCS 312/2-102.5)

Sec. 2-102.5. Online ~~notary public~~ application system.

(a) The Secretary of State may establish and maintain an online application system that permits an Illinois resident to apply for appointment and commission as a notary public or electronic notary public.

(b) Any such online ~~notary public~~ application system shall employ security measures to ensure the accuracy and integrity of notary public applications submitted electronically under this Section.

(c) The Secretary of State may cross reference information provided by applicants with that contained in the Secretary of State's driver's license and Illinois Identification Card databases in order to match the information submitted by applicants, and may receive from those databases the applicant's digitized signature upon a successful match of the applicant's information with that information contained in the databases.

(d) An online ~~notary public~~ application shall contain all of the information that is required for a paper application as provided in Section 2-102 of this Act. The applicant shall also be required to provide:

(1) the applicant's full Illinois driver's license or Illinois Identification Card number;

(2) the date of issuance of the Illinois driver's license or Illinois Identification Card; and

(3) the applicant's e-mail address for notices to be provided under this Section.

(e) For his or her application to be accepted, the applicant shall mark the box associated with the following statement included as part of the online ~~notary public~~ application: "By clicking on the box below, I swear or affirm all of the following:

(1) I am the person whose name and identifying information is provided on this form, and I desire to be appointed and commissioned as a notary public in the State of Illinois.

(2) All the information I have provided on this form is true and correct as of the date I am submitting this form.

(3) I authorize the Secretary of State to utilize my signature on file with the Secretary of State driver's license and Illinois Identification Card databases and understand that such signature will be used on this online ~~notary public~~ application for appointment and commission as a notary public or electronic notary as if I had signed this form personally.~~"~~

(4) I authorize the Secretary of State to utilize my signature to conduct a verification to confirm the information provided in the application, including a criminal background check, if necessary."

(f) Immediately upon receiving a completed online ~~notary public~~ application, the online system shall send by electronic mail a confirmation notice that the application has been received. Upon completion of the procedure outlined in subsection (c) of this Section, the online ~~notary public~~ application system shall send by electronic mail a notice informing the applicant of whether the following information has been matched with the Secretary of State driver's license and Illinois Identification Card databases:

(1) that the applicant has an authentic Illinois driver's license or Illinois Identification Card issued by the Secretary of State and that the driver's license or Illinois Identification Card number provided by the applicant matches the driver's license or Illinois Identification Card number for that person on file with the Secretary of State;

(2) that the date of issuance of the Illinois driver's license or Illinois Identification Card listed on the application matches the date of issuance of that license or card for that person on file with the Secretary of State;

(3) that the date of birth provided by the applicant matches the date of birth for that person on file with the Secretary of State; ~~and~~

(4) that the residence address provided by the applicant matches the residence address for that person on file with the Secretary of State; and~~.~~

(5) the last 4 digits of the applicant's social security number.

(g) If the information provided by the applicant matches all of the criteria identified in subsection (f) of this Section, the online ~~notary public~~ application system shall retrieve from the Secretary of State's database files an electronic copy of the applicant's signature from his or her Illinois driver's license or Illinois Identification Card and such signature shall be deemed to be the applicant's signature on his or her online ~~notary public~~ application.

(Source: P.A. 99-112, eff. 1-1-16.)

(5 ILCS 312/2-102.6 new)

Sec. 2-102.6. Database of notaries public. The Secretary of State may maintain a database of notaries public on a publicly-accessible website which: (1) any interested person may use to verify the authority and good standing of a listed individual to perform notarial acts; (2) indicates whether a notary holds a valid electronic commission and is able to lawfully perform electronic notarial acts; and (3) describes any administrative or disciplinary action taken against the notary by the Secretary of State.

(5 ILCS 312/2-102.7 new)

Sec. 2-102.7. Registration of electronic notarization technology.

(a) Notaries holding an electronic notary public commission shall register the capability to notarize electronically before performing any electronic notarial acts with the Secretary of State. The registration shall be made with the Secretary of State every time an electronic notary public adopts a new or additional technology with which to perform electronic notarial acts and the technology or vendor must first be approved by the Secretary of State.

(b)Prior to any electronic notarial acts being performed in this State, the vendor of electronic notarization technology must submit the technology to the Secretary of State and receive approval by the Secretary of State for use in this State.

(c) The Secretary of State shall adopt rules applicable to this Section, setting forth the standards electronic notary platforms must achieve to be approved for use in the State of Illinois and requirements with which vendors of electronic notary platforms must comply.

(5 ILCS 312/2-103) (from Ch. 102, par. 202-103)

Sec. 2-103. Appointment Fee.

(a) Every applicant for appointment and commission as a notary public shall pay to the Secretary of State a fee of $15 ~~$10~~. Ten dollars from each applicant fee shall be deposited in the General Revenue Fund. Five dollars from each applicant fee shall be deposited in the Electronic Notarization Fund.

(b) Every applicant for a commission as an electronic notary public shall pay to the Secretary of State a fee of $25. This fee is in addition to the fee proscribed for a commission as a notary public and shall be deposited in the Electronic Notarization Fund.

(c) The changes made to this Section by this amendatory Act of the 102nd General Assembly are effective on and after July 1, 2022.

(Source: P.A. 85-1396.)

(5 ILCS 312/2-104) (from Ch. 102, par. 202-104)

Sec. 2-104. Oath.

(a) Every applicant for appointment and commission as a notary public shall take the following oath:

"I, (name of applicant), solemnly affirm, under the penalty of perjury, that the answers to all questions in this application are true, complete, and correct; that I have carefully read the notary law of this State; and that, if appointed and commissioned as a notary public, I will perform faithfully, to the best of my ability, all notarial acts in accordance with the law.".

(b) In the event that the applicant completes a paper application for appointment and commission as a notary public, he or she shall take the oath in the presence of a person qualified to administer an oath in this State. The printed oath shall be followed by the signature of the applicant and notarized as follows:

" ..... (Signature of applicant)

State of Illinois

County of (name of county where the notarization is completed)

Subscribed and affirmed before me on (insert date) by (name of person who signature is being notarized).

..... (Official signature and official seal of notary)".

(c) In the event that the applicant completes an online application for appointment and commission as a notary public, he or she shall affirm the oath electronically. An electronic affirmation of the oath in the online ~~notary public~~ application system shall have the same force and effect as an oath sworn and affirmed in person.

(Source: P.A. 99-112, eff. 1-1-16.)

(5 ILCS 312/2-105) (from Ch. 102, par. 202-105)

Sec. 2-105. Bond.

(a) Every application for appointment and commission as a notary public shall be accompanied by or logically associated with an executed bond commencing on the date of the appointment with a term of 4 years, in the sum of $5,000, with, as surety thereon, a company qualified to write surety bonds in this State. The bond shall be conditioned upon the faithful performance of all notarial acts in accordance with this Act. The Secretary of State may prescribe an official bond form.

(b) A notary public that performs notarizations either remotely or electronically and by means of audio-video communication shall obtain and maintain a surety bond in the amount of $25,000 from a surety or insurance company licensed to do business in this State, and this bond shall be exclusively conditioned on the faithful performance of remote notarial acts or electronic notarial acts by means of audio-video communication. When a notary is required to hold both the $5,000 bond and the $25,000 bond, one bond totaling $30,000 shall satisfy the provisions of this Section.

(c) The bonding company issuing the bond to a notary public or an electronic notary public shall submit verification of the bond information for the notary to the Secretary of State in a format prescribed by the Secretary of State.

(d) In addition to the surety bond, a notary public shall maintain an errors and omissions insurance policy from an insurer authorized to transact business in this State, in the minimum amount of $25,000 and on such terms as are specified by the Secretary by rule and that are reasonably necessary to protect the public. The applicant shall provide evidence of this insurance policy to the Secretary of State on a form prescribed by the Secretary of State.

(Source: P.A. 84-322.)

(5 ILCS 312/2-107)

Sec. 2-107. Notary public remittance agent.

(a) Every company, corporation, association, organization, or person that remits notary public applications to the Secretary of State on behalf of applicants for appointment and commission as a notary public, for compensation or otherwise, shall comply with standards to qualify for licensure as a notary public remittance agent.

(b) The Secretary of State shall adopt rules describing the requirements for a notary public remittance agent to be licensed in the State of Illinois. ~~The standards to qualify for licensure as a notary public remittance agent shall include, but not be limited to, the following:~~

~~(1) the applicant has not been the subject of any administrative citation, criminal complaint, or civil action arising from his or her duties as a notary public remittance agent;~~

~~(2) the agent holds a surety bond in the amount of $20,000 for the purposes of acting as a remittance agent; and~~

~~(3) the agent complies with all requirements set forth by the Secretary of State for the submission of the notary public applications.~~

(c) A notary public remittance agent submitting an application on behalf of an applicant for appointment and commission as a notary public shall remit the application and fee provided by the applicant within 30 days after receiving the application and fee from the applicant.

(d) The agent shall not modify a notary's application information in any way prior to submitting the application information to the Secretary of State.

(e) The agent shall not issue a notary seal or notary stamp to the notary applicant until sufficient evidence has been received that the notary applicant has received a commission from the Secretary of State.

(f) Any violation of this Act, including this Section, may result in an administrative citation, criminal complaint, or civil action arising from his or her duties as a notary public or notary public remittance agent.

(g) ~~(c)~~ The provisions of this Section do not apply to units of ~~local~~ government or private businesses that are making applications, and providing application fees for their employees.

(h) The Secretary of State shall adopt rules applicable to this Section.

(Source: P.A. 101-366, eff. 1-1-20.)

(5 ILCS 312/3-101) (from Ch. 102, par. 203-101)

Sec. 3-101. Official seal.

(a) Notary public official seal. Each notary public shall, upon receiving the notary commission from the Secretary of State ~~county clerk~~, obtain an official rubber stamp seal with which the notary shall authenticate his or her official acts. The rubber stamp seal shall contain the following information:

(1) the words "Official Seal";

(2) the notary's official name;

(3) the words "Notary Public", "State of Illinois", and "My commission expires ..... (commission expiration date)"; and

(4) a serrated or milled edge border in a rectangular form not more than one inch in height by two and one-half inches in length surrounding the information.

(b) (Blank).

(b-5) Electronic notary public electronic seal and electronic signature. An electronic notarial act must be evidenced by the following, which must be attached to or logically associated with the electronic document that is the subject of the electronic notarial act and which must be immediately perceptible and reproducible:

(1) the electronic signature of the electronic notary public;

(2) the electronic seal of the electronic notary public, which shall look identical to a traditional notary public seal;

(3) the words "Notary Public", "State of Illinois", and "My commission expires (commission expiration date)"; and

(4) language explicitly stating that the electronic notarial act was performed using audio-video communication, if applicable.

(c) Registered devices. An electronic notary shall register his or her chosen device with the Secretary of State before first use. Thereafter, electronic notary public shall take reasonable steps to ensure that any registered device used to create an electronic seal or electronic signature is current and has not been revoked or terminated by the device's issuing or registering authority. Upon learning that the technology or device used to create his or her electronic signature has been rendered ineffective or unsecure, an electronic notary public shall cease performing electronic notarial acts until:

(1) a new technology or device is acquired; and

(2) the electronic notary public sends an electronic message to the Secretary of State that includes the electronic signature of the electronic notary public required under paragraph (6) of subsection (b) of Section 2-102 relating to the new technology or device.

(d) Electronic signature and seal security.

(1) An electronic notary public shall keep the electronic notary public's electronic signature and electronic seal secure and under the notary public's exclusive control. The electronic notary public shall not allow another person to use his or her electronic signature or electronic seal.

(2) An electronic notary public shall notify an appropriate law enforcement agency, the vendor of the electronic notary technology, and the Secretary of State no later than the next business day after the theft, compromise, or vandalism of the electronic notary public's electronic signature or electronic seal.

(3) The electronic notary public shall not disclose any access information used to affix the electronic notary public's signature and seal except when requested by law enforcement.

(e) Certificate of electronic notarial act. An electronic notary public shall attach his or her electronic signature and electronic seal with the electronic notarial certificate of an electronic document in a manner that is capable of independent verification and renders any subsequent change or modification to the electronic document evidence.

(f) The Secretary of State shall have the authority to adopt administrative rules to implement this Section.

(Source: P.A. 100-81, eff. 1-1-18.)

(5 ILCS 312/3-101.5 new)

Sec. 3-101.5. Security of electronic signature and seal. The following requirements apply only to electronic notaries public.

(a) The electronic signature and electronic seal of an electronic notary public must be used only for the purposes of performing electronic notarial acts.

(b) The electronic notary public's electronic signature and electronic seal are deemed to be reliable if the following requirements are met:

(1) it is unique to the electronic notary public;

(2) it is capable of independent verification;

(3) it is retained under the electronic notary public's sole control;

(4) it is attached to or logically associated with the electronic document in a tamper evident manner. Evidence of tampering pursuant to this standard may be used to determine whether the electronic notarial act is valid or invalid;

(5) the electronic notary public has chosen technology or a vendor that meets the minimum requirements established by the Secretary of State and is approved by the Secretary of State; and

(6) the technology adheres to any other standards or requirements set by the Secretary of State in administrative rule.

(c) The electronic notary public shall be prohibited from selling or transferring personal information learned through the course of an electronic notarization, except when required by law, law enforcement, the Secretary of State or court order.

(d) The Secretary of State shall have the authority to adopt administrative rules to implement this Section.

(5 ILCS 312/3-103) (from Ch. 102, par. 203-103)

Sec. 3-103. Notice.

(a) Every notary public who is not an attorney or an accredited immigration representative who advertises the services of a notary public in a language other than English, whether by radio, television, signs, pamphlets, newspapers, electronic communications, or other written communication, with the exception of a single desk plaque, shall include in the document, advertisement, stationery, letterhead, business card, or other comparable written or electronic material the following: notice in English and the language in which the written or electronic communication appears. This notice shall be of a conspicuous size, if in writing or electronic communication, and shall state: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS. I AM NOT ALLOWED TO DRAFT LEGAL DOCUMENTS OR RECORDS, NOR MAY I GIVE LEGAL ADVICE ON ANY MATTER, INCLUDING, BUT NOT LIMITED TO, MATTERS OF IMMIGRATION, OR ACCEPT OR CHARGE FEES FOR THE PERFORMANCE OF THOSE ACTIVITIES ". If such advertisement is by radio or television, the statement may be modified but must include substantially the same message.

A notary public shall not, in any document, advertisement, stationery, letterhead, business card, electronic communication, or other comparable written material describing the role of the notary public, literally translate from English into another language terms or titles including, but not limited to, notary

public, notary, licensed, attorney, lawyer, or any other term that implies the person is an attorney. To illustrate, the word "notario" is prohibited under this provision.

Failure to follow the procedures in this Section shall result in a fine of $1,500 for each written violation. The second violation shall result in permanent revocation of the commission of notary public. Violations shall not preempt or preclude additional appropriate civil or criminal penalties.

(b) All notaries public required to comply with the provisions of subsection (a) shall prominently post at their place of business as recorded with the Secretary of State pursuant to Section 2-102 of this Act a schedule of fees established by law which a notary public may charge. The fee schedule shall be written in English and in the non-English language in which notary services were solicited and shall contain the disavowal of legal representation required above in subsection (a), unless such notice of disavowal is already prominently posted.

(c) No notary public, agency or any other person who is not an attorney shall represent, hold themselves out or advertise that they are experts on immigration matters or provide any other assistance that requires legal analysis, legal judgment, or interpretation of the law unless they are a designated entity as defined pursuant to Section 245a.1 of Part 245a of the Code of Federal Regulations (8 CFR 245a.1) or an entity accredited by the Board of Immigration Appeals.

(c-5) In addition to the notice required under subsection (a), every notary public who is subject to subsection (a) shall, prior to rendering notary services or electronic notary services, provide any person seeking notary or electronic notary services services with a written acknowledgment that substantially states, in English and the language used in the advertisement for notary services the following: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS. I AM NOT ALLOWED TO DRAFT LEGAL DOCUMENTS OR RECORDS, NOR MAY I GIVE LEGAL ADVICE ON ANY MATTER OR ACCEPT OR CHARGE FEES FOR THE PERFORMANCE OF THOSE ACTIVITIES". The Office of the Secretary of State shall translate this acknowledgement into Spanish and any other language the Secretary of State may deem necessary to achieve the requirements of this subsection (c-5), and shall make the translations available on the website of the Secretary of State. This acknowledgment shall be signed by the recipient of notary services or electronic notary services before notary services or electronic notary services are rendered, and the notary shall retain copies of all signed acknowledgments throughout their present commission and for 2 years thereafter. Notaries shall provide recipients of notary services or electronic notary services with a copy of their signed acknowledgment at the time services are rendered. This provision shall not apply to notary services or electronic notary services related to documents prepared or produced in accordance with the Illinois Election Code.

(d) Any person who aids, abets or otherwise induces another person to give false information concerning immigration status shall be guilty of a Class A misdemeanor for a first offense and a Class 3 felony for a second or subsequent offense committed within 5 years of a previous conviction for the same offense.

Any notary public who violates the provisions of this Section shall be guilty of official misconduct and subject to fine or imprisonment.

Nothing in this Section shall preclude any consumer of notary public services from pursuing other civil remedies available under the law.

(e) No notary public who is not an attorney or an accredited representative shall accept payment in exchange for providing legal advice or any other assistance that requires legal analysis, legal judgment, or interpretation of the law.

(f) Violation of subsection (e) is a business offense punishable by a fine of 3 times the amount received for services, or $1,001 minimum, and restitution of the amount paid to the consumer. Nothing in this Section shall be construed to preempt nor preclude additional appropriate civil remedies or criminal charges available under law.

(g) If a notary public or electronic notary public of this State is convicted of a ~~2 or more~~ business offense ~~offenses~~ involving a violation of this Act ~~within a 12 month period while commissioned, or of 3 or more business offenses involving a violation of this Act within a 5 year period regardless of being commissioned~~, the Secretary shall automatically revoke the notary public commission or electronic notary public commission of that person on the date that the person's most recent business offense conviction is entered as a final judgment.

(Source: P.A. 100-81, eff. 1-1-18; 101-465, eff. 1-1-20.)

(5 ILCS 312/3-104) (from Ch. 102, par. 203-104)

Sec. 3-104. Maximum Fee.

(a) Except as otherwise provided in this subsection (a) ~~provided in subsection (b) of this Section~~, the maximum fee for non-electronic notarization in this State is $5 ~~$1.00~~ for any notarial act performed and~~, until July 1, 2018,~~ up to $25 for any notarial act performed pursuant to Section 3-102.

~~(b)~~ Fees for a notary public, agency, or any other person who is not an attorney or an accredited representative filling out immigration forms shall be limited to the following:

(1) $10 per form completion;

(2) $10 per page for the translation of a non-English language into English where such translation is required for immigration forms;

(3) $5 ~~$1~~ for notarizing;

(4) $3 to execute any procedures necessary to obtain a document required to complete immigration forms; and

(5) A maximum of $75 for one complete application.

Fees authorized under this subsection shall not include application fees required to be submitted with immigration applications.

(b) The maximum fee in this State up to $25 for any electronic notarial act performed pursuant to this Act. An electronic notary public may charge a reasonable fee to recover any cost of providing a copy of an entry or a recording of an audio-video communication in an electronic journal maintained pursuant to Section 3-107.

(c) Any person who violates the provisions of ~~this~~ subsection (a) or (b) shall be guilty of a Class A misdemeanor for a first offense and a Class 3 felony for a second or subsequent offense committed within 5 years of a previous conviction for the same offense.

(d) ~~(c)~~ Upon his own information or upon complaint of any person, the Attorney General or any State's Attorney, or their designee, may maintain an action for injunctive relief in the court against any notary public or any other person who violates the provisions of subsection (a) or (b) of this Section. These remedies are in addition to, and not in substitution for, other available remedies.

If the Attorney General or any State's Attorney fails to bring an action as provided pursuant to this subsection within 90 days of receipt of a complaint, any person may file a civil action to enforce the provisions of this subsection and maintain an action for injunctive relief.

(e) ~~(d)~~ All notaries public must provide itemized receipts and keep records for fees accepted for services provided. Notarial fees must appear on the itemized receipt as separate and distinct from any other charges assessed. Failure to provide itemized receipts and keep records that can be presented as evidence of no wrongdoing shall be construed as a presumptive admission of allegations raised in complaints against the notary for violations related to accepting prohibited fees.

(Source: P.A. 98-29, eff. 6-21-13.)

(5 ILCS 312/3-105) (from Ch. 102, par. 203-105)

Sec. 3-105. Authority.

(a) A notary public shall have authority to perform notarial acts, or electronic notarial acts, if the notary holds an electronic notary public commission, throughout the State so long as the notary resides in the same county in which the notary was commissioned or, if the notary is a resident of a state bordering Illinois, so long as the notary's principal place of work or principal place of business is in the same county in Illinois in which the notary was commissioned.

(b) An electronic notary public who is physically located in this State may perform an electronic notarial act using communication technology in accordance with this Article and any rules adopted by the Secretary of State for a remotely located individual who is physically located: (i) in this State; or (ii) outside of this State, but not outside the United States.

(Source: P.A. 91-818, eff. 6-13-00.)

(5 ILCS 312/3-106) (from Ch. 102, par. 203-106)

Sec. 3-106. Certificate of Authority. Upon the receipt of a written request, the notarized document, and a fee of $2 payable to the Secretary of State or County Clerk, the Office of the Secretary of State ~~or County Clerk~~ shall provide a certificate of authority in substantially the following form:

I ..... (Secretary of State ~~or ..... County Clerk~~) of the State of Illinois, which office is an office of record having a seal, certify that ..... (notary's name), by whom the foregoing or annexed document was notarized or electronically notarized, was, on (insert date), appointed and commissioned a notary public in and for the State of Illinois and that as such, full faith and credit is and ought to be given to this notary's official attestations. In testimony whereof, I have affixed my signature and the seal of this office on (insert date).

.....
(Secretary of State ~~or ..... County Clerk~~).
(Source: P.A. 91-357, eff. 7-29-99.)

(5 ILCS 312/3-107 new)

Sec. 3-107. Journal.

(a) A notary public or an electronic notary public shall keep a journal of each notarial act or electronic notarial act which includes, without limitation, the requirements set by the Secretary of State in administrative rule, but shall not include any electronic signatures of the person for whom an electronic notarial act was performed or any witnesses.

(b) The Secretary of State shall adopt administrative rules that set forth, at a minimum:

(1) the information to be recorded for each notarization or electronic notarization;

(2) the period during which the notary public or electronic notary public must maintain the journal; and

(3) the minimum security requirements for protecting the information in the journal and access to the contents of the journal.

(c) A notary or electronic notary may maintain his or her journal in either paper form or electronic form and may maintain more than one journal or electronic journal to record notarial acts or electronic notarial acts.

(d) The fact that the employer or contractor of a notary or electronic notary public keeps a record of notarial acts or electronic notarial acts does not relieve the notary public of the duties required by this Section. A notary public or electronic notary public shall not surrender the journal to an employer upon termination of employment and an employer shall not retain the journal of an employee when the employment of the notary public or electronic notary public ceases.

(e) If the journal of a notary public or electronic notary public is lost, stolen, or compromised, the notary or electronic notary shall notify the Secretary of State within 10 business days after the discovery of the loss, theft, or breach of security.

(5 ILCS 312/4-101) (from Ch. 102, par. 204-101)

Sec. 4-101. Changes causing commission to cease to be in effect.

(a) When any notary public legally changes his or her name, changes his or her residential address or business address, or email address, without notifying the Index Department of the Secretary of State in writing within 30 days thereof, or, if the notary public is a resident of a state bordering Illinois, no longer maintains a principal place of work or principal place of business in the same county in Illinois in which he or she was commissioned, the commission of that notary ceases to be in effect. When the commission of a notary public ceases to be in effect, his or her notarial seal or electronic notary seal shall be surrendered to the Secretary of State, and his or her certificate of notarial commission or certificate of electronic notarial commission shall be destroyed. These individuals who desire to again become a notary public must file a new application, bond, and oath with the Secretary of State.

(b) Any change to the information submitted by an electronic notary public in registering to perform electronic notarial acts in compliance with any Section of this Act shall be reported by the notary within 30 business days to the Secretary of State.

(c) Any notary public or electronic notary public that fails to comply with this Section shall be prohibited from obtaining a new commission for a period of not less than 5 years.

(Source: P.A. 100-809, eff. 1-1-19.)

(5 ILCS 312/5-101) (from Ch. 102, par. 205-101)

Sec. 5-101. Reappointment. No person is automatically reappointed as a notary public or electronic notary public. At least 60 days prior to the expiration of a commission, the Secretary of State shall mail notice of the expiration date to the holder of a commission. Every notary public or electronic notary public who is an applicant for reappointment shall comply with the provisions of Article II of this Act.

(Source: P.A. 84-322.)

(5 ILCS 312/5-102) (from Ch. 102, par. 205-102)

Sec. 5-102. Solicitation to Purchase Bond. No person shall solicit any notary public and offer to provide a surety bond more than 60 days in advance of the expiration date of the ~~notary public's~~ commission of a notary public or electronic notary public.

Nor shall any person solicit any applicant for a commission or reappointment thereof and offer to provide a surety bond for the notary commission unless any such solicitation specifically sets forth in bold

face type not less than 1/4 inch in height the following: "WE ARE NOT ASSOCIATED WITH ANY STATE OR LOCAL GOVERNMENTAL AGENCY".

Whenever it shall appear to the Secretary of State that any person is engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this Section, the Secretary of State may, in his discretion, through the Attorney General, apply for an injunction, and, upon a proper showing, any circuit court shall have power to issue a permanent or temporary injunction or restraining order without bond to enforce the provisions of this Act, and either party to such suit shall have the right to prosecute an appeal from the order or judgment of the court.

Any person, association, corporation, or others who violate the provisions of this Section shall be guilty of a business offense and punishable by a fine of not less than $500 for each offense.

(Source: P.A. 84-322.)

(5 ILCS 312/6-102) (from Ch. 102, par. 206-102)

Sec. 6-102. Notarial Acts.

(a) In taking an acknowledgment, the notary public must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the notary and making the acknowledgment is the person whose true signature is on the instrument.

(b) In taking a verification upon oath or affirmation, the notary public must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the notary and making the verification is the person whose true signature is on the statement verified.

(c) In witnessing or attesting a signature, the notary public must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the notary and named therein.

(d) A notary public has satisfactory evidence that a person is the person whose true signature is on a document if that person:

(1) is personally known to the notary;

(2) is identified upon the oath or affirmation of a credible witness personally known to the notary; or

(3) is identified on the basis of identification documents. Identification documents are documents that are valid at the time of the notarial act, issued by a state agency, federal government agency, or consulate, and bearing the photographic image of the individual's face and signature of the individual.

(e) A notary public or electronic notary public shall have no obligation to perform any notarial or electronic notarial act, and may refuse to perform a notarial or electronic notarial act without further explanation.

(Source: P.A. 97-397, eff. 1-1-12; 98-29, eff. 6-21-13.)

(5 ILCS 312/6-102.5 new)

Sec. 6-102.5. Remote notarial acts.

(a) Any commissioned notary public may perform any notarial act described under Section 6-102 remotely.

(b) A remote notarial action must be performed in accordance with the following audio-video communication requirements:

(1) Two-way audio-video communication technology must allow for remotely located notaries and principals to engage in direct, contemporaneous interaction between the individual signing the document (signatory) and the witness by sight and sound.

(2) The two-way audio video communication technology must be recorded and preserved by the signatory or the signatory's designee for a period of at least 3 years.

(3) The signatory must attest to being physically located in Illinois during the two-way audio-video communication.

(4) The signatory must affirmatively state on the two-way audio-video communication what document the signatory is signing.

(5) Each page of the document being witnessed must be shown to the witness on the two-way audio-video communication technology in a means clearly legible to the witness and initialed by the signatory in the presence of the witness.

(6) The act of signing must be captured sufficiently up close on the two-way audio-video communication for the witness to observe.

(c) Application of the notary's seal and signature:

(1) The signatory must transmit by fax or electronic means a legible copy of the entire signed document directly to the notary no later than the day after the document is signed.

(2) The notary must sign the transmitted copy of the document as a witness and transmit the signed copy of the document back to the signatory via fax or electronic means within 24 hours after receipt.

(3) If necessary, the notary may sign the original signed document as of the date of the original execution by the signatory provided that the witness receives the original signed document together with the electronically witnessed copy within 30 days after the date of the remote notarization.

(d) The Secretary of State shall adopt administrative rules to implement this Section.

(5 ILCS 312/6-104) (from Ch. 102, par. 206-104)

Sec. 6-104. Acts prohibited.

(a) A notary public shall not use any name or initial in signing certificates other than that by which the notary was commissioned.

(b) A notary public shall not acknowledge any instrument in which the notary's name appears as a party to the transaction.

(c) A notary public shall not affix his signature to a blank form of affidavit or certificate of acknowledgment.

(d) A notary public shall not take the acknowledgment of or administer an oath to any person whom the notary actually knows to have been adjudged mentally ill by a court of competent jurisdiction and who has not been restored to mental health as a matter of record.

(e) A notary public shall not take the acknowledgment of any person who is blind until the notary has read the instrument to such person.

(f) A notary public shall not take the acknowledgment of any person who does not speak or understand the English language, unless the nature and effect of the instrument to be notarized is translated into a language which the person does understand.

(g) A notary public shall not change anything in a written instrument after it has been signed by anyone.

(h) No notary public shall be authorized to prepare any legal instrument, or fill in the blanks of an instrument, other than a notary certificate; however, this prohibition shall not prohibit an attorney, who is also a notary public, from performing notarial acts for any document prepared by that attorney.

(i) If a notary public accepts or receives any money from any one to whom an oath has been administered or on behalf of whom an acknowledgment has been taken for the purpose of transmitting or forwarding such money to another and willfully fails to transmit or forward such money promptly, the notary is personally liable for any loss sustained because of such failure. The person or persons damaged by such failure may bring an action to recover damages, together with interest and reasonable attorney fees, against such notary public or his bondsmen.

(j) A notary public shall not perform any notarial act when his or her commission is suspended or revoked, nor shall he or she fail to comply with any term of suspension which may be imposed for violation of this Section.

(k) No notary public shall be authorized to explain, certify, or verify the contents of any document; however, this prohibition shall not prohibit an attorney, who is also a notary public, from performing notarial acts for any document prepared by that attorney.

(l) A notary public shall not represent himself or herself as an electronic notary public if the person has not been commissioned as an electronic notary public by the Secretary of State.

(m) No person shall knowingly create, manufacture, or distribute software or hardware for the purpose of allowing a person to act as an electronic notary public without being commissioned in accordance with this Act. A violation of this subsection (m) is a Class A misdemeanor.

(n) No person shall wrongfully obtain, conceal, damage, or destroy the technology or device used to create the electronic signature or seal of an electronic notary public. A violation of this subsection (n) is a Class A misdemeanor.

(o) A notary public shall not sell, rent, transfer, or otherwise make available to a third party the contents of the notarial journal, audio video recordings, or any other record associated with any notarial act, including personally identifiable information, except when required by law, law enforcement, the Secretary of State, or a court order.

(p) The Secretary of State may suspend the commission of a notary or electronic notary who fails to produce any journal entry within 10 days after receipt of a request from the Secretary of State.

(q) Upon surrender, revocation, or expiration of a commission as a notary or electronic notary, all notarial records or electronic notarial records required under this Section, except as otherwise provided by law, must be kept by the notary public or electronic notary for a period of 5 years after the termination of the registration of the notary public or electronic notary public.

(Source: P.A. 100-81, eff. 1-1-18; 100-809, eff. 1-1-19.)

(5 ILCS 312/Art. VI-A heading new)

ARTICLE VI-A

ELECTRONIC NOTARIAL ACTS AND FORMS

(5 ILCS 312/6A-101 new)

Sec. 6A-101. Requirements for systems and providers of electronic notarial technology.

(a) An electronic notarization system shall comply with this Act and any rules adopted by the Secretary of State.

(b) An electronic notarization system requiring enrollment shall enroll only persons commissioned as electronic notaries public by the Secretary of State.

(c) An electronic notarization vendor shall take reasonable steps to ensure that an electronic notary public who has enrolled to use the system has the knowledge to use it to perform electronic notarial acts in compliance with this Act.

(d) A provider of an electronic notarization system requiring enrollment shall notify the Secretary of State of the name of each electronic notary public who enrolls in the system within 5 days after enrollment by means prescribed by rule by the Secretary of State.

(e) The Secretary of State shall adopt administrative rules that set forth the requirements a provider of electronic notarization technology must meet in order to be approved for use in the State of Illinois. At a minimum, those administrative rules shall establish:

(1) minimum standards ensuring a secure means of authentication to be employed to protect the integrity of the electronic notary's electronic seal and electronic signature;

(2) minimum standards ensuring that documents electronically notarized be tamper-evident and protected from unauthorized use; and

(3) requirements for competent operation of the electronic platform.

(5 ILCS 312/6A-102 new)

Sec. 6A-102. Electronic notary not liable for system failure. An electronic notary public who exercised reasonable care enrolling in and using an electronic notarization system shall not be liable for any damages resulting from the system's failure to comply with the requirements of this Act. Any provision in a contract or agreement between the electronic notary public and provider that attempts to waive this immunity shall be null, void, and of no effect.

(5 ILCS 312/6A-103 new)

Sec. 6A-103. Electronic notarial acts.

(a) An electronic notary public:

(1) is a notary public for purposes of this Act and is subject to all provisions of this Act;

(2) may perform notarial acts as provided by this Act in addition to performing electronic notarizations; and

(3) may perform an electronic notarization authorized under this Article.

(b) In performing an electronic notarization, an electronic notary public shall verify the identity of a person creating an electronic signature at the time that the signature is taken by using two-way audio and video conference technology that meets the requirements of this Act and rules adopted under this Article. For the purposes of performing an electronic notarial act for a person using audio-video communication, an electronic notary public has satisfactory or documentary evidence of the identity of the person if the electronic notary public confirms the identity of the person by:

(1) the electronic notary public's personal knowledge of the person creating the electronic signature; or

(2) each of the following:

(A) remote electronic presentation by the person creating the electronic signature of a government-issued identification credential, including a passport or driver's license, that contains the signature and a photograph of the person;

(B) credential analysis of the front and back of the government-issued identification credential and the data thereon; and

(C) a dynamic knowledge-based authentication assessment.

(c) An electronic notary public may perform any of the acts set forth in Section 6-102 using audio-video communication in accordance with this Section and any rules adopted by the Secretary of State.

(d) If an electronic notarial act is performed using audio-video communication:

(1) the technology must allow the persons communicating to see and speak to each other simultaneously;

(2) the signal transmission must be in real time; and

(3) the electronic notarial act must be recorded.

(e) The validity of the electronic notarial act will be determined by applying the laws of the State of Illinois.

(f) The electronic notarial certificate for an electronic notarization must include a notation that the notarization is an electronic notarization.

(g) When performing an electronic notarization, an electronic notary public shall complete an electronic notarial certificate and attach or logically associate the electronic notary's electronic signature and seal to that certificate in a tamper evident manner. Evidence of tampering pursuant to this standard may be used to determine whether the electronic notarial act is valid or invalid.

(h) The liability, sanctions, and remedies for improper performance of electronic notarial acts are the same as described and provided by law for the improper performance of non-electronic notarial acts as described under Section 7-108.

(i) Electronic notarial acts need to fulfill certain basic requirements to ensure non-repudiation and the capability of being authenticated by the Secretary of State for purposes of issuing apostilles and certificates of authentication. The requirements are as follows:

(1) the fact of the electronic notarial act, including the electronic notary's identity, signature, and electronic commission status, must be verifiable by the Secretary of State; and

(2) the notarized electronic document will be rendered ineligible for authentication by the Secretary of State if it is improperly modified after the time of electronic notarization, including any unauthorized alterations to the document content, the electronic notarial certificate, the electronic notary public's electronic signature, or the electronic notary public's official electronic seal.

(5 ILCS 312/6A-104 new)

Sec. 6A-104. Requirements for audio-video communication.

(a) An electronic notary public shall arrange for a recording to be made of each electronic notarial act performed using audio-video communication. The audio-video recording required by this Section shall be in addition to the journal entry for the electronic notarial act required by Section 3-107. Before performing any electronic notarial act using audio-video communication, the electronic notary public must inform all participating persons that the electronic notarization will be electronically recorded.

(b) If the person for whom the electronic notarial act is being performed is identified by personal knowledge, the recording of the electronic notarial act must include an explanation by the electronic notary public as to how he or she knows the person and how long he or she has known the person.

(c) If the person for whom the electronic notarial act is being performed is identified by a credible witness:

(1) the credible witness must appear before the electronic notary public; and

(2) the recording of the electronic notarial act must include:

(A) a statement by the electronic notary public as to whether he or she identified the credible witness by personal knowledge or satisfactory evidence; and

(B) an explanation by the credible witness as to how he or she knows the person for whom the electronic notarial act is being performed and how long he or she has known the person.

(d) An electronic notary public shall keep a recording made pursuant to this Section for a period of not less than 7 years, regardless of whether the electronic notarial act was actually completed.

(e) An electronic notary public who performs an electronic notarial act for a principal by means of audio-video communication shall be located within the State of Illinois at the time the electronic notarial act is performed. The electronic notary public shall include a statement in the electronic notarial certificate to indicate that the electronic notarial act was performed by means of audio-video communication. The statement may also be included in the electronic notarial seal.

(f) An electronic notary public who performs an electronic notarial act for a principal by means of audio-video communication shall:

(1) be located within this State at the time the electronic notarial act is performed;

(2) execute the electronic notarial act in a single recorded session that complies with Section 6A-103;

(3) be satisfied that any electronic record that is electronically signed, acknowledged, or otherwise presented for electronic notarization by the principal is the same record electronically signed by the electronic notary;

(4) be satisfied that the quality of the audio-video communication is sufficient to make the determination required for the electronic notarial act under this Act and any other law of this State; and

(5) identify the venue for the electronic notarial act as the jurisdiction within Illinois where the notary is physically located while performing the act.

(g) An electronic notarization system used to perform electronic notarial acts by means of audio-video communication shall conform to the requirements set forth in this Act and by administrative rules adopted by the Secretary of State.

(h) The provisions of Section 3-107 related respectively to security, inspection, copying, and disposition of the journal shall also apply to security, inspection, copying, and disposition of audio-video recordings required by this Section.

(i) The Secretary of State shall adopt administrative rules to implement this Section.

(5 ILCS 312/6A-105 new)

Sec. 6A-105. Electronic certificate of notarial acts.

(a) An electronic notarial certificate must be evidenced by an electronic notarial certificate signed and dated by the electronic notary public. The electronic notarial certificate must include identification of the jurisdiction in which the electronic notarial act is performed and the electronic seal of the electronic notary public.

(b) An electronic notarial certificate of an electronic notarial act is sufficient if it meets the requirements of subsection (a) and it:

(1) is in the short form set forth in 6-105;

(2) is in a form otherwise prescribed by the law of this State; or

(3) sets forth the actions of the electronic notary public and those are sufficient to meet the requirements of the designated electronic notarial act.

(c) At the time of an electronic notarial act, an electronic notary public shall officially sign every electronic notarial certificate and electronically affix the electronic seal clearly and legibly, so that it is capable of photographic reproduction. The illegibility of any of the information required under this Section does not affect the validity of a transaction.

(5 ILCS 312/6A-106 new)

Sec. 6A-106. Electronic acknowledgments; physical presence.

(a) For purposes of this Act, a person may appear before the person taking the acknowledgment by:

(1) being in the same physical location as the other person and close enough to see, hear, communicate with, and exchange tangible identification credentials with that person; or

(2) being outside the physical presence of the other person, but interacting with the other person by means of communication technology.

(b) If the acknowledging person is outside the physical presence of the person taking the acknowledgment, the certification of acknowledgment must indicate that the notarial act was performed by means of communication technology. A form of certificate of acknowledgment as provided by the Secretary of State, which may include the use of a remote online notarial certificate, is sufficient for purposes of this subsection (b) if it substantially reads as follows: "The foregoing instrument was acknowledged before me by means of communication technology this (date) by … (each form continued as sufficient for its respective purposes.)".

(5 ILCS 312/7-106) (from Ch. 102, par. 207-106)

Sec. 7-106. Willful Impersonation.

(a) Any person who acts as, or otherwise willfully impersonates, a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of a Class A misdemeanor.

(b) Any notary public or other person who is not an electronic notary public that impersonates an electronic notary public to perform electronic notarial acts is guilty of a Class A misdemeanor.

(Source: P.A. 84-322.)

(5 ILCS 312/7-107) (from Ch. 102, par. 207-107)

Sec. 7-107. Wrongful Possession.

(a) No person may unlawfully possess, obtain, conceal, damage, or destroy a notary's official seal. ~~Any person who unlawfully possesses a notary's official seal is guilty of a misdemeanor and punishable upon conviction by a fine not exceeding $1,000.~~

(b) No person may unlawfully possess, conceal, damage, or destroy the certificate, disk, coding, card, program, software, or hardware enabling an electronic notary public to affix an official electronic signature or seal.

(c) Any person who violates this Section shall be guilty of a misdemeanor and punishable upon conviction by a fine not exceeding $1,000.

(Source: P.A. 84-322.)

(5 ILCS 312/7-108) (from Ch. 102, par. 207-108)

Sec. 7-108. Reprimand, suspension, and revocation of commission.

(a) The Secretary of State may revoke the commission of any notary public who, during the current term of appointment:

(1) submits an application for commission and appointment as a notary public which contains substantial and material misstatement or omission of fact; ~~or~~

(2) is convicted of any felony, misdemeanors, including those defined in Part C, Articles 16, 17, 18, 19, and 21, and Part E, Articles 31, 32, and 33 of the Criminal Code of 2012, or official misconduct under this Act; or~~.~~

(3) is a licensed attorney and has been sanctioned, suspended, or disbarred by the Illinois Attorney Registration and Disciplinary Commission or the Illinois Supreme Court.

(b) Whenever the Secretary of State believes that a violation of this Article has occurred, he or she may investigate any such violation. The Secretary may also investigate possible violations of this Article upon a signed written complaint on a form designated by the Secretary.

(c) A notary's failure to cooperate or respond to an investigation by the Secretary of State is a failure by the notary to fully and faithfully discharge the responsibilities and duties of a notary and shall result in suspension or revocation of the notary's commission or the electronic notary's commission.

(d) All written complaints which on their face appear to establish facts which, if proven true, would constitute an act of misrepresentation or fraud in notarization or electronic notarization, or misrepresentation or fraud on the part of the notary, may ~~shall~~ be investigated by the Secretary of State to determine whether cause exists to reprimand, suspend, or revoke the commission of the notary.

(e) The Secretary of State may deliver a written official warning and reprimand to a notary, or may revoke or suspend a notary's commission or an electronic notary's commission, for any of the following:

(1) a notary's official misconduct, as defined under Section 7-104;

(2) any ground for which an application for appointment as a notary may be denied for failure to complete application requirements as provided under Section 2-102;

(3) any prohibited act provided under Section 6-104; or

(4) a violation of any provision of the general statutes.

(f) After investigation and upon a determination by the Secretary of State that one or more prohibited acts have been performed in the notarization or electronic notarization of a document, the Secretary shall, after considering the extent of the prohibited act and the degree of culpability of the notary, order one or more of the following courses of action:

(1) issue a letter of warning to the notary, including the Secretary's findings;

(2) order suspension of the commission of the notary or electronic commission of the notary for a period of time designated by the Secretary;

(3) order revocation of the commission of the notary or electronic commission of the notary;

(4) refer the allegations to the appropriate State's Attorney's Office or the Attorney General for criminal investigation; or

(5) refer the allegations to the Illinois Attorney Registration and Disciplinary Commission for disciplinary proceedings.

(g) After a notary receives notice from the Secretary of State that his or her commission has been revoked, that notary shall immediately deliver his or her official seal to the Secretary. After an electronic notary public receives notice from the Secretary of State that his or her electronic commission has been revoked, the electronic notary public shall immediately notify the electronic notary's chosen technology provider, and to the extent possible, destroy or remove the software used for electronic notarizations.

(h) A notary whose appointment has been revoked due to a violation of this Act shall not be eligible for a new commission as a notary public in this State for a period of at least 5 years from the date of the final revocation.

(i) A notary may voluntarily resign from appointment by notifying the Secretary of State in writing of his or her intention to do so, and by physically returning his or her stamp to the Secretary. An electronic notary public may voluntarily resign from appointment by notifying the Secretary of State in writing of his or her intention to do so, and by notifying the electronic notary's chosen technology provider, and to the extent possible, destroy or remove the software used for electronic notarizations. A voluntary resignation shall not stop or preclude any investigation into a notary's conduct, or prevent further suspension or revocation by the Secretary, who may pursue any such investigation to a conclusion and issue any finding.

(j) Upon a determination by a sworn law enforcement officer that the allegations raised by the complaint are founded, and the notary has received notice of suspension or revocation from the Secretary of State, the notary is entitled to an administrative hearing.

(k) The Secretary of State shall adopt administrative hearing rules applicable to this Section that are consistent with the Illinois Administrative Procedure Act.

(l) Any revocation, resignation, expiration, or suspension of the commission of a notary public terminates or suspends any commission to notarize electronically.

(m) A notary public may terminate registration to notarize electronically and maintain his or her underlying notary public commission upon directing a written notification of the change to the Secretary of State within 30 days.

(Source: P.A. 100-809, eff. 1-1-19; 101-81, eff. 7-12-19.)

(5 ILCS 312/7-110 new)

Sec. 7-110. Applicable law; conflict of law.

(a) The validity of any notarization, including an electronic notarization, shall be determined by applying the laws of this State, regardless of the physical location of the principal at the time of a remote notarization.

(b) An electronic notary public authorized to perform electronic notarizations is subject to and must comply with this Act.

(c) If a conflict between a provision of this Section and another law of this State, this Section controls.

(5 ILCS 312/2-106 rep.)

Section 10. The Illinois Notary Public Act is amended by repealing Section 2-106.

Section 15. The State Finance Act is amended by adding Section 5.938 as follows:

(30 ILCS 105/5.938 new)

Sec. 5.938. The Electronic Notarization Fund.

Section 20. The Counties Code is amended by changing Section 4-4001 as follows:

(55 ILCS 5/4-4001) (from Ch. 34, par. 4-4001)

Sec. 4-4001. County clerks; counties of first and second class. The fees of the county clerk in counties of the first and second class, except when increased by county ordinance pursuant to the provisions of this Section, shall be:

For each official copy of any process, file, record or other instrument of and pertaining to his office, 50¢ for each 100 words, and $1 additional for certifying and sealing the same.

For filing any paper not herein otherwise provided for, $1, except that no fee shall be charged for filing a Statement of economic interest pursuant to the Illinois Governmental Ethics Act or reports made pursuant to Article 9 of the Election Code.

For issuance of fireworks permits, $2.

For issuance of liquor licenses, $5.

For filing and recording of the appointment and oath of each public official, $3.

For officially certifying and sealing each copy of any process, file, record or other instrument of and pertaining to his office, $1.

For swearing any person to an affidavit, $1.

For issuing each license in all matters except where the fee for the issuance thereof is otherwise fixed, $4.

For issuing each civil union or marriage license, the certificate thereof, and for recording the same, including the recording of the parent's or guardian's consent where indicated, a fee to be determined by the county board of the county, not to exceed $75, which shall be the same, whether for a civil union or marriage license. $5 from all civil union and marriage license fees shall be remitted by the clerk to the State Treasurer for deposit into the Domestic Violence Fund.

For taking and certifying acknowledgments to any instrument, except where herein otherwise provided for, $1.

For issuing each certificate of appointment or commission, the fee for which is not otherwise fixed by law, $1.

For cancelling tax sale and issuing and sealing certificates of redemption, $3.

For issuing order to county treasurer for redemption of forfeited tax, $2.

For trying and sealing weights and measures by county standard, together with all actual expenses in connection therewith, $1.

For services in case of estrays, $2.

The following fees shall be allowed for services attending the sale of land for taxes, and shall be charged as costs against the delinquent property and be collected with the taxes thereon:

For services in attending the tax sale and issuing certificate of sale and sealing the same, for each tract or town lot sold, $4.

For making list of delinquent lands and town lots sold, to be filed with the Comptroller, for each tract or town lot sold, 10¢.

The county board of any county of the first or second class may by ordinance authorize the county clerk to impose an additional $2 charge for certified copies of vital records as defined in Section 1 of the Vital Records Act, for the purpose of developing, maintaining, and improving technology in the office of the County Clerk.

The foregoing fees allowed by this Section are the maximum fees that may be collected from any officer, agency, department or other instrumentality of the State. The county board may, however, by ordinance, increase the fees allowed by this Section ~~and also the notary public recordation fees allowed by Section 2-106 of the Illinois Notary Public Act~~ and the indexing and filing of assumed name certificate fees allowed by Section 3 of the Assumed Business Name Act and collect such increased fees from all persons and entities other than officers, agencies, departments and other instrumentalities of the State if the increase is justified by an acceptable cost study showing that the fees allowed by these Sections are not sufficient to cover the cost of providing the service.

A Statement of the costs of providing each service, program and activity shall be prepared by the county board. All supporting documents shall be public record and subject to public examination and audit. All direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program and activity.

The county clerk in all cases may demand and receive the payment of all fees for services in advance so far as the same can be ascertained.

The county board of any county of the first or second class may by ordinance authorize the county treasurer to establish a special fund for deposit of the additional charge. Moneys in the special fund shall be used solely to provide the equipment, material and necessary expenses incurred to help defray the cost of implementing and maintaining such document storage system.

(Source: P.A. 96-328, eff. 8-11-09; 97-4, eff. 5-31-11; 97-986, eff. 8-17-12.)

Section 25. The Uniform Real Property Electronic Recording Act is amended by changing Section 2 and by adding Section 3.5 as follows:

(765 ILCS 33/2)

Sec. 2. Definitions. In this Act:

(1) "Document" means information that is:

(A) inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(B) eligible to be recorded in the land records maintained by the county recorder.

(2) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) "Electronic document" means a document created, generated, sent, communicated, received, or stored by electronic means ~~that is received by the recorder in an electronic form~~.

(4) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

(5) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(6) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(7) "Secretary" means the Secretary of State.

(8) "Commission" means the Illinois Electronic Recording Commission.

Any notifications required by this Act must be made in writing and may be communicated by certified mail, return receipt requested or electronic mail so long as receipt is verified.

(Source: P.A. 95-472, eff. 8-27-07.)

(765 ILCS 33/3.5 new)

Sec. 3.5. Electronic documents certified by notary public.

(a) A paper or tangible copy of an electronic document that a notary public has certified to be a true and correct copy under subsection (b) satisfies any requirement of law that, as a condition for recording, the document:

(1) be an original or be in writing;

(2) be signed or contain an original signature, if the document contains an electronic signature of the person required to sign the document; and

(3) be notarized, acknowledged, verified, witnessed, or made under oath, if the document contains an electronic signature of the person authorized to perform that act, and all other information required to be included.

(b) A notary public duly appointed and commissioned under Section 2-101 of the Illinois Notary Public Act may certify that a paper or tangible copy of an electronic document is a true and correct copy of the electronic document if the notary public has:

(1) reasonably confirmed that the electronic document is in a tamper evident format;

(2) detected no changes or errors in any electronic signature or other information in the electronic document;

(3) personally printed or supervised the printing of the electronic document onto paper or other tangible medium; or

(4) not made any changes or modifications to the electronic document or to the paper or tangible copy thereof other than the certification described in this subsection (b).

(c) A county recorder shall accept for recording a paper or tangible copy of a document that has been certified by a notary public to be a true and correct copy of an electronic document under subsection (b) as evidenced by a notarial certificate.

(d) A notarial certificate in substantially the following form is sufficient for the purposes of this Section:

"State of .....

County of .....

On this (date), I certify that the foregoing and annexed document [entitled ,] (and) containing pages is a true and correct copy of an electronic document printed by me or under my supervision. I further certify that, at the time of printing, no security features present on the electronic document indicated any changes or errors in an electronic signature or other information in the electronic document since its creation or execution.

.....

(Signature of Notary Public)

(Seal)"

(f) If a notarial certificate is attached to or made a part of a paper or tangible document, the certificate is prima facie evidence that the requirements of subsection (c) have been satisfied with respect to the document.

(g) A paper or tangible copy of a deed, mortgage, or other document shall be deemed, from the time of being filed for record, as notice to subsequent purchasers and creditors, though it may not be certified in accordance with the provisions of this Section.

(h) This Section does not apply to any map or plat governed by the Plat Act, the Judicial Plat Act, or the Permanent Survey Act, or to any monument record governed by the Land Survey Monuments Act.

Section 99. Effective date. This Act takes effect on the later of: (1) January 1, 2022; or (2) the date on which the Office of the Secretary of State files with the Index Department of the Office of the Secretary of State a notice that the Office of the Secretary of State has adopted the rules necessary to implement this Act, and upon the filing of the notice, the Index Department shall provide a copy of the notice to the Legislative Reference Bureau; except that, the changes to Sections 1-106 and 2-103 of the Illinois Notary Public Act take effect July 1, 2022.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Holmes, **Senate Bill No. 2664** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 48; NAYS 7.

The following voted in the affirmative:

| | | | |
|---|---|---|---|
| Anderson | Ellman | Landek | Stoller |
| Aquino | Feigenholtz | Lightford | Syverson |
| Barickman | Fine | Loughran Cappel | Tracy |
| Belt | Gillespie | Martwick | Turner, D. |
| Bennett | Glowiak Hilton | McConchie | Van Pelt |
| Bush | Harris | Morrison | Villa |
| Castro | Hastings | Muñoz | Villanueva |
| Collins | Holmes | Murphy | Villivalam |
| Connor | Hunter | Pacione-Zayas | Mr. President |
| Crowe | Johnson | Peters | |
| Cullerton, T. | Jones, E. | Simmons | |
| Cunningham | Joyce | Sims | |
| DeWitte | Koehler | Stadelman | |

The following voted in the negative:

| | | | |
|---|---|---|---|
| Bailey | Fowler | Rezin | Turner, S. |
| Bryant | Plummer | Rose | |

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

## READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

**House Bill No. 452**, sponsored by Senator Fine, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 704**, sponsored by Senator Hastings, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1710**, sponsored by Senator Fine, was taken up, read by title a first time and referred to the Committee on Assignments.

## LEGISLATIVE MEASURES FILED

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

Amendment No. 1 to Senate Bill 525
Amendment No. 1 to Senate Bill 667
Amendment No. 1 to Senate Bill 930
Amendment No. 2 to Senate Bill 1823

At the hour of 6:27 o'clock p.m., the Chair announced that the Senate stands adjourned until Friday, April 23, 2021, at 12:00 o'clock p.m., or until the call of the President.