

## SENATE JOURNAL

### STATE OF ILLINOIS

# ONE HUNDRED SECOND GENERAL ASSEMBLY

51ST LEGISLATIVE DAY

**THURSDAY, MAY 27, 2021** 

1:01 O'CLOCK P.M.

#### SENATE Daily Journal Index 51st Legislative Day

Acti		Page(s)
	t Action Motions Filed	
	islative Measures Filed	
	ssages from the House	
	ion	
	ion in Writing	
	sentation of Senate Resolution No. 325	
	ort from Assignments Committee	
Rep	orts from Standing Committees	7, 261
Bill Number	Legislative Action	Page(s)
SR 0325	Committee on Assignments	5
HB 0015	Recalled – Amendment(s)	95
HB 0015	Third Reading	96
HB 0019	Third Reading	50
HB 0024	Third Reading	97
HB 0026	Third Reading	97
HB 0041	Third Reading	50
HB 0051	Third Reading	51
HB 0058	Third Reading	51
HB 0060	Third Reading	52
HB 0088	Third Reading	98
HB 0102	Third Reading	52
HB 0115	Third Reading	53
HB 0117	Third Reading	100
HB 0119	Third Reading	53
HB 0120	Third Reading	54
HB 0121	Third Reading	55
HB 0122	Third Reading	55
HB 0132	Second Reading	142
HB 0155	Third Reading	56
HB 0160	Third Reading	56
HB 0161	Third Reading	57
HB 0168	Third Reading	57
HB 0169	Third Reading	58
HB 0185	Third Reading	58
HB 0279	Third Reading	59
HB 0282	Third Reading	59
HB 0290	Third Reading	60
HB 0292	Second Reading	125
HB 0343	Third Reading	60
HB 0355	Second Reading	126
HB 0365	Third Reading	61
HB 0368	Third Reading	62
HB 0395	Third Reading	62
HB 0399	Third Reading	63
HB 0410	Third Reading	63
HB 0417	Recalled – Amendment(s)	101
HB 0417	Third Reading	117

HB 0453	Second Reading	126
HB 0557	Third Reading	64
HB 0573	Third Reading	117
HB 0576	Recalled – Amendment(s)	118
HB 0576	Third Reading	120
HB 0588	Third Reading	64
HB 0590	Third Reading	65
HB 0592	Third Reading	65
HB 0633	Third Reading	120
HB 0644	Third Reading	66
HB 0656	Third Reading	66
HB 0704	Third Reading	67
HB 0706	Third Reading	67
HB 0711	Third Reading	68
HB 0713	Third Reading	
HB 0714	Third Reading	69
HB 0721	Second Reading	
HB 0731	Second Reading	126
HB 0734	Third Reading	
HB 0738	Third Reading	70
HB 0739	Third Reading	71
HB 0741	Third Reading	
HB 0796	Third Reading	
HB 0809	Third Reading	
HB 0814	Third Reading	
HB 0835	Third Reading	
HB 0848	Third Reading	
HB 0900	Second Reading	
HB 1068	Third Reading	
HB 1158	Third Reading	
HB 1443	Second Reading	
HB 1710	Third Reading	
HB 1719	Third Reading	
HB 1724	Second Reading	
HB 1738	Second Reading	
HB 1739	Second Reading	
HB 1742	Third Reading	
HB 1745	Third Reading	
HB 1746	Third Reading	
HB 1760	Third Reading	
HB 1776	Third Reading	
HB 1802	Third Reading	
HB 1803	Third Reading	
HB 1805	Third Reading	
HB 1836	Third Reading	
HB 1855	Second Reading	
HB 1879	Second Reading	
HB 1916	Third Reading	
HB 1931	Third Reading	
HB 1931	Third Reading	
HB 1934	Third Reading	
HB 1950	Second Reading	
HB 1953	Second Reading Second Reading	
HB 1954	Second Reading Second Reading	
HB 1955	Third Reading	
	E	
HB 1957	Third Reading	83

HB 1966	Third Reading	
HB 1976	Second Reading	127
HB 2400	Third Reading	
HB 2405	Third Reading	85
HB 2425	Third Reading	85
HB 2431	Second Reading	127
HB 2449	Third Reading	86
HB 2454	Third Reading	
HB 2548	Third Reading	87
HB 2567	Second Reading	128
HB 2570	Third Reading	87
HB 2584	Third Reading	88
HB 2590	Second Reading	128
HB 2620	Second Reading	128
HB 2621	Second Reading	128
HB 2653	Third Reading	88
HB 2741	Third Reading	89
HB 2755	Second Reading	142
HB 2770	Second Reading	143
HB 2776	Second Reading	
HB 2789	Second Reading	129
HB 2795	Third Reading	90
HB 2834	Third Reading	90
HB 2863	Third Reading	
HB 2864	Third Reading	91
HB 2878	Second Reading	140
HB 2894	Third Reading	
HB 2908	Second Reading	140
HB 2914	Third Reading	92
HB 2947	Second Reading	143
HB 3025	Third Reading	92
HB 3069	Third Reading	93
HB 3100	Third Reading	122
HB 3114	Third Reading	
HB 3136	Second Reading	140
HB 3138	Second Reading	
HB 3147	Third Reading	
HB 3175	Third Reading	94
HB 3317	Recalled – Amendment(s)	123
HB 3317	Third Reading	
HB 3416	Second Reading	
HB 3443	Second Reading	
HB 3490	Second Reading	
HB 3523	Second Reading	142
HB 3582	Third Reading	124
HB 3662	Second Reading	
HB 3698	Third Reading	94
HB 3699	Second Reading	
HB 3709	Third Reading	125
HB 3714	Second Reading	144
HB 3743	Second Reading	
HB 3786	Third Reading	47
HB 3855	Third Reading	
HB 3882	Third Reading	48
HB 3886	Third Reading	48
HB 3914	Third Reading	49

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

Senator Hunter moved that reading and approval of the Journal of Wednesday, May 26, 2021, be postponed, pending arrival of the printed Journal.

The motion prevailed.

#### LEGISLATIVE MEASURES FILED

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

Amendment No. 2 to House Bill 2621 Amendment No. 2 to House Bill 2878 Amendment No. 1 to House Bill 3205

#### PRESENTATION OF RESOLUTION

Senator Pacione-Zayas offered the following Senate Resolution, which was referred to the Committee on Assignments:

#### SENATE RESOLUTION NO. 325

WHEREAS, The Illinois Department of Children and Family Services, Illinois Department of Human Services, the Illinois Department of Public Health, the Illinois Department of Mental Health, the Illinois Department of Juvenile Justice, and the Illinois State Board of Education promulgate rules and procedures to govern the use of restraint and seclusion with children and adolescents in social services, medical, and educational settings; and

WHEREAS, Manual restraint is defined as anytime an adult staff member, responsible for the care of a child or an adolescent, manually holds a child to prevent the child's free movement or normal access to the child's body; and

WHEREAS, Seclusion is defined as the involuntary confinement of a child in a room or an area from which the child is physically prevented from leaving; and

WHEREAS, Numerous sources document the harmful physical outcomes associated with manual restraint, including dehydration, choking, loss of strength or mobility, incontinence, and injuries, including bruises, rug burns, broken bones, and cardiopulmonary complications, or death; and

WHEREAS, Children and adolescents who experience restraint express negative social-emotional consequences, including fear, rage, anxiety, a lack of understanding about why they were restrained, profound alienation from adult staff responsible for their care, re-traumatization from their own restraint, and vicarious traumatization from witnessing the restraint of their peers; and

WHEREAS, Adult staff, responsible for the care of children and adolescents, who implement restraints may be exposed to biological material, such as saliva or blood, without appropriate protective equipment or may sustain injuries, including scrapes, bruises, sprains, scratches, bites, or broken bones; and

WHEREAS, Children and adolescents placed in seclusion have experienced a wide variety of self-inflicted injuries, such as cutting, pounding, head banging, and suicide; and

WHEREAS, A high frequency of restraint and seclusion episodes is associated with turbulent workplace environments, uncertainty, lost productivity, low morale, and potentially detrimental influences on the quality of care delivered; and

WHEREAS, The United Nations Committee on the Rights of the Child has stated that restraint and seclusion may violate children's rights, including their right to be free from cruel, inhuman, or degrading treatment or punishment, their right to respect for bodily integrity, and their right not to be deprived of their liberty; and

WHEREAS, Over the last two decades, national organizations, including the Substance Abuse and Mental Health Services Administration, the Child Welfare League of America, the Federation of Families for Children's Mental Health, and the National Association of State Mental Health Program Directors, began supporting programs to prevent and reduce the use of restraint and seclusion; and

WHEREAS, On multiple occasions, the U.S. Department of Education warned that secluding students can be dangerous and that there is no evidence it is effective in reducing problematic behaviors among children and adolescents; and

WHEREAS, The Statewide Youth Advisory Board for the Department of Children and Family Services, which provides the Department and General Assembly with the perspective of youth-in-care, voted that reforming the use of restraints was a top policy priority; and

WHEREAS, The National Association of State Mental Health Program Directors' position statement on restraint and seclusion illustrates that practices should only be administered in the least restrictive method and should never be used for purposes of punishment, discipline, or convenience; and

WHEREAS, The U.S. Department of Education found that Illinois had the highest number of state-level seclusion totals within schools across the country; and

WHEREAS, Research has shown that children and adolescents often see seclusion as a form of punishment and can be traumatized by the practice; and

WHEREAS, The use of restraint and seclusion is based on the staff assumption that controlling children and adolescents by force will reduce dangerous behaviors and maintain community safety, although academic research shows that such coercive interventions can maintain and intensify the very behaviors staff are trying to control; and

WHEREAS, Research shows that inexperienced or inadequately trained staff are involved in more restraint and seclusion incidents than experienced staff in child welfare, mental health, juvenile justice, and educational settings; and

WHEREAS, Strategies to reduce and eliminate restraint may include leadership in organizational culture change, using data to inform practice, workforce development, inclusion of family and peers, specific reduction interventions, and rigorous debriefing; and

WHEREAS, Service providers may select from various available training curricula, supported by data and academic research, to implement organizational change and focus on the reduction of restraint and seclusion; and

WHEREAS, Research by the Substance Abuse and Mental Health Service Administration deemed one training curriculum, the Six Core Strategies, an evidence-based intervention after an eight-state evaluation; and

WHEREAS, Restraint and seclusion reduction training curricula include trauma-informed principles as foundational components; and

WHEREAS, When Massachusetts developed and implemented a statewide initiative to reduce or eliminate the use of seclusion and restraint among children and adolescents for psychiatric facility workers, the number of workers' compensation claims decreased by 29 percent, and the amount of compensation paid decreased by 98 percent; and

WHEREAS, A shared vision across child and adolescent serving organizations that is grounded in academic research and data will help unite professionals under the common goal of restraint and seclusion reduction; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge policy decisions of State agencies and the U.S. Congress to align with the goal of preventing, reducing, and ultimately eliminating, the use of restraint and seclusion with children and adolescents; and be it further

RESOLVED, That it is the overarching policy of the State of Illinois that restraint and seclusion should only be used as a last resort to protect a youth from harming themselves or others and should never be used for punishment, discipline, or convenience; and be it further

RESOLVED, That until the use of restraint and seclusion is ultimately eliminated, State agencies who employ restraint and seclusion, as well as contractors to those agencies, must ensure that only staff members with certified training who are experienced in restraint and seclusion employ these methods to reduce incidents of harm; and be it further

RESOLVED, That we urge all administrative staff of the State of Illinois who promulgate rules and procedures that govern the use of restraint and seclusion with children and adolescents, including the Office of the Governor, the State Board of Education, the Department of Human Services, the Department of Children and Family Services, the Department of Public Health, and the Department of Juvenile Justice, to operate under the shared vision that restraint and seclusion are behavior management interventions of last resort and to work towards their reduction.

#### REPORTS FROM STANDING COMMITTEES

Senator Joyce, Chair of the Committee on Agriculture, to which was referred **House Bill No. 1711**, reported the same back with the recommendation that the bill do pass.

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

Senator Harris, Chair of the Committee on Insurance, to which was referred **House Bill No. 3308**, 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 Harris, Chair of the Committee on Insurance, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to House Bill 135

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

Senator Hunter, Chair of the Committee on Revenue, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment No. 1 to Senate Bill 340; Motion to Concur in House Amendment No. 1 to Senate Bill 2531

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Castro, Chair of the Committee on Executive, to which was referred **House Bills Numbered** 355, 453, 721, 1443, 1724, 1855, 2590, 2908 and 3523, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Castro, Chair of the Committee on Executive, to which was referred **House Bills Numbered** 17, 132, 292, 731, 1738, 1839, 1950, 1953, 1954, 1976, 2431, 2567, 2620, 2621, 2755, 2770, 2789, 2878, 2947, 3136, 3138, 3173, 3416, 3443, 3490, 3699, 3714 and 3743, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Castro, Chair of the Committee on Executive, to which was referred **House Joint Resolutions Numbered 8 and 16**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, House Joint Resolutions Numbered 8 and 16 were placed on the Secretary's Desk.

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

Senate Amendment No. 3 to House Bill 1739 Senate Amendment No. 2 to House Bill 3739

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

#### MESSAGES FROM THE HOUSE

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 84

A bill for AN ACT concerning property.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 3 to SENATE BILL NO. 84

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

#### AMENDMENT NO. 3 TO SENATE BILL 84

AMENDMENT NO.  $\underline{\mathbf{3}}$  . Amend Senate Bill 84 by replacing everything after the enacting clause with the following:

"Section 5. The Director of the Department of Natural Resources, on behalf of the State of Illinois, is authorized to execute and deliver to the Village of Dunlap, a municipality organized and existing under the laws of the State of Illinois, of Peoria County, State of Illinois, for and in consideration of \$1 paid to the Department, a quitclaim deed to the following described real property, to wit:

That part of the Chicago, Rock Island and Pacific Railroad Company's abandoned right of way conveyed to the State of Illinois, Department of Conservation (now the Department of Natural Resources) by Quit-Claim Deed, recorded July 8, 1969 as Document No. 69-09735 lying East of the West right of way line of North Third Avenue, Village of Dunlap and North of the South right of way

line of East Ash Street, Village of Dunlap all in the Northwest Quarter of Section 11, Township 10 North, Range 7 East of the Fourth Principal Meridian, County of Peoria, State of Illinois.

Section 10. The conveyance of real property authorized by Section 5 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.

Section 15. The Director of Natural Resources shall obtain a certified copy of this Act within 60 days after its effective date and, upon receipt of the payment required by Section 5, shall record the certified document in the Recorder's Office in the County in which the land is located.

Section 20. "An Act authorizing the Director of Corrections to convey State property in Kane County", Public Act 86-729, approved September 1, 1989, is amended by changing Sections 1 and 2 as follows:

(P.A. 86-729, Sec. 1)

Sec. 1. Upon payment of the sum of \$1,017,000 to the Department of Corrections, and subject to the conditions set forth in Sections 2 and 3 of this Act, the Director of Corrections is authorized to convey by quit claim deed to the County of Kane all right, title and interest of the State in and to the following described land in Kane County, Illinois, so long as the land is used as provided in Section 2 of this Act for a criminal courts complex and for no other purpose by the County of Kane:

That part of the Southeast Quarter of Section 31 and part of the North Half of the Southwest Quarter of Section 32, Township 40 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the Southeast corner of the Northeast Quarter of said Section 32; thence South 88>34' West 1331.90 feet; thence South 0>19' East 521.20 feet to the center line of the former St. Charles and Elburn Road; thence South 87>26' West 1764.0 feet; thence North 1>13' East 539.88 feet to the North line of said North Half for a point of beginning; thence Westerly along said North line and said North line extended 2202.84 feet to the center line of Peck Road; thence Southerly along the center line of said Peck Road 524.31 feet to a line drawn parallel with and 60 feet Northerly of the center line (measured at right angles thereto) of Federal Aid Route 7 (Illinois State Route No. 38); thence Easterly along said parallel line 2173.59 feet to a line drawn South 1>13' West from the point of beginning; thence North 1>13' East 476.14 feet to the point of beginning, in St. Charles Township, Kane County, Illinois and containing 24.931 acres;

and also:

That part of the North Half of the Southwest Quarter of Section 32, Township 40 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the Southeast corner of said Half; thence Northerly along the East line of said Half 737.83 feet to a line drawn parallel with and 60.0 feet Southerly of the center line (measured at right angles thereto) of Federal Aid Route 7 (Illinois State Route No. 38); thence Westerly along said parallel line 2637.26 feet to the center line of Peck Road; thence Southerly along the center line of said Peck Road 678.16 feet to the Southwest corner of said North Half; thence Easterly along the South line of said Half 2641.49 feet to the point of beginning, in St. Charles Township, Kane County, Illinois and containing 42.860 acres.

(Source: P.A. 86-729, eff. 1-1-90.)

(P.A. 86-729, Sec. 2)

Sec. 2. It is understood and agreed as part of the consideration hereof that no other use shall be permitted now or in the future by the County of Kane for the premises described in Section 1 of this Act other than (i) that of a criminal courts complex and (ii) a private drug addiction treatment center and that language establishing a defeasible fee on that condition subsequent shall be placed in the quit claim deed conveying said property.

(Source: P.A. 86-729, eff. 1-1-90.)

Section 25. The Counties Code is amended by adding Section 5-1186 as follows:

(55 ILCS 5/5-1186 new)

Sec. 5-1186. Kane County criminal courts complex drug treatment center. Notwithstanding any other provision of law:

- (1) A private drug addiction treatment center may operate on the property transferred to Kane County in Public Act 86-729.
- (2) Kane County may lease portions of the property transferred to the County in Public Act 86-729 to a not-for-profit or for-profit company for a drug addiction treatment center. Kane County may share in the drug addiction treatment center revenue with a company to whom it leases the property.
- (3) Kane County may authorize the expenditure of funds for a private drug addiction treatment center on the property transferred to the County in Public Act 86-729.

Section 30. "An Act in relation to governmental matters", approved June 23, 1995, Public Act 89-29, is amended by changing Section 1-95 as follows:

(P.A. 89-29, Sec. 1-95)

Sec. 1-95. The Illinois Department of Mental Health and Developmental Disabilities, on behalf of the State of Illinois, is authorized and directed to transfer and convey at a price of \$1.00, by the execution of a Quit Claim Deed, to the Kreider Services, Inc. an Illinois Not for Profit Corporation, the following described real property, all in Lee County, Illinois:

Part of the East Half of the East Half of the Southeast Quarter of Section 29, Township 22 North, Range 9 East of the Fourth Principal Meridian, described as follows: Beginning at a point on the West line of the said East Half of the East Half, 514 feet South of the Northwest corner thereof; thence East 264 feet, thence South 200 feet, thence West 264 feet to the said West line, thence North on the said West line to the said point of beginning.

Part of the Northwest Quarter of Section 33, Township 22 North, Range 9 East of the Fourth Principal Meridian. Lee County, Illinois and part of Block 7 in the Town of North Dixon, now a part of the City of Dixon, Lee County, Illinois described as follows: Beginning at a point on the Westerly line of said Block 7, 110.0 feet Northerly of the inter-section of the said Westerly line of Block 7 with the Northerly line of Graham Street extended Easterly; thence Northeasterly on the Northerly line of the Lee County Housing Authority property at an angle or 89° 51' measured counterclockwise from the said Westerly line of Block 7, 765.29 feet to the North line of said Section 33; thence West on the said North line of Section 33, 207.81 feet to the Northwest corner of said Section 33, thence West on the North line of Section 32 in aforesaid Township and Range, 596.86 feet to the Northwest corner of said Block 7; thence Southeasterly on the said Westerly line of Block 7, 246.6 feet to the said point of beginning, containing 2.15 Acres more or less.

Kreider shall agree to save and hold harmless the State of Illinois against all claims of whatever nature arising from or in consequence of the sale of lands herein described.

The instrument or instruments of conveyance shall be filed for record in the Office of the Recorder of Deeds of Lee County by Kreider within 15 days after the delivery of the instrument or instruments or conveyance.

Kreider shall agree that the land conveyed, as described in this Section, shall be used for the purpose of offering services to individuals with developmental disabilities or behavioral health needs, or both, Developmental Disabilities pursuant to Kreider's Articles of Incorporation including, but not limited to, Sheltered Workshop, Work Activity, Adult Day Training, Residential, and Services for individuals from birth to three years of age and if not used for these purposes or if Kreider's use for these purposes is discontinued, or if Kreider shall convey or attempt to convey all or any portion of the land to another party, the land shall revert to ownership by the State of Illinois. Kreider may convey by quitclaim deed all or any portion of the land to another party, subject to the condition that if the land is no longer used for the purpose of offering services to individuals with developmental disabilities or behavioral health needs, or both, the land shall revert to ownership by the State of Illinois. Any deed or deeds executed under this Article shall include appropriate provisions to effectuate the purpose of this Section.

Upon payment of the purchase price of \$1.00, the Director of the Department of Mental Health and Developmental Disabilities shall execute and deliver a quit claim deed to Kreider Services, Inc. and deposit the purchase price in the General Revenue Fund in the State Treasury. (Source: P.A. 89-29, eff. 6-23-95.)

Section 35. "An Act concerning governmental matters, amending named Acts", approved June 30, 1995, Public Act 89-78, is amended by changing Section 30-95 as follows: (P.A. 89-78, Sec. 30-95)

Sec. 30-95. The Illinois Department of Mental Health and Developmental Disabilities, on behalf of the State of Illinois, is authorized and directed to transfer and convey at a price of \$1.00, by the execution of a Quit Claim Deed, to the Kreider Services, Inc. an Illinois Not for Profit Corporation, the following described real property, all in Lee County, Illinois:

Part of the East Half of the East Half of the Southeast Quarter of Section 29, Township 22 North, Range 9 East of the Fourth Principal Meridian, described as follows: Beginning at a point on the West line of the said East Half of the East Half, 514 feet South of the Northwest corner thereof; thence East 264 feet, thence South 200 feet, thence West 264 feet to the said West line, thence North on the said West line to the said point of beginning.

Part of the Northwest Quarter of Section 33, Township 22 North, Range 9 East of the Fourth Principal Meridian. Lee County, Illinois and part of Block 7 in the Town of North Dixon, now a part of the City of Dixon, Lee County, Illinois described as follows: Beginning at a point on the Westerly line of said Block 7, 110.0 feet Northerly of the inter-section of the said Westerly line of Block 7 with the Northerly line of Graham Street extended Easterly; thence Northeasterly on the Northerly line of the Lee County Housing Authority property at an angle or 89° 51' measured counterclockwise from the said Westerly line of Block 7, 765.29 feet to the North line of said Section 33; thence West on the said North line of Section 33, 207.81 feet to the Northwest corner of said Section 33, thence West on the North line of Section 32 in aforesaid Township and Range, 596.86 feet to the Northwest corner of said Block 7; thence Southeasterly on the said Westerly line of Block 7, 246.6 feet to the said point of beginning, containing 2.15 Acres more or less.

Kreider shall agree to save and hold harmless the State of Illinois against all claims of whatever nature arising from or in consequence of the sale of lands herein described.

The instrument or instruments of conveyance shall be filed for record in the Office of the Recorder of Deeds of Lee County by Kreider within 15 days after the delivery of the instrument or instruments or conveyance.

Kreider shall agree that the land conveyed, as described in this Section, shall be used for the purpose of offering services to individuals with developmental disabilities or behavioral health needs, or both, Developmental Disabilities pursuant to Kreider's Articles of Incorporation including, but not limited to, Sheltered Workshop, Work Activity, Adult Day Training, Residential, and Services for individuals from birth to three years of age and if not used for these purposes or if Kreider's use for these purposes is discontinued, or if Kreider shall convey or attempt to convey all or any portion of the land to another party, the land shall revert to ownership by the State of Illinois. Kreider may convey by quitclaim deed all or any portion of the land to another party, subject to the condition that if the land is no longer used for the purpose of offering services to individuals with developmental disabilities or behavioral health needs, or both, the land shall revert to ownership by the State of Illinois. Any deed or deeds executed under this Article shall include appropriate provisions to effectuate the purpose of this Section.

Upon payment of the purchase price of \$1.00, the Director of the Department of Mental Health and Developmental Disabilities shall execute and deliver a quit claim deed to Kreider Services, Inc. and deposit the purchase price in the General Revenue Fund in the State Treasury. (Source: P.A. 89-78, eff. 6-30-95.)

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

Under the rules, the foregoing **Senate Bill No. 84**, with House Amendment No. 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 104

A bill for AN ACT concerning hospitality.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 104 House Amendment No. 2 to SENATE BILL NO. 104 Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

#### AMENDMENT NO. 1 TO SENATE BILL 104

AMENDMENT NO.  $\underline{1}$ . Amend Senate Bill 104 by replacing everything after the enacting clause with the following:

"Section 1. This Act may be referred to as the COVID-19 Pandemic Hospitality Recovery Act.

Section 5. The Liquor Control Act of 1934 is amended by changing Sections 6-5 and 6-28.8 as follows:

(235 ILCS 5/6-5) (from Ch. 43, par. 122)

Sec. 6-5. Except as otherwise provided in this Section, it is unlawful for any person having a retailer's license or any officer, associate, member, representative or agent of such licensee to accept, receive or borrow money, or anything else of value, or accept or receive credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days) directly or indirectly from any manufacturer, importing distributor or distributor of alcoholic liquor, or from any person connected with or in any way representing, or from any member of the family of, such manufacturer, importing distributor, distributor or wholesaler, or from any stockholders in any corporation engaged in manufacturing, distributing or wholesaling of such liquor, or from any officer, manager, agent or representative of said manufacturer. Except as provided below, it is unlawful for any manufacturer or distributor or importing distributor to give or lend money or anything of value, or otherwise loan or extend credit (except such merchandising credit) directly or indirectly to any retail licensee or to the manager, representative, agent, officer or director of such licensee. A manufacturer, distributor or importing distributor may furnish free advertising, posters, signs, brochures, hand-outs, or other promotional devices or materials to any unit of government owning or operating any auditorium, exhibition hall, recreation facility or other similar facility holding a retailer's license, provided that the primary purpose of such promotional devices or materials is to promote public events being held at such facility. A unit of government owning or operating such a facility holding a retailer's license may accept such promotional devices or materials designed primarily to promote public events held at the facility. No retail licensee delinquent beyond the 30 day period specified in this Section shall solicit, accept or receive credit, purchase or acquire alcoholic liquors, directly or indirectly from any other licensee, and no manufacturer, distributor or importing distributor shall knowingly grant or extend credit, sell, furnish or supply alcoholic liquors to any such delinquent retail licensee; provided that the purchase price of all beer sold to a retail licensee shall be paid by the retail licensee in cash on or before delivery of the beer, and unless the purchase price payable by a retail licensee for beer sold to him in returnable bottles shall expressly include a charge for the bottles and cases, the retail licensee shall, on or before delivery of such beer, pay the seller in cash a deposit in an amount not less than the deposit required to be paid by the distributor to the brewer; but where the brewer sells direct to the retailer, the deposit shall be an amount no less than that required by the brewer from his own distributors; and provided further, that in no instance shall this deposit be less than 50 cents for each case of beer in pint or smaller bottles and 60 cents for each case of beer in quart or half-gallon bottles; and provided further, that the purchase price of all beer sold to an importing distributor or distributor shall be paid by such importing distributor or distributor in cash on or before the 15th day (Sundays and holidays excepted) after delivery of such beer to such purchaser; and unless the purchase price payable by such importing distributor or distributor for beer sold in returnable bottles and cases shall expressly include a charge for the bottles and cases, such importing distributor or distributor shall, on or before the 15th day (Sundays and holidays excepted) after delivery of such beer to such purchaser, pay the seller in cash a required amount as a deposit to assure the return of such bottles and cases. Nothing herein contained shall prohibit any licensee from crediting or refunding to a purchaser the actual amount of money paid for bottles, cases, kegs or barrels returned by the purchaser to the seller or paid by the purchaser as a deposit on bottles, cases, kegs or barrels, when such containers or packages are returned to the seller. Nothing herein contained shall prohibit any manufacturer, importing distributor or distributor from extending usual and customary credit for alcoholic liquor sold to customers or purchasers who live in or maintain places of business outside of this State when such alcoholic liquor is actually transported and delivered to such points outside of this State.

A manufacturer, distributor, or importing distributor may furnish free social media advertising to a retail licensee if the social media advertisement does not contain the retail price of any alcoholic liquor and the social media advertisement complies with any applicable rules or regulations issued by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury. A manufacturer, distributor, or importing distributor may list the names of one or more unaffiliated retailers in the advertisement of alcoholic liquor through social media. Nothing in this Section shall prohibit a retailer from communicating with a manufacturer, distributor, or importing distributor on social media or sharing media on the social media of a manufacturer, distributor, or importing distributor. A retailer may request free social media advertising from a manufacturer, distributor, or importing distributor. Nothing in this Section shall prohibit a manufacturer, distributor, or importing distributor from sharing, reposting, or otherwise forwarding a social media post by a retail licensee, so long as the sharing, reposting, or forwarding of the social media post does not contain the retail price of any alcoholic liquor. No manufacturer, distributor, or importing distributor shall pay or reimburse a retailer, directly or indirectly, for any social media advertising services, except as specifically permitted in this Act. No retailer shall accept any payment or reimbursement, directly or indirectly, for any social media advertising services offered by a manufacturer, distributor, or importing distributor, except as specifically permitted in this Act. For the purposes of this Section, "social media" means a service, platform, or site where users communicate with one another and share media, such as pictures, videos, music, and blogs, with other users free of charge.

No right of action shall exist for the collection of any claim based upon credit extended to a distributor, importing distributor or retail licensee contrary to the provisions of this Section.

Every manufacturer, importing distributor and distributor shall submit or cause to be submitted, to the State Commission, in triplicate, not later than Thursday of each calendar week, a verified written list of the names and respective addresses of each retail licensee purchasing spirits or wine from such manufacturer, importing distributor or distributor who, on the first business day of that calendar week, was delinquent beyond the above mentioned permissible merchandising credit period of 30 days; or, if such is the fact, a verified written statement that no retail licensee purchasing spirits or wine was then delinquent beyond such permissible merchandising credit period of 30 days.

Every manufacturer, importing distributor and distributor shall submit or cause to be submitted, to the State Commission, in triplicate, a verified written list of the names and respective addresses of each previously reported delinquent retail licensee who has cured such delinquency by payment, which list shall be submitted not later than the close of the second full business day following the day such delinquency was so cured.

Such written verified reports required to be submitted by this Section shall be posted by the State Commission in each of its offices in places available for public inspection not later than the day following receipt thereof by the Commission. The reports so posted shall constitute notice to every manufacturer, importing distributor and distributor of the information contained therein. Actual notice to manufacturers, importing distributors and distributors of the information contained in any such posted reports, however received, shall also constitute notice of such information.

The 30 day merchandising credit period allowed by this Section shall commence with the day immediately following the date of invoice and shall include all successive days including Sundays and holidays to and including the 30th successive day.

In addition to other methods allowed by law, payment by check <u>or credit card</u> during the period for which merchandising credit may be extended under the provisions of this Section shall be considered payment. All checks received in payment for alcoholic liquor shall be promptly deposited for collection. A post dated check or a check dishonored on presentation for payment shall not be deemed payment.

A credit card payment in dispute by a retailer shall not be deemed payment, and the debt uncured for merchandising credit shall be reported as delinquent. Nothing in this Section shall prevent a distributor, self-distributing manufacturer, or importing distributor from assessing a usual and customary transaction fee representative of the actual finance charges incurred for processing a credit card payment. This transaction fee shall be disclosed on the invoice. It shall be considered unlawful for a distributor, importing distributor, or self-distributing manufacturer to waive finance charges for retailers.

A retail licensee shall not be deemed to be delinquent in payment for any alleged sale to him of alcoholic liquor when there exists a bona fide dispute between such retailer and a manufacturer, importing distributor or distributor with respect to the amount of indebtedness existing because of such alleged sale. A retail licensee shall not be deemed to be delinquent under this provision and 11 III. Adm. Code 100.90 until 30 days after the date on which the region in which the retail licensee is located enters Phase 4 of the Governor's Restore Illinois Plan as issued on May 5, 2020.

A delinquent retail licensee who engages in the retail liquor business at 2 or more locations shall be deemed to be delinquent with respect to each such location.

The license of any person who violates any provision of this Section shall be subject to suspension or revocation in the manner provided by this Act.

If any part or provision of this Article or the application thereof to any person or circumstances shall be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined by its operation to the controversy in which it was mentioned and shall not affect or invalidate the remainder of this Article or the application thereof to any other person or circumstance and to this and the provisions of this Article are declared severable.

(Source: P.A. 101-631, eff. 6-2-20.)

(235 ILCS 5/6-28.8)

(Section scheduled to be repealed on June 2, 2021)

Sec. 6-28.8. Delivery and carry out of mixed drinks permitted.

(a) In this Section:

"Cocktail" or "mixed drink" means any beverage obtained by combining ingredients alcoholic in nature, whether brewed, fermented, or distilled, with ingredients non-alcoholic in nature, such as fruit juice, lemonade, cream, or a carbonated beverage.

"Original container" means, for the purposes of this Section only, a container that is (i) filled, sealed, and secured by a retail licensee's employee at the retail licensee's location with a tamper-evident lid or cap or (ii) filled and labeled by the manufacturer and secured by the manufacturer's original unbroken seal.

"Sealed container" means a rigid container that contains a mixed drink or a single serving of wine, is new, has never been used, has a secured lid or cap designed to prevent consumption without removal of the lid or cap, and is tamper-evident. "Sealed container" includes a manufacturer's original container as defined in this subsection. "Sealed container" does not include a container with a lid with sipping holes or openings for straws or a container made of plastic, paper, or polystyrene foam.

- "Tamper-evident" means a lid or cap that has been sealed with tamper-evident covers, including, but not limited to, wax dip or heat shrink wrap.
- (b) A cocktail, or mixed drink, or single serving of wine placed in a sealed container by a retail licensee at the retail licensee's location may be transferred and sold for off-premises consumption if the following requirements are met:
  - (1) the cocktail, mixed drink, or single serving of wine is transferred within the licensed premises, by a curbside pickup, or by delivery by an employee of the retail licensee who:
    - (A) has been trained in accordance with Section 6-27.1 at the time of the sale;
    - (B) is at least 21 years of age; and
    - (C) upon delivery, verifies the age of the person to whom the cocktail, mixed drink, or single serving of wine is being delivered;
  - (2) if the employee delivering the cocktail, mixed drink, or single serving of wine is not able to safely verify a person's age or level of intoxication upon delivery, the employee shall cancel the sale of alcohol and return the product to the retail license holder;
  - (3) the sealed container is placed in the trunk of the vehicle or if there is no trunk, in the vehicle's rear compartment that is not readily accessible to the passenger area;
  - (4) a the sealed container filled and sealed at a retail licensee's location shall be affixed with a label or tag that contains the following information:
    - (A) the cocktail or mixed drink ingredients, type, and name of the alcohol;
    - (B) the name, license number, and address of the retail licensee that filled the original container and sold the product;
    - (C) the volume of the cocktail,  $\underline{\bullet r}$  mixed drink, or single serving of wine in the sealed container; and
      - (D) the sealed container was filled less than 7 days before the date of sale; and-
  - (5) a manufacturer's original container shall be affixed with a label or tag that contains the name, license number, and address of the retail licensee that sold the product.
- (c) Third-party delivery services are not permitted to deliver cocktails and mixed drinks under this Section.
- (d) If there is an executive order of the Governor in effect during a disaster, the employee delivering the mixed drink, or cocktail, or single serving of wine must comply with any requirements of that executive order, including, but not limited to, wearing gloves and a mask and maintaining distancing requirements when interacting with the public.
  - (e) Delivery or carry out of a cocktail, or mixed drink, or single serving of wine is prohibited if:

- (1) a third party delivers the cocktail or mixed drink;
- (2) a container of a mixed drink, or cocktail, or single serving of wine is not tamper-evident and sealed;
- (3) a container of a mixed drink, or single serving of wine is transported in the passenger area of a vehicle;
- (4) a mixed drink, or single serving of wine is delivered by a person or to a person who is under the age of 21; or
- (5) the person delivering a mixed drink, or cocktail, or single serving of wine fails to verify the age of the person to whom the mixed drink or cocktail is being delivered.
- (f) Violations of this Section shall be subject to any applicable penalties, including, but not limited to, the penalties specified under Section 11-502 of the Illinois Vehicle Code.
- (f-5) This Section is not intended to prohibit or preempt the ability of a brew pub, tap room, or distilling pub to continue to temporarily deliver alcoholic liquor pursuant to guidance issued by the State Commission on March 19, 2020 entitled "Illinois Liquor Control Commission, COVID-19 Related Actions, Guidance on Temporary Delivery of Alcoholic Liquor". This Section shall only grant authorization to holders of State of Illinois retail liquor licenses but not to licensees that simultaneously hold any licensure or privilege to manufacture alcoholic liquors within or outside of the State of Illinois.
- (g) This Section is not a denial or limitation of home rule powers and functions under Section 6 of Article VII of the Illinois Constitution.
- (h) This Section is repealed on January 1, 2025 one year after the effective date of this amendatory Act of the 101st General Assembly.

  (Source: P.A. 101-631, eff. 6-2-20.)

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

#### **AMENDMENT NO. 2 TO SENATE BILL 104**

AMENDMENT NO. 2 . Amend Senate Bill 104, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, line 7, after "6-28.8", by inserting "and by adding Section 6-37"; and

on page 10, by replacing lines 7 and 8 with "placed in a sealed container by a retail licensee at the retail licensee's location or a manufacturer's original container may be transferred and sold for"; and

on page 11, line 4, after "(4)", by inserting "except for a manufacturer's original container,"; and

on page 11, by replacing line 10 with "retail licensee that filled the original container and"; and

on page 13, line 10, by replacing "1, 2025" with "3, 2024"; and

on page 13, immediately below line 13, by inserting the following:

"(235 ILCS 5/6-37 new)

Sec. 6-37. Hospitality vaccination incentive; temporary.

(a) Notwithstanding any other provision of law, from June 10, 2021 through July 10, 2021, a retail licensee may offer a single drink of alcoholic liquor at no cost to a customer as part of a publicly advertised promotion to encourage participation in any COVID-19 vaccination program if the customer provides proof of COVID-19 vaccination received at any time. Drinks may be provided under this Section only from 6 p.m. through 10 p.m.

This Section is subject to any rule or bulletin posted by the State Commission.

- (b) A retail licensee's participation in providing a single drink of alcoholic liquor is voluntary and a retail licensee may refuse to provide a single drink at no charge. The retail licensee may determine or restrict which single drink of alcoholic liquor it will provide at no cost but under no circumstances may a single drink of alcoholic liquor exceed 1.5 ounces of distilled spirits, 5 ounces of wine, or 12 ounces of beer.
- (c) A local liquor control commissioner or local liquor control commission may prohibit retail licensees within its jurisdiction from providing a single drink of alcoholic liquor at no charge by promulgating a rule or policy preempting this Section.

- (d) After receiving a single drink of alcoholic liquor at no charge, no customer shall receive a subsequent drink from the retail licensee providing the drink at no charge or from another retail licensee on the same day or any subsequent day. In addition to abiding by all other alcoholic liquor sales laws, before providing a single drink at no charge, the retail licensee shall develop procedures to verify the identity of the vaccinated customer by comparing the vaccination card to a form of valid federal or State identification. The retail licensee shall develop procedures to ensure that a customer does not obtain more than a single drink at no charge and the retail licensee shall be subject to penalties imposed by the State Commission if the retail licensee provides more than a single drink to a particular customer at no charge.
- (e) The State Commission may publish further guidelines on the implementation of this Section not inconsistent with this Section and shall post them on the State Commission's website.
  - (f) This Section is repealed on July 11, 2021.".

Under the rules, the foregoing **Senate Bill No. 104**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

#### SENATE BILL NO. 154

A bill for AN ACT concerning housing.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 154

House Amendment No. 3 to SENATE BILL NO. 154

House Amendment No. 5 to SENATE BILL NO. 154

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

#### AMENDMENT NO. 1 TO SENATE BILL 154

AMENDMENT NO.  $\underline{1}$ . Amend Senate Bill 154 on page 7, line 13, after "Act.", by inserting "This subsection does not apply to supportive living facilities as described in Section 5-5.01a of the Illinois Public Aid Code."; and

on page 8, line 11, after "support.", by inserting "Nothing in this Section shall be construed to apply to supportive living facilities as described in Section 5-5.01a of the Illinois Public Code.".

#### AMENDMENT NO. 3 TO SENATE BILL 154

AMENDMENT NO. 3. Amend Senate Bill 154, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Affordable Housing Act is amended by changing Sections 3 and 10 and by adding Section 18 as follows:

(310 ILCS 65/3) (from Ch. 67 1/2, par. 1253)

Sec. 3. Definitions. As used in this Act:

- (a) "Program" means the Illinois Affordable Housing Program.
- (b) "Trust Fund" means the Illinois Affordable Housing Trust Fund.
- (b-5) "Capital Fund" means the Illinois Affordable Housing Capital Fund.
- (c) "Low-income household" means a single person, family or unrelated persons living together whose adjusted income is more than 50%, but less than 80%, of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937.
- (d) "Very low-income household" means a single person, family or unrelated persons living together whose adjusted income is not more than 50% of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by

the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937.

- (e) "Affordable housing" means residential housing that, so long as the same is occupied by low-income households or very low-income households, requires payment of monthly housing costs, including utilities other than telephone, of no more than 30% of the maximum allowable income as stated for such households as defined in this Section.
  - (f) "Multi-family housing" means a building or buildings providing housing to 5 or more households.
- (g) "Single-family housing" means a building containing one to 4 dwelling units, including a mobile home as defined in subsection (b) of Section 3 of the Mobile Home Landlord and Tenant Rights Act, as amended
- (h) "Community-based organization" means a not-for-profit entity whose governing body includes a majority of members who reside in the community served by the organization.
- (i) "Advocacy organization" means a not-for-profit organization which conducts, in part or in whole, activities to influence public policy on behalf of low-income or very low-income households.
  - (j) "Program Administrator" means the Illinois Housing Development Authority.
  - (k) "Funding Agent" means the Illinois Department of Revenue.
  - (l) "Commission" means the Affordable Housing Advisory Commission.
- (m) "Congregate housing" means a building or structure in which 2 or more households, inclusive, share common living areas and may share child care, cleaning, cooking and other household responsibilities.
- (n) "Eligible applicant" means a proprietorship, partnership, for-profit corporation, not-for-profit corporation or unit of local government which seeks to use fund assets as provided in this Article.
- (o) "Moderate income household" means a single person, family or unrelated persons living together whose adjusted income is more than 80% but less than 120% of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937.
- (p) "Affordable Housing Program Trust Fund Bonds or Notes" means the bonds or notes issued by the Program Administrator under the Illinois Housing Development Act to further the purposes of this Act.
- (q) "Trust Fund Moneys" means all moneys, deposits, revenues, income, interest, dividends, receipts, taxes, proceeds and other amounts or funds deposited or to be deposited in the Trust Fund pursuant to Section 5(b) of this Act and any proceeds, investments or increase thereof.
- (r) "Program Escrow" means accounts, except those accounts relating to any Affordable Housing Program Trust Fund Bonds or Notes, designated by the Program Administrator, into which Trust Fund Moneys are deposited.
- (s) "Common household pet" means a domesticated animal, such as a dog (canis lupus familiaris) or cat (felis catus), which is commonly kept in the home for pleasure rather than for commercial purposes.

  (Source: P.A. 95-710, eff. 6-1-08.)
  - (310 ILCS 65/10) (from Ch. 67 1/2, par. 1260)
- Sec. 10. Trust Fund restrictions and stipulations. (a) All housing financed and all assistance provided from the Trust Fund shall be available to all eligible persons regardless of race, color, ancestry, unfavorable military discharge, familial status, marital status, national origin, religion, creed, sex, age, or disability.
- (b) There shall be, on all assisted housing, a deed restriction, agreement, or other legal document which provides for the recapture of assistance upon terms and conditions to be specified in rules and regulations promulgated by the Program Administrator.
- (c) Loans made by the Trust Fund may be at no interest or at below market interest rates, with or without security, and may include loans for predevelopment financing.
- (d) Assistance may be provided for housing units for low and very low-income households within multi-family housing which is occupied partly by low and very low-income households and partly by households not qualifying as low or very low-income, subject to rules and regulations promulgated by the Program Administrator.
- (e) Except to the extent provided in rules and regulations promulgated by the Program Administrator, no household shall be required to vacate or move from any assisted housing as a result of ceasing to qualify as a low or very low-income household under this Act.
- (f) Rates not to exceed fair market rental may be charged to any person or household which occupies any single family housing or unit of multi-family housing for the period that person or household does not qualify as low or very low-income.

- (g) All housing assisted by the Trust Fund shall provide a residential antidisplacement and relocation assistance plan consistent with Section 507 of the federal Housing and Community Development Act of 1987.
- (h) Multi-family housing assisted by the Trust Fund shall be prohibited from refusing to accept tenants for occupancy solely because the tenant receives governmental rental assistance.
  - (i) Trust Fund assisted multi-family housing is prohibited from evicting tenants without good cause.
- (j) Assistance may be provided to housing whether or not such housing satisfies the definition of a "qualified residential rental project" set forth in Section 142 of the Internal Revenue Code of 1986, as amended.
- (k) Housing assisted by the Trust Fund shall be required to meet energy efficiency standards which shall be established by the Program Administrator. Any review for affordability of assisted housing must include a review of energy costs.
- (I) Manufactured housing which is manufactured entirely within the State shall be given priority over housing manufactured in whole or in part outside of the State.
- (m) It is intended that Trust Fund monies not be used to supplant existing resources and that the Trust Fund shall be a funder of last resort.
- (n) Prior to application of Trust Fund assets to provide assistance to affordable housing under this Act, Trust Fund assets may be invested in mortgage participation certificates representing undivided interests in specified, first-lien conventional residential Illinois mortgages which are underwritten, insured, guaranteed or purchased by the Federal Home Loan Mortgage Corporation. Trust Fund assets may also be used in such investments as may be lawful for fiduciaries in this State or in such investments which shall reduce the risk associated with fluctuations in interest rates or market price of investments.
- (o) A tenant of a multifamily rental housing unit that is 500 square feet or larger and has been acquired, constructed, or rehabilitated with any money from the Trust Fund after January 1, 2022 and that was designated for affordable housing for low and very low-income families shall be allowed to keep at least 2 cats or one dog that weighs under 50 pounds regardless of breed or height within the tenant's residence in accordance with any applicable State laws. This subsection does not apply to service animals or service animals in training or to any dog that has been deemed a dangerous or vicious dog as provided under the Animal Control Act. This subsection does not apply to supportive living facilities as described in Section 5-5.01a of the Illinois Public Aid Code or elderly housing. For purposes of this subsection, "elderly housing" means housing that is either: (i) intended for and solely occupied by persons age 62 or older; (ii) intended and operated for occupancy by at least one person age 55 years or older per unit, and at least 80% of the units within the elderly housing project are so occupied; or (iii) provided for under any State or federal program that the U.S. Department of Housing and Urban Development has determined is specifically designed and operated to assist elderly persons (as defined in the State or federal program). (Source: P.A. 89-286, eff. 8-10-95.)

(310 ILCS 65/18 new)

Sec. 18. Pets in affordable housing projects.

- (a) The enforcement of policies relating to keeping a pet within a residence may include:
  - (1) compliance with noise and sanitation standards;
  - (2) registration of the common household pet with the owner of the residential housing;
  - (3) restraint of the common household pet in common areas of the residential housing;
  - (4) timely removal of common household pet excrement;
  - (5) vaccination and sterilization requirements; and
  - (6) enforcement of violations of the policy.
- (b) Notwithstanding any other law to the contrary, a housing provider shall not be liable for injuries caused by an owner's common household pet permitted on the housing provider's property, except in cases of willful and wanton misconduct.
- (c) Nothing in this Section shall be construed to limit or otherwise affect other statutes or laws that require reasonable accommodations to be made for an individual with a disability who maintains an animal to provide assistance, service, or support. Nothing in this Section shall be construed to apply to supportive living facilities as described in Section 5-5.01a of the Illinois Public Code or elderly housing. For purposes of this subsection, "elderly housing" means housing that is either: (i) intended for and solely occupied by persons age 62 or older; (ii) intended and operated for occupancy by at least one person age 55 years or older per unit, and at least 80% of the units within the elderly housing project are so occupied; or (iii) provided for under any State or federal program that the U.S. Department of Housing and Urban

Development has determined is specifically designed and operated to assist elderly persons (as defined in the State or federal program).

Section 95. Applicability. The changes made by this Act apply to multifamily rental housing that is acquired, constructed, or rehabilitated after January 1, 2022 with money from the Illinois Affordable Housing Trust Fund.

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

#### AMENDMENT NO. 5 TO SENATE BILL 154

AMENDMENT NO. 5. Amend Senate Bill 154, AS AMENDED, with reference to page and line numbers of House Amendment No. 3, on page 8, by replacing lines 22 and 23 with the following:

"(b) A housing provider shall not be liable for injuries caused by an"; and

on page 9, line 8, after "Public", by inserting "Aid".

Under the rules, the foregoing **Senate Bill No. 154**, with House Amendments numbered 1, 3 and 5, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 214 A bill for AN ACT concerning regulation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 214

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

#### AMENDMENT NO. 2 TO SENATE BILL 214

AMENDMENT NO. 2 . Amend Senate Bill 214 as follows:

on page 25, line 9, by replacing "adding Section 4.41" with "changing Section 4.37"; and

on page 25, by replacing lines 10 through 13 with the following:

"(5 ILCS 80/4.37)

Sec. 4.37. Acts and Articles repealed on January 1, 2027. The following are repealed on January 1, 2027:

The Clinical Psychologist Licensing Act.

The Illinois Optometric Practice Act of 1987.

Articles II, III, IV, V, VI, VIIA, VIIB, VIIC, XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.

The Boiler and Pressure Vessel Repairer Regulation Act.

The Marriage and Family Therapy Licensing Act.

The Landscape Architecture Registration Act.

(Source: P.A. 99-572, eff. 7-15-16; 99-909, eff. 12-16-16; 99-910, eff. 12-16-16; 99-911, eff. 12-16-16; 100-201, eff. 8-18-17; 100-372, eff. 8-25-17.)"; and

on page 39, immediately below line 9, by inserting the following:

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

Under the rules, the foregoing **Senate Bill No. 214**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

#### SENATE BILL NO. 225

A bill for AN ACT concerning State government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 225

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

#### **AMENDMENT NO. 1 TO SENATE BILL 225**

AMENDMENT NO. 1 . Amend Senate Bill 225 as follows:

on page 5, line 4, after the period, by inserting "This subsection shall not apply to requests from federal, State, or local law enforcement agencies or other governmental entities for facial recognition search services or photographs obtained in the process of issuing an identification card when the purpose of the request relates to criminal activity other than violations of immigration laws."; and

on page 6, line 19, after the period, by inserting "This subsection shall not apply to requests from federal, State, or local law enforcement agencies or other governmental entities for facial recognition search services or photographs obtained in the process of issuing a driver's license or permit when the purpose of the request relates to criminal activity other than violations of immigration laws."

Under the rules, the foregoing **Senate Bill No. 225**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 338

A bill for AN ACT concerning civil law.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 3 to SENATE BILL NO. 338

House Amendment No. 4 to SENATE BILL NO. 338

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

#### AMENDMENT NO. 3 TO SENATE BILL 338

AMENDMENT NO.  $\underline{3}$ . Amend Senate Bill 338 by replacing everything after the enacting clause with the following:

"Section 5. The State Treasurer Act is amended by changing Sections 0.02 and 0.03 as follows: (15 ILCS 505/0.02)

Sec. 0.02. Transfer of powers. The rights, powers, duties, and functions vested in the Department of Financial Institutions to administer the Uniform Disposition of Unclaimed Property Act (superseded by the Revised Uniform Unclaimed Property Act) are transferred to the State Treasurer on July 1, 1999; provided, however, that the rights, powers, duties, and functions involving the examination of the records of any person that the State Treasurer has reason to believe has failed to report properly under this Act shall be transferred to the Office of Banks and Real Estate if the person is regulated by the Office of Banks and Real Estate under the Illinois Banking Act, the Corporate Fiduciary Act, the Foreign Banking Office Act, the

Illinois Savings and Loan Act of 1985, or the Savings Bank Act and shall be retained by the Department of Financial Institutions if the person is doing business in the State under the supervision of the Department of Financial Institutions, the National Credit Union Administration, the Office of Thrift Supervision, or the Comptroller of the Currency.

(Source: P.A. 100-22, eff. 1-1-18.)

(15 ILCS 505/0.03)

Sec. 0.03. Transfer of personnel.

- (a) Except as provided in subsection (b), personnel employed by the Department of Financial Institutions on June 30, 1999 to perform duties pertaining to the administration of the Uniform Disposition of Unclaimed Property Act (superseded by the Revised Uniform Unclaimed Property Act) are transferred to the State Treasurer on July 1, 1999.
- (b) In the case of a person employed by the Department of Financial Institutions to perform both duties pertaining to the administration of the Uniform Disposition of Unclaimed Property Act (superseded by the Revised Uniform Unclaimed Property Act) and duties pertaining to a function retained by the Department of Financial Institutions, the State Treasurer, in consultation with the Director of Financial Institutions, shall determine whether to transfer the employee to the Office of the State Treasurer; until this determination has been made, the transfer shall not take effect.
- (c) The rights of State employees, the State, and its agencies under the Personnel Code and applicable collective bargaining agreements and retirement plans are not affected by this amendatory Act of 1999, except that all positions transferred to the State Treasurer shall be subject to the State Treasurer Employment Code effective July 1, 2000.

All transferred employees who are members of collective bargaining units shall retain their seniority, continuous service, salary, and accrued benefits. During the pendency of the existing collective bargaining agreement, the rights provided for under that agreement and memoranda and supplements to that agreement, including but not limited to, the rights of employees performing duties pertaining to the administration of the Uniform Disposition of Unclaimed Property Act (superseded by the Revised Uniform Unclaimed Property Act) to positions in other State agencies and the right of employees in other State agencies covered by the agreement to positions performing duties pertaining to the administration of the Uniform Disposition of Unclaimed Property Act (superseded by the Revised Uniform Unclaimed Property Act), shall not be abridged.

The State Treasurer shall continue to honor during their pendency all bargaining agreements in effect at the time of the transfer and to recognize all collective bargaining representatives for the employees who perform or will perform functions transferred by this amendatory Act of 1999. For all purposes with respect to the management of the existing agreement and the negotiation and management of any successor agreements, the State Treasurer shall be deemed to be the employer of employees who perform or will perform functions transferred to the Office of the State Treasurer by this amendatory Act of 1999; provided that the Illinois Department of Central Management Services shall be a party to any grievance or arbitration proceeding held pursuant to the provisions of the collective bargaining agreement which involves the movement of employees from the Office of the State Treasurer to an agency under the jurisdiction of the Governor covered by the agreement.

(Source: P.A. 100-22, eff. 1-1-18.)

Section 10. The Revised Uniform Unclaimed Property Act is amended by changing Sections 15-102, 15-201, 15-202, 15-210, 15-213, 15-401, 15-503, 15-603, 15-607, 15-905, 15-906, 15-1002.1, 15-1004, 15-1401, and 15-1402 as follows:

(765 ILCS 1026/15-102)

Sec. 15-102. Definitions. In this Act:

- (1) "Administrator" means the State Treasurer.
- (2) "Administrator's agent" means a person with which the administrator contracts to conduct an examination under Article 10 on behalf of the administrator. The term includes an independent contractor of the person and each individual participating in the examination on behalf of the person or contractor.
  - (2.5) (Blank).
- (3) "Apparent owner" means a person whose name appears on the records of a holder as the owner of property held, issued, or owing by the holder.

- (4) "Business association" means a corporation, joint stock company, investment company, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, safekeeping depository, financial organization, insurance company, federally chartered entity, utility, sole proprietorship, or other business entity, whether or not for profit.
- (5) "Confidential information" means information that is "personal information" under the Personal Information Protection Act, "private information" under the Freedom of Information Act or personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information as provided in the Freedom of Information Act.
  - (6) "Domicile" means:
    - (A) for a corporation, the state of its incorporation;
  - (B) for a business association whose formation requires a filing with a state, other than a corporation, the state of its filing;
  - (C) for a federally chartered entity or an investment company registered under the Investment Company Act of 1940, the state of its home office; and
    - (D) for any other holder, the state of its principal place of business.
- (7) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (8) "Electronic mail" means a communication by electronic means which is automatically retained and stored and may be readily accessed or retrieved.
- (8.5) "Escheat fee" means any charge imposed solely by virtue of property being reported as presumed abandoned.
- (9) "Financial organization" means a bank, savings bank, foreign bank, corporate fiduciary, currency exchange, money transmitter, or credit union.
- (10) "Game-related digital content" means digital content that exists only in an electronic game or electronic-game platform. The term:
  - (A) includes:
  - (i) game-play currency such as a virtual wallet, even if denominated in United States currency; and
  - (ii) the following if for use or redemption only within the game or platform or another electronic game or electronic-game platform:
    - (I) points sometimes referred to as gems, tokens, gold, and similar names;
    - (II) digital codes; and
  - (B) does not include an item that the issuer:
    - (i) permits to be redeemed for use outside a game or platform for:
      - (I) money; or
      - (II) goods or services that have more than minimal value; or
    - (ii) otherwise monetizes for use outside a game or platform.
- (11) "Gift card" means a record evidencing a promise made for consideration by the seller or issuer of the record that goods, services, or money will be provided to the owner of the record to the value or amount shown in the record that is either:
  - (A) a record:
  - (i) issued on a prepaid basis primarily for personal, family, or household purposes to a consumer in a specified amount;
    - (ii) the value of which does not expire;
    - (iii) that is not subject to a dormancy, inactivity, or post-sale service fee;
    - (iv) that is redeemable upon presentation for goods or services; and
  - (v) that, unless required by law, may not be redeemed for or converted into money or otherwise monetized by the issuer; or
  - (B) a prepaid commercial mobile radio service, as defined in 47  $\underline{\text{CFR}}$   $\underline{\text{C.F.R.}}$  20.3, as amended.
- (12) "Holder" means a person obligated to hold for the account of, or to deliver or pay to, the owner, property subject to this Act.

- (13) "Insurance company" means an association, corporation, or fraternal or mutual-benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities, or insurance, including accident, burial, casualty, credit-life, contract-performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage-protection, and worker-compensation insurance.
- (14) "Loyalty card" means a record given without direct monetary consideration under an award, reward, benefit, loyalty, incentive, rebate, or promotional program which may be used or redeemed only to obtain goods or services or a discount on goods or services. The term does not include a record that may be redeemed for money or otherwise monetized by the issuer.
- (15) "Mineral" means gas, oil, coal, oil shale, other gaseous liquid or solid hydrocarbon, cement material, sand and gravel, road material, building stone, chemical raw material, gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other geothermal resources, and any other substance defined as a mineral by law of this State other than this Act.
- (16) "Mineral proceeds" means an amount payable for extraction, production, or sale of minerals, or, on the abandonment of the amount, an amount that becomes payable after abandonment. The term includes an amount payable:
  - (A) for the acquisition and retention of a mineral lease, including a bonus, royalty, compensatory royalty, shut-in royalty, minimum royalty, and delay rental;
  - (B) for the extraction, production, or sale of minerals, including a net revenue interest, royalty, overriding royalty, extraction payment, and production payment; and
  - (C) under an agreement or option, including a joint-operating agreement, unit agreement, pooling agreement, and farm-out agreement.
- (17) "Money order" means a payment order for a specified amount of money. The term includes an express money order and a personal money order on which the remitter is the purchaser.
- (18) "Municipal bond" means a bond or evidence of indebtedness issued by a municipality or other political subdivision of a state.
- (19) "Net card value" means the original purchase price or original issued value of a stored-value card, plus amounts added to the original price or value, minus amounts used and any service charge, fee, or dormancy charge permitted by law.
- (20) "Non-freely transferable security" means a security that cannot be delivered to the administrator by the Depository Trust Clearing Corporation or similar custodian of securities providing post-trade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. The term includes a worthless security.
- (21) "Owner", unless the context otherwise requires, means a person that has a legal, beneficial, or equitable interest in property subject to this Act or the person's legal representative when acting on behalf of the owner. The term includes:
  - (A) a depositor, for a deposit;
  - (B) a beneficiary, for a trust other than a deposit in trust;
  - (C) a creditor, claimant, or pavee, for other property; and
  - (D) the lawful bearer of a record that may be used to obtain money, a reward, or a thing of value.
- (22) "Payroll card" means a record that evidences a payroll-card account as defined in Regulation E, 12 CFR Part 1005, as amended.
- (23) "Person" means an individual, estate, business association, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity, whether or not for profit.
- (24) "Property" means tangible property described in Section 15-201 or a fixed and certain interest in intangible property held, issued, or owed in the course of a holder's business or by a government, governmental subdivision, agency, or instrumentality. The term:
  - (A) includes all income from or increments to the property;
  - (B) includes property referred to as or evidenced by:
  - (i) money, virtual currency, interest, or a dividend, check, draft, deposit, or payroll card;
  - (ii) a credit balance, customer's overpayment, stored-value card, security deposit, refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an obligation to provide a refund, mineral proceeds, or unidentified remittance;
    - (iii) a security except for:

- (I) a worthless security; or
- (II) a security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security;
- (iv) a bond, debenture, note, or other evidence of indebtedness;
- (v) money deposited to redeem a security, make a distribution, or pay a dividend;
- (vi) an amount due and payable under an annuity contract or insurance policy;
- (vii) an amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit-sharing, employee-savings, supplemental-unemployment insurance, or a similar benefit; and
- (viii) any instrument on which a financial organization or business association is directly liable; and
- (C) does not include:
  - (i) game-related digital content;
  - (ii) a loyalty card;
  - (iii) a gift card; or
- (iv) funds on deposit or held in trust pursuant to Section 16 of the Illinois Pre-Need Cemetery Sales Act.
- (25) "Putative holder" means a person believed by the administrator to be a holder, until the person pays or delivers to the administrator property subject to this Act or the administrator or a court makes a final determination that the person is or is not a holder.
- (26) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. The phrase "records of the holder" includes records maintained by a third party that has contracted with the holder.
  - (27) "Security" means:
    - (A) a security as defined in Article 8 of the Uniform Commercial Code;
  - (B) a security entitlement as defined in Article 8 of the Uniform Commercial Code, including a customer security account held by a registered broker-dealer, to the extent the financial assets held in the security account are not:
    - (i) registered on the books of the issuer in the name of the person for which the broker-dealer holds the assets;
      - (ii) payable to the order of the person; or (iii) specifically indorsed to the person; or
    - (C) an equity interest in a business association not included in subparagraph (A) or (B).
  - (28) "Sign" means, with present intent to authenticate or adopt a record:
    - (A) to execute or adopt a tangible symbol; or
  - (B) to attach to or logically associate with the record an electronic symbol, sound, or process.
- (29) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
  - (30) "Stored-value card" means a card, code, or other device that is:
  - (A) issued on a prepaid basis primarily for personal, family, or household purposes to a consumer in a specified amount, whether or not that amount may be increased or reloaded in exchange for payment; and
  - (B) redeemable upon presentation at multiple unaffiliated merchants for goods or services or usable at automated teller machines; and
- "Stored-value card" does not include a gift card, payroll card, loyalty card, or game-related digital content.
- (31) "Utility" means a person that owns or operates for public use a plant, equipment, real property, franchise, or license for the following public services:
  - (A) transmission of communications or information;
  - (B) production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas; or

- (C) provision of sewage or septic services, or trash, garbage, or recycling disposal.
- (32) "Virtual currency" means any type of a digital unit, including cryptocurrency, representation of value used as a medium of exchange, unit of account, or a form of digitally stored store of value, which does not have legal tender status recognized by the United States. The term does not include:
  - (A) the software or protocols governing the transfer of the digital representation of value;
  - (B) game-related digital content; or
  - (C) a loyalty card or gift card.
- (33) "Worthless security" means a security whose cost of liquidation and delivery to the administrator would exceed the value of the security on the date a report is due under this Act.

(Source: P.A. 100-22, eff. 1-1-18; 100-566, eff. 1-1-18; 101-552, eff. 1-1-20.)

(765 ILCS 1026/15-201)

Sec. 15-201. When property presumed abandoned. Subject to Section 15-210, the following property is presumed abandoned if it is unclaimed by the apparent owner during the period specified below:

- (1) a traveler's check, 15 years after issuance;
- (2) a money order, 5 7 years after issuance;
- (3) any instrument on which a financial organization or business association is directly liable, other than a money order, 3 years after issuance;
- (4) a state or municipal bond, bearer bond, or original-issue-discount bond, 3 years after the earliest of the date the bond matures or is called or the obligation to pay the principal of the bond arises:
  - (5) a debt of a business association, 3 years after the obligation to pay arises;
  - (6) financial organization deposits as follows:
  - (i) a demand deposit, 3 years after the date of the last indication of interest in the property by the apparent owner;
  - (ii) a savings deposit, 3 years after the date of last indication of interest in the property by the apparent owner;
  - (iii) a time deposit for which the owner has not consented to automatic renewal of the time deposit, 3 years after the date of last indication of interest in the property by the apparent owner;
  - (iv) an automatically renewable time deposit for which the owner consented to the automatic renewal in a record on file with the holder, 3 years after the date of last indication of interest in the property by the apparent owner, following the completion of the initial term of the time deposit and one automatic renewal term of the time deposit a demand, savings, or time deposit, 3 years after the later of maturity or the date of the last indication of interest in the property by the apparent owner, except for a deposit that is automatically renewable, 3 years after its initial date of maturity unless the apparent owner consented in a record on file with the holder to renewal at or about the time of the renewal:
  - (6.5) virtual currency, 5 years after the last indication of interest in the property;
- (7) money or a credit owed to a customer as a result of a retail business transaction, other than in-store credit for returned merchandise, 3 years after the obligation arose;
- (8) an amount owed by an insurance company on a life or endowment insurance policy or an annuity contract that has matured or terminated, 3 years after the obligation to pay arose under the terms of the policy or contract or, if a policy or contract for which an amount is owed on proof of death has not matured by proof of the death of the insured or annuitant, as follows:
  - (A) with respect to an amount owed on a life or endowment insurance policy, the earlier of:
    - (i) 3 years after the death of the insured; or
    - (ii) 2 years after the insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve for the policy is based; and
    - (B) with respect to an amount owed on an annuity contract, 3 years after the death of the annuitant.
- (9) funds on deposit or held in trust pursuant to the Illinois Funeral or Burial Funds Act, the earliest of:
  - (A) 2 years after the date of death of the beneficiary;

- (B) one year after the date the beneficiary has attained, or would have attained if living, the age of 105 where the holder does not know whether the beneficiary is deceased;
- (C) 40 years after the contract for prepayment was executed, unless the apparent owner has indicated an interest in the property more than 40 years after the contract for prepayment was executed, in which case, 3 years after the last indication of interest in the property by the apparent owner;
- (10) property distributable by a business association in the course of dissolution or distributions from the termination of a retirement plan, one year after the property becomes distributable;
- (11) property held by a court, including property received as proceeds of a class action, 3 years after the property becomes distributable;
- (12) property held by a government or governmental subdivision, agency, or instrumentality, including municipal bond interest and unredeemed principal under the administration of a paying agent or indenture trustee, 3 years after the property becomes distributable;
- (13) wages, commissions, bonuses, or reimbursements to which an employee is entitled, or other compensation for personal services, including amounts held on a payroll card, one year after the amount becomes payable;
- (14) a deposit or refund owed to a subscriber by a utility, one year after the deposit or refund becomes payable, except that any capital credits or patronage capital retired, returned, refunded or tendered to a member of an electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, or a telephone or telecommunications cooperative, as defined in Section 13-212 of the Public Utilities Act, that has remained unclaimed by the person appearing on the records of the entitled cooperative for more than 2 years, shall not be subject to, or governed by, any other provisions of this Act, but rather shall be used by the cooperative for the benefit of the general membership of the cooperative; and
- (15) property not specified in this Section or Sections 15-202 through 15-208, the earlier of 3 years after the owner first has a right to demand the property or the obligation to pay or distribute the property arises.

Notwithstanding anything to the contrary in this Section 15-201, and subject to Section 15-210, a deceased owner cannot indicate interest in his or her property. If the owner is deceased and the abandonment period for the owner's property specified in this Section 15-201 is greater than 2 years, then the property, other than an amount owed by an insurance company on a life or endowment insurance policy or an annuity contract that has matured or terminated, shall instead be presumed abandoned 2 years from the date of the owner's last indication of interest in the property.

(Source: P.A. 100-22, eff. 1-1-18; 100-566, eff. 1-1-18; 101-552, eff. 1-1-20.)

(765 ILCS 1026/15-202)

Sec. 15-202. When tax-deferred and tax-exempt retirement accounts account presumed abandoned.

- (a) Subject to Section 15-210, property held in a pension account or retirement account that qualifies for tax deferral or tax exemption under the income-tax laws of the United States is presumed abandoned if it is unclaimed by the apparent owner after the later of:
  - (1) 3 years after the following dates:
  - (A) except as in subparagraph (B), the date a communication sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States Postal Service; or
  - (B) if such communication is re-sent within 30 days after the date the first communication is returned undelivered, the date the second communication was returned undelivered by the United States Postal Service; or
  - (2) the earlier of the following dates:
  - (A) 3 years after the date the apparent owner becomes  $\underline{72}$   $\underline{70.5}$  years of age, if determinable by the holder; or
  - (B) one year after the date of mandatory distribution following death if the Internal Revenue Code requires distribution to avoid a tax penalty and the holder:
    - (i) receives confirmation of the death of the apparent owner in the ordinary course of its business; or
      - (ii) confirms the death of the apparent owner under subsection (b).

- (b) If a holder in the ordinary course of its business receives notice or an indication of the death of an apparent owner and subsection (a)(2) applies, the holder shall attempt not later than 90 days after receipt of the notice or indication to confirm whether the apparent owner is deceased.
- (c) If the holder does not send communications to the apparent owner of an account described in subsection (a) by first-class United States mail on at least an annual basis, the holder shall attempt to confirm the apparent owner's interest in the property by sending the apparent owner an electronic-mail communication not later than 2 years after the apparent owner's last indication of interest in the property. However, the holder promptly shall attempt to contact the apparent owner by first-class United States mail if:
  - (1) the holder does not have information needed to send the apparent owner an electronic mail communication or the holder believes that the apparent owner's electronic mail address in the holder's records is not valid:
    - (2) the holder receives notification that the electronic-mail communication was not received; or
  - (3) the apparent owner does not respond to the electronic-mail communication within 30 days after the communication was sent.
- (d) If first-class United States mail sent under subsection (c) is returned to the holder undelivered by the United States Postal Service, the property is presumed abandoned 3 years after the later of:
  - (1) except as in paragraph (2), the date a communication to contact the apparent owner sent by first-class United States mail is returned to the holder undelivered;
  - (2) if such communication is re-sent within 30 days after the date the first communication is returned undelivered, the date the second communication was returned undelivered; or
    - (3) the date established by subsection (a)(2).

(Source: P.A. 100-22, eff. 1-1-18.)

(765 ILCS 1026/15-210)

Sec. 15-210. Indication of apparent owner interest in property.

- (a) The period after which property is presumed abandoned is measured from the later of:
  - (1) the date the property is presumed abandoned under this Article; or
  - (2) the latest indication of interest by the apparent owner in the property.
- (b) Under this Act, an indication of an apparent owner's interest in property includes:
- (1) a record communicated by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held;
- (2) an oral communication by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held, if the holder or its agent contemporaneously makes and preserves a record of the fact of the apparent owner's communication;
- (3) presentment of a check or other instrument of payment of a dividend, interest payment, or other distribution, or evidence of receipt of a distribution made by electronic or similar means, with respect to an account, underlying security, or interest in a business association;
- (4) activity directed by an apparent owner in the account in which the property is held, including accessing the account or information concerning the account, or a direction by the apparent owner to increase, decrease, or otherwise change the amount or type of property held in the account;
- (5) a deposit into or withdrawal from an account at a financial organization, except for a recurring Automated Clearing House (ACH) debit or credit previously authorized by the apparent owner or an automatic reinvestment of dividends or interest; and
  - (6) subject to subsection (e), payment of a premium on an insurance policy.
- (c) An action by an agent or other representative of an apparent owner, other than the holder acting as the apparent owner's agent, is presumed to be an action on behalf of the apparent owner.
- (d) A communication with an apparent owner by a person other than the holder or the holder's representative is not an indication of interest in the property by the apparent owner unless a record of the communication evidences the apparent owner's knowledge of a right to the property.
- (e) If the insured dies or the insured or beneficiary of an insurance policy otherwise becomes entitled to the proceeds before depletion of the cash surrender value of the policy by operation of an automatic-premium-loan provision or other nonforfeiture provision contained in the policy, the operation does not prevent the policy from maturing or terminating.
- (f) If the apparent owner has another property with the holder to which Section 201(6) applies, then activity directed by an apparent owner in any other accounts, including loan accounts, at a financial

organization holding an inactive account of the apparent owner shall be an indication of interest in all such accounts if:

- (A) the apparent owner engages in one or more of the following activities:
- (i) the apparent owner undertakes one or more of the actions described in subsection (b) of this Section regarding any of the other accounts the apparent owner has with the financial organization account that appears on a consolidated statement with the inactive account:
- (ii) the apparent owner increases or decreases the amount of funds in any other account the apparent owner has with the financial organization; or
- (iii) the apparent owner engages in any other relationship with the financial organization, including payment of any amounts due on a loan; and
- (B) the foregoing apply so long as the mailing address for the apparent owner in the financial organization's books and records is the same for both the inactive account and the active account.

(Source: P.A. 100-22, eff. 1-1-18.) (765 ILCS 1026/15-213)

Sec. 15-213. United States savings bonds.

- (a) As used in this Section, "United States savings bond" means property, tangible or intangible, in the form of a savings bond issued by the United States Treasury, whether in paper, electronic, or paperless form, along with all proceeds thereof in the possession of the administrator.
- (b) Notwithstanding any provision of this Act to the contrary, a United States savings bond subject to this Section or held or owing in this State by any person is presumed abandoned when such bond has remained unclaimed and unredeemed for 5 years after its date of final extended maturity.
- (c) United States savings bonds that are presumed abandoned and unclaimed under subsection (b) shall escheat to the State of Illinois and all property rights and legal title to and ownership of the United States savings bonds, or proceeds from the bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the State according to the procedure set forth in subsections (d) through (f).
- (d) Within 180 days after a United States savings bond has been presumed abandoned, in the absence of a claim having been filed with the administrator for the savings bond, the administrator shall commence a civil action in the Circuit Court of Sangamon County for a determination that the United States savings bonds has escheated to the State. The administrator may postpone the bringing of the action until sufficient United States savings bonds have accumulated in the administrator's custody to justify the expense of the proceedings.
- (e) The administrator shall make service by publication in the civil action in accordance with Sections 2-206 and 2-207 of the Code of Civil Procedure, which shall include the filing with the Circuit Court of Sangamon County of the affidavit required in Section 2-206 of that Code by an employee of the administrator with personal knowledge of the efforts made to contact the owners of United States savings bonds presumed abandoned under this Section. In addition to the diligent inquiries made pursuant to Section 2-206 of the Code of Civil Procedure, the administrator may also utilize additional discretionary means to attempt to provide notice to persons who may own a United States savings bond registered to a person with a last known address in the State of Illinois subject to a civil action pursuant to subsection (d).
- (f) The owner of a United States savings bond registered to a person with a last known address in the State of Illinois subject to a civil action pursuant to subsection (d) may file a claim for such United States savings bond with either the administrator or by filing a claim in the civil action in the Circuit Court of Sangamon County in which the savings bond registered to that person is at issue prior to the entry of a final judgment by the Circuit Court pursuant to this subsection, and unless the Circuit Court determines that such United States savings bond is not owned by the claimant, then such United States savings bond shall no longer be presumed abandoned. If no person files a claim or appears at the hearing to substantiate a disputed claim or if the court determines that a claimant is not entitled to the property claimed by the claimant, then the court, if satisfied by evidence that the administrator has substantially complied with the laws of this State, shall enter a judgment that the United States savings bonds have escheated to this State, and all property rights and legal title to and ownership of such United States savings bonds or proceeds from such bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest in this State.

- (g) The administrator shall redeem from the Bureau of the Fiscal Service of the United States Treasury the United States savings bonds escheated to the State and deposit the proceeds from the redemption of United States savings bonds into the Unclaimed Property Trust Fund.
- (h) Any person making a claim for the United States savings bonds escheated to the State under this subsection, or for the proceeds from such bonds, may file a claim with the administrator. Upon providing sufficient proof of the validity of such person's claim, the administrator may, in his or her sole discretion, pay such claim. If payment has been made to any claimant, no action thereafter may be maintained by any other claimant against the State or any officer thereof for or on account of such funds.

(Source: P.A. 100-22, eff. 1-1-18.)

(765 ILCS 1026/15-401)

Sec. 15-401. Report required by holder.

- (a) A holder of property presumed abandoned and subject to the custody of the administrator shall report in a record to the administrator concerning the property. A holder shall report via the internet in a format approved by the administrator, unless the administrator gives a holder specific permission to file a paper report.
  - (b) A holder may contract with a third party to make the report required under subsection (a).
  - (c) Whether or not a holder contracts with a third party under subsection (b), the holder is responsible:
  - (1) to the administrator for the complete, accurate, and timely reporting of property presumed abandoned; and
    - (2) for paying or delivering to the administrator property described in the report.
- (d) A business association who has no reportable property shall so report to the administrator on forms via the Internet in a format approved by the administrator if the business association has:
  - (1) annual sales of more than \$1,000,000;
  - (2) securities that are publicly traded;
  - (3) a net worth of more than \$10,000,000; or
  - (4) more than 100 employees.

The administrator may increase one or more of the thresholds for filing a negative report by administrative rule.

(Source: P.A. 100-22, eff. 1-1-18.)

(765 ILCS 1026/15-503)

Sec. 15-503. Notice by administrator.

- (a) The administrator shall give notice to an apparent owner that property presumed abandoned and appears to be owned by the apparent owner is held by the administrator under this Act.
  - (b) In providing notice under subsection (a), the administrator shall:
  - (1) except as otherwise provided in paragraph (2), send written notice by first-class United States mail to each apparent owner of property valued at \$100 or more held by the administrator, unless the administrator determines that a mailing by first-class United States mail would not be received by the apparent owner, and, in the case of a security held in an account for which the apparent owner had consented to receiving electronic mail from the holder, send notice by electronic mail if the electronic-mail address of the apparent owner is known to the administrator instead of by first-class United States mail; or
  - (2) send the notice to the apparent owner's electronic-mail address if the administrator does not have a valid United States mail address for an apparent owner, but has an electronic-mail address that the administrator does not know to be invalid.
  - (c) In addition to the notice under subsection (b), the administrator shall:
  - (1) publish every 6 months in at least one English language newspaper of general circulation in each county in this State notice of property held by the administrator which must include:
    - (A) the total value of property received by the administrator during the preceding 6-month period, taken from the reports under Section 15-401;
    - (B) the total value of claims paid by the administrator during the preceding 6-month period;
    - (C) the Internet web address of the unclaimed property website maintained by the administrator;
    - (D) an a telephone number and electronic-mail address to contact the administrator to inquire about or claim property; and

- (E) a statement that a person may access the Internet by a computer to search for unclaimed property and a computer may be available as a service to the public at a local public library.
- (2) The administrator shall maintain a website accessible by the public and electronically searchable which contains the names reported to the administrator of apparent owners for whom property is being held by the administrator. The administrator need not list property on such website when: no owner name was reported, a claim has been initiated or is pending for the property, the administrator has made direct contact with the apparent owner of the property, and in other instances where the administrator reasonably believes exclusion of the property is in the best interests of both the State and the owner of the property.
- (d) The website or database maintained under subsection (c)(2) must include instructions for filing with the administrator a claim to property and an online claim form with instructions. The website may also provide a printable claim form with instructions for its use.
  - (e) Tax return identification of apparent owners of abandoned property.
  - (1) At least annually the administrator shall notify the Department of Revenue of the names of persons appearing to be owners of abandoned property under this Section. The administrator shall also provide to the Department of Revenue the social security numbers of the persons, if available.
  - (2) The Department of Revenue shall notify the administrator if any person under subsection (e)(1) has filed an Illinois income tax return and shall provide the administrator with the last known address of the person as it appears in Department of Revenue records, except as prohibited by federal law. The Department of Revenue may also provide additional addresses for the same taxpayer from the records of the Department, except as prohibited by federal law.
  - (3) In order to facilitate the return of property under this subsection, the administrator and the Department of Revenue may enter into an interagency agreement concerning protection of confidential information, data match rules, and other issues.
  - (4) The administrator may deliver, as provided under Section 15-904 of this Act, property or pay the amount owing to a person matched under this Section without the person filing a claim under Section 15-903 of this Act if the following conditions are met:
    - (A) the value of the property that is owed the person is \$2,000 or less;
    - (B) the property is not either tangible property or securities;
    - (C) the last known address for the person according to the Department of Revenue records is less than 12 months old; and
    - (D) the administrator has evidence sufficient to establish that the person who appears in Department of Revenue records is the owner of the property and the owner currently resides at the last known address from the Department of Revenue.
  - (5) If the value of the property that is owed the person is greater than \$2,000, or is tangible property or securities the administrator shall provide notice to the person, informing the person that he or she is the owner of abandoned property held by the State and may file a claim with the administrator for return of the property.
  - (6) The administrator does not need to notify the Department of Revenue of the names or social security numbers of apparent owners of abandoned property if the administrator reasonably believes that the Department of Revenue will be unable to provide information that would provide sufficient evidence to establish that the person in the Department of Revenue's records is the apparent owner of unclaimed property in the custody of the administrator.
- (f) The administrator may use additional databases to verify the identity of the person and that the person currently resides at the last known address. The administrator may utilize publicly and commercially available databases to find and update or add information for apparent owners of property held by the administrator.
- (g) In addition to giving notice under subsection (b), publishing the information under subsection (c)(1) and maintaining the website or database under subsection (c)(2), the administrator may use other printed publication, telecommunication, the Internet, or other media to inform the public of the existence of unclaimed property held by the administrator.
  - (h) Identification of apparent owners of abandoned property using other State databases.
- (1) The administrator may enter into interagency agreements with the Secretary of State and the Illinois State Board of Elections to identify persons appearing to be owners of abandoned property with databases under the control of the Secretary of State and the Illinois State Board of Elections. Such

interagency agreements shall include protection of confidential information, data match rules, and other necessary and proper issues.

- (2) Except as prohibited by federal law, after January 1, 2022 the administrator may provide the Secretary of State with names and other identifying information of persons appearing to be owners of abandoned property. The Secretary of State may provide the administrator with the last known address as it appears in its respective records of any person reasonably believed to be the apparent owner of abandoned property.
- (3) The Illinois State Board of Elections shall, upon request, annually provide the administrator with electronic data or compilations of voter registration information. The administrator may use such electronic data or compilations of voter registration information to identify persons appearing to be owners of abandoned property.
- (4) The administrator may deliver, as provided under Section 15-904, property or pay the amount owing to a person matched under this Section without the person filing a claim under Section 15-903 if:
  - (i) the value of the property that is owed the person is \$2,000 or less;
    - (ii) the property is not either tangible property or securities;
  - (iii) the last known address for the person according to the records of the Secretary of State or Illinois State Board of Elections is less than 12 months old; and
  - (iv) the administrator has evidence sufficient to establish that the person who appears in the records of the Secretary of State or Illinois State Board of Elections is the owner of the property and the owner currently resides at the last known address from the Secretary of State or the Illinois State Board of Elections.

(Source: P.A. 100-22, eff. 1-1-18; 100-566, eff. 1-1-18.)

(765 ILCS 1026/15-603)

- Sec. 15-603. Payment or delivery of property to administrator.
- (a) Except as otherwise provided in this Section, on filing a report under Section 15-401, the holder shall pay or deliver to the administrator the property described in the report.
- (b) If property in a report under Section 15-401 is an automatically renewable <u>time</u> deposit and <u>the</u> holder determines that a penalty or forfeiture in the payment of interest would result from paying the deposit to the administrator at the time of the report, the date for reporting and delivering <del>payment of</del> the property to the administrator is extended until a penalty or forfeiture no longer would result from delivery of the property to the administrator. The holder shall report and deliver the property on the next regular date prescribed for reporting by the holder under this Act after this extended date, and the holder shall indicate in its report to the administrator that the property is being reported on an extended date pursuant to this subsection (b) <del>payment, if the holder informs the administrator of the extended date</del>.
- (c) Tangible property in a safe-deposit box may not be delivered to the administrator until a mutually agreed upon date that is no sooner than 60 days after filing the report under Section 15-401.
  - (d) If property reported to the administrator under Section 15-401 is a security, the administrator may:
  - (1) make an endorsement, instruction, or entitlement order on behalf of the apparent owner to invoke the duty of the issuer, its transfer agent, or the securities intermediary to transfer the security; or
    - (2) dispose of the security under Section 15-702.
- (e) If the holder of property reported to the administrator under Section 15-401 is the issuer of a certificated security, the administrator may obtain a replacement certificate in physical or book-entry form under Section 8-405 of the Uniform Commercial Code. An indemnity bond is not required.
- (f) The administrator shall establish procedures for the registration, issuance, method of delivery, transfer, and maintenance of securities delivered to the administrator by a holder.
- (g) An issuer, holder, and transfer agent or other person acting in good faith under this Section under instructions of and on behalf of the issuer or holder is not liable to the apparent owner for a claim arising with respect to property after the property has been delivered to the administrator.
- (h) A holder is not required to deliver to the administrator a security identified by the holder as a non-freely transferable security in a report filed under Section 15-401. If the administrator or holder determines that a security is no longer a non-freely transferable security, the holder shall report and deliver the security on the next regular date prescribed for delivery of securities by the holder under this Act. The holder shall make a determination annually whether a security identified in a report filed under Section 15-401 as a non-freely transferable security is no longer a non-freely transferable security.

(i) If property reported to the administrator is virtual currency, the holder shall liquidate the virtual currency and remit the proceeds to the administrator. The liquidation shall occur anytime within 30 days prior to the filing of the report under Section 15-401. The owner shall not have recourse against the holder or the administrator to recover any gain in value that occurs after the liquidation of the virtual currency under this subsection.

(Source: P.A. 100-22, eff. 1-1-18.) (765 ILCS 1026/15-607)

Sec. 15-607. Crediting income or gain to owner's account.

- (a) If property other than money is delivered to the administrator, the owner is entitled to receive from the administrator income or gain realized or accrued on the property before the property is sold.
- (b) <u>Before August 22, 2017 Except as provided in subsection (e)</u>, interest on money is not payable to an owner for periods where the property is in the possession of the administrator.
- (c) Beginning on August 22, 2017, If an interest bearing demand, savings, or time deposit is paid or delivered to the administrator on or after July 1, 2018, then the administrator shall pay interest to the owner of property in the form of money at the greater lesser of: (i) 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 (CPI-U); or (ii) the actual rate of return the State Treasurer earned on the Unclaimed Property Trust Fund property earned while in the possession of the holder and reported to the administrator. Interest begins to accrue when the property in the form of money is delivered to the administrator or when the administrator converts property to money pursuant to Article 7 and ends on the earlier of the expiration of 10 years after the property begins to accrue interest its delivery or the date on which payment is made to the owner. The administrator may establish by administrative rule more detailed methodologies for calculating the amount of interest to be paid to an owner under this Section using CPI-U or the rate the property earned while in the possession of the holder.
- (d) When paying interest to an owner pursuant to subsection (c), the administrator shall charge a one-time administrative fee of \$5, deductible only from interest.

(Source: P.A. 100-22, eff. 1-1-18; 100-566, eff. 1-1-18.)

(765 ILCS 1026/15-905)

Sec. 15-905. Allowance of claim for property.

- (a) The administrator shall pay or deliver to the owner the property or pay to the owner the net proceeds of a sale of the property, together with income or gain to which the owner is entitled under Section 15-607. On request of the owner, the administrator may sell or liquidate property and pay the net proceeds to the owner, even if the property had been held by the administrator for less than 3 years or the administrator has not complied with the notice requirements under Section 15-503.
- (b) Property held under this Act by the administrator is subject to offset under Section 10.05 of the State Comptroller Act.
- (c) Any warrants issued by the Comptroller pursuant to a voucher from the administrator to pay an owner under this Act that are not presented to the Treasurer within 12 months of the date of issuance shall be void pursuant to Section 10.07 of the State Comptroller Act, but the funds shall not escheat to the State and shall instead be redeposited in the Unclaimed Property Trust Fund.
- (d) The administrator shall be responsible for any tax reporting required by federal law related to payments made pursuant to this Act. The administrator may contract with a vendor to assist with the tax reporting duties required by this subsection.

(Source: P.A. 100-22, eff. 1-1-18.)

(765 ILCS 1026/15-906)

Sec. 15-906. Action by person whose claim is denied. Not later than one year after filing a claim under subsection (a) of Section 15-903, the claimant may commence a contested case pursuant to the Illinois Administrative Procedure Act to establish a claim by the preponderance of the evidence after either receiving notice under subsection (b) of Section 15-904 15-903 or the claim is deemed denied under subsection (b) (d) of Section 15-904 15-903.

(Source: P.A. 100-22, eff. 1-1-18.)

(765 ILCS 1026/15-1002.1)

Sec. 15-1002.1. Examination of State-regulated financial organizations.

(a) Notwithstanding Section 15-1002 of this Act, for any financial organization for which the Department of Financial and Professional Regulation is the primary prudential regulator, the administrator shall not examine such financial institution unless the administrator has consulted with the Secretary of

Financial and Professional Regulation and the Department of Financial and Professional Regulation has not examined such financial organization for compliance with this Act within the past 5 years. The Secretary of Financial and Professional Regulation may waive in writing the provisions of this subsection (a) in order to permit the administrator to examine a financial organization or group of financial organizations for compliance with this Act.

- (b) Nothing in this Section shall be construed to prohibit the administrator from examining a financial organization for which the Department of Financial and Professional Regulation is not the primary prudential regulator. Further, nothing in this Act shall be construed to limit the authority of the Department of Financial and Professional Regulation to examine financial organizations.
- (c) Notwithstanding Section 15-1002, the administrator may, at reasonable times and upon reasonable notice:
  - (1) examine the records of a financial organization that is a federally chartered bank, savings bank, or credit union if the administrator has reason to believe that the financial organization has failed to comply with this Act;
  - (2) issue an administrative subpoena requiring the financial organization or an agent of the financial organization to make records available for examination; and
    - (3) bring an action seeking judicial enforcement of the subpoena.

The administrator may adopt administrative rules that specify conditions under which the administrator has a reason to believe that a financial organization is not in compliance with this Act.

(Source: P.A. 100-22, eff. 1-1-18; 100-566, eff. 1-1-18; 101-81, eff. 7-12-19.)

(765 ILCS 1026/15-1004)

- Sec. 15-1004. Records obtained in examination. Records obtained and records, including work papers, compiled by the administrator or administrator's agent in the course of conducting an examination under Section 15-1002 or Section 15-1002.1:
  - (1) are subject to the confidentiality and security provisions of Article 14 and are exempt from disclosure under the Freedom of Information Act;
  - (2) may be used by the administrator in an action to collect property or otherwise enforce this Act;
  - (3) may be used in a joint examination conducted with another state, the United States, a foreign country or subordinate unit of a foreign country, or any other governmental entity if the governmental entity conducting the examination is legally bound to maintain the confidentiality and security of information obtained from a person subject to examination in a manner substantially equivalent to Article 14;
  - (4) may be disclosed, on request, to the person that administers the unclaimed property law of another state for that state's use in circumstances equivalent to circumstances described in this Article, if the other state is required to maintain the confidentiality and security of information obtained in a manner substantially equivalent to Article 14;
  - (5) must be produced by the administrator under an administrative or judicial subpoena or administrative or court order; and
  - (6) must be produced by the administrator on request of the person subject to the examination in an administrative or judicial proceeding relating to the property.

(Source: P.A. 100-22, eff. 1-1-18.)

(765 ILCS 1026/15-1401)

Sec. 15-1401. Confidential information.

- (a) Except as otherwise provided in this Section, information that is confidential under law of this State other than this Act, another state, or the United States, including "private information" as defined in the Freedom of Information Act and "personal information" as defined in the Personal Information Protection Act, continues to be confidential when disclosed or delivered under this Act to the administrator or administrator's agent.
- (b) Information provided in reports filed pursuant to Section 15-401, information obtained in the course of an examination pursuant to Section 15-1002 or Section 15-1002.1, and the database required by Section 15-503 is exempt from disclosure under the Freedom of Information Act.
- (c) If reasonably necessary to enforce or implement this Act, the administrator or the administrator's agent may disclose confidential information concerning property held by the administrator or the administrator's agent to:

- (1) an apparent owner or the apparent owner's representative under the Probate Act of 1975, attorney, other legal representative, or relative;
- (2) the representative under the Probate Act of 1975, other legal representative, relative of a deceased apparent owner, or a person entitled to inherit from the deceased apparent owner;
  - (3) another department or agency of this State or the United States;
- (4) the person that administers the unclaimed property law of another state, if the other state accords substantially reciprocal privileges to the administrator of this State if the other state is required to maintain the confidentiality and security of information obtained in a manner substantially equivalent to Article 14;
  - (5) a person subject to an examination as required by Section 15-1004; and
  - (6) an agent of the administrator.
- (d) The administrator may include on the website or in the database the names and addresses of apparent owners of property held by the administrator as provided in Section 15-503. The administrator may include in published notices, printed publications, telecommunications, the Internet, or other media and on the website or in the database additional information concerning the apparent owner's property if the administrator believes the information will assist in identifying and returning property to the owner and does not disclose personal information as defined in the Personal Information Protection Act.
- (e) The administrator and the administrator's agent may not use confidential information provided to them or in their possession except as expressly authorized by this Act or required by law other than this Act. (Source: P.A. 100-22, eff. 1-1-18; 100-566, eff. 1-1-18.)

(765 ILCS 1026/15-1402)

Sec. 15-1402. Confidentiality agreement. A person to be examined under Section 15-1002 or Section 15-1002.1 may require, as a condition of disclosure of the records of the person to be examined, that the administrator or the administrator's agent execute and deliver to the person to be examined a confidentiality agreement that:

- (1) is in a form that is reasonably satisfactory to the administrator; and
- (2) requires the person having access to the records to comply with the provisions of this Article applicable to the person.

(Source: P.A. 100-22, eff. 1-1-18.)

(15 ILCS 505/0.04 rep.) (15 ILCS 505/0.05 rep.)

Section 15. The State Treasurer Act is amended by repealing Sections 0.04 and 0.05.

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

#### AMENDMENT NO. 4 TO SENATE BILL 338

AMENDMENT NO. 4. Amend Senate Bill 338, AS AMENDED, with reference to page and line numbers of House Amendment No. 3, on page 17, by replacing line 2 with "years after the later of maturity or the date of the last indication of interest in".

Under the rules, the foregoing **Senate Bill No. 338**, with House Amendments numbered 3 and 4, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 512

A bill for AN ACT concerning health.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 3 to SENATE BILL NO. 512

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

#### AMENDMENT NO. 3 TO SENATE BILL 512

AMENDMENT NO. 3 . Amend Senate Bill 512 on page 4, by deleting lines 2 through 12; and

on page 4, by replacing lines 14 through 23 with the following:

- "(a) The Department of Revenue may adopt rules that are reasonable, necessary, and related to the administration and enforcement of this Act.
- (b) The Department of Revenue, the Department of Public Health, a local public health department, the Department of Human Services, the Illinois State Police, a county sheriff, and a municipal police department may inspect any business that sells, manufactures, transports, or distributes electronic cigarettes in the State to ensure compliance with this Act."; and

on page 7, by replacing lines 3 and 4 with the following:

"September 9, 2020 shall not be deemed to be adulterated under subparagraph (C) of paragraph (4) of this subsection."; and

on page 7, immediately below line 7, by inserting the following:

"(c) Any violation of this Act shall be reported to the Department of Revenue within 7 business days."; and

on page 10, by replacing lines 12 through 17 with the following:

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

on page 11, line 25, after "tobacco product", by inserting ", alternative nicotine product, or electronic cigarette"; and

on page 17, by replacing lines 13 through 21 with the following:

"(g) Any peace officer or duly authorized member of the Illinois State Police, a county sheriff's department, a municipal police department, the Department of Revenue, the Department of Public Health, a local health department, or the Department of Human Services, 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, alternative nicotine products, or electronic cigarettes of the specific type involved in that violation that are located at that place of business. The tobacco products, alternative nicotine products, or electronic cigarettes so seized are subject to confiscation and forfeiture."; and

on page 19, immediately below line 10, by inserting the following:

"(j) After the Department of Revenue has seized any tobacco product, nicotine product, or electronic cigarette as provided in subsection (g) and a person having any property interest in the seized property has not been charged with an offense under this Section or a violation of the Preventing Youth Vaping Act, the Department of Revenue must hold a hearing and determine whether the seized tobacco products, alternative nicotine 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 product, alternative nicotine product, or electronic cigarette was of a type involved in that violation. The Department of Revenue shall give not less than 20 days' notice of the time and place of the hearing to the owner of the property, if the owner is known, and also to the person in whose possession the property was found if that person is known and if the person in possession is not the owner of the property. If neither the owner nor the person in possession of the property is known, the Department of Revenue must cause publication of the time and place of the hearing to be made at least once each week for 3 weeks successively in a newspaper of general circulation in the county where the hearing is to be held.

If, as the result of the hearing, the Department of Revenue determines that the tobacco products, alternative nicotine products, or the 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 at the time of seizure, the Department of Revenue must enter an order

declaring the tobacco product, alternative nicotine product, or electronic cigarette confiscated and forfeited to the State, to be held by the Department of Revenue for disposal by it as provided in Section 10-58 of the Tobacco Products Tax Act of 1995. The Department of Revenue must give notice of the order to the owner of the property, if the owner is known, and also to the person in whose possession the property was found if that person is known and if the person in possession is not the owner of the property. If neither the owner nor the person in possession of the property is known, the Department of Revenue must cause publication of the order to be made at least once each week for 3 weeks successively in a newspaper of general circulation in the county where the hearing was held."; and

on page 35, by deleting lines 2 and 3.

Under the rules, the foregoing **Senate Bill No. 512**, with House Amendment No. 3, was referred to the Secretary's Desk.

#### JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Motion to Concur in House Amendment No. 3 to Senate Bill 84 Motion to Concur in House Amendment No. 1 to Senate Bill 104 Motion to Concur in House Amendment No. 2 to Senate Bill 104 Motion to Concur in House Amendment No. 1 to Senate Bill 154 Motion to Concur in House Amendment No. 3 to Senate Bill 154 Motion to Concur in House Amendment No. 5 to Senate Bill 154 Motion to Concur in House Amendment No. 1 to Senate Bill 154 Motion to Concur in House Amendment No. 1 to Senate Bill 294 Motion to Concur in House Amendment No. 1 to Senate Bill 593 Motion to Concur in House Amendment No. 2 to Senate Bill 1360 Motion to Concur in House Amendment No. 1 to Senate Bill 1574 Motion to Concur in House Amendment No. 1 to Senate Bill 1974 Motion to Concur in House Amendment No. 1 to Senate Bill 2249 Motion to Concur in House Amendment No. 1 to Senate Bill 2323

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

On motion of Senator Koehler, **House Bill No. 1879** having been printed, was taken up and 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 HOUSE BILL 1879**

AMENDMENT NO.  $\underline{1}$  . Amend House Bill 1879 by replacing everything after the enacting clause with the following:

"Section 5. The State Designations Act is amended by adding Section 105 as follows: (5 ILCS 460/105 new)

Sec. 105. State microbe. Penicillium rubens NRRL 1951 is designated the official State microbe of the State of Illinois.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Belt, **House Bill No. 2776** having been printed, was taken up and read by title a second time.

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

# AMENDMENT NO. 1 TO HOUSE BILL 2776

AMENDMENT NO. <u>1</u>. Amend House Bill 2776 by replacing everything after the enacting clause with the following:

"Section 5. The Civil Administrative Code of Illinois is amended by changing Section 5-715 as follows:

(20 ILCS 5/5-715)

Sec. 5-715. Expedited licensure for service members and spouses.

- (a) In this Section, "service member" means any person who, at the time of application under this Section, is an active duty member of the United States Armed Forces or any reserve component of the United States Armed Forces, the Coast Guard, or the National Guard of any state, commonwealth, or territory of the United States or the District of Columbia or whose active duty service concluded within the preceding 2 years before application.
- (a-5) The Department of Financial and Professional Regulation shall within 180 days after January 1, 2020 (the effective date of Public Act 101-240) the effective date of this amendatory Act of the 101st General Assembly designate one staff member as the military liaison within the Department of Financial and Professional Regulation to ensure proper enactment of the requirements of this Section. The military liaison's responsibilities shall also include, but are not limited to: (1) the management of all expedited applications to ensure processing within 30 60 days after receipt of a completed application; (2) coordination with all military installation military and family support center directors within this State, including virtual, phone, or in-person periodic meetings with each military installation military and family support center; and (3) training by the military liaison to all directors of each division that issues an occupational or professional license to ensure proper application of this Section. At Beginning in 2020, and at the end of each calendar year thereafter, the military liaison shall provide an annual report documenting the expedited licensure program for service members and spouses, and shall deliver that report to the Secretary of Financial and Professional Regulation and the Lieutenant Governor.
- (b) Each director of a department that issues an occupational or professional license is authorized to and shall issue an expedited license to a service member who meets the requirements under this Section. Review and determination of an application for a license issued by the department shall be expedited by the department within 30 60 days after the date on which the applicant provides the department receives with all necessary documentation required for licensure, including any required information from State and federal agencies. An expedited license shall be issued by the department to any service members meeting the application requirements of this Section, regardless of whether the service member currently resides in this State. The service member shall apply to the department on forms provided by the department. An application must include proof that:
  - (1) the applicant is a service member;
  - (2) the applicant holds a valid license in good standing for the occupation or profession issued by another state, commonwealth, possession, or territory of the United States, the District of Columbia, or any foreign jurisdiction and the requirements for licensure in the other jurisdiction are determined by the department to be substantially equivalent to the standards for licensure of this State;
  - (2.5) the applicant meets the requirements and standards for licensure through endorsement or reciprocity for the occupation or profession for which the applicant is applying;
  - (3) the applicant is assigned to a duty station in this State, has established legal residence in this State, or will reside in this State within 6 months after the date of application for licensure;
  - (4) a complete set of the applicant's fingerprints has been submitted to the Department of State Police for statewide and national criminal history checks, if applicable to the requirements of the department issuing the license; the applicant shall pay the fee to the Department of State Police or to the fingerprint vendor for electronic fingerprint processing; no temporary occupational or professional license shall be issued to an applicant if the statewide or national criminal history check discloses information that would cause the denial of an application for licensure under any applicable occupational or professional licensing Act;
  - (5) the applicant is not ineligible for licensure pursuant to Section 2105-165 of the Civil Administrative Code of Illinois;

- (6) the applicant has submitted an application for full licensure; and
- (7) the applicant has paid the required fee; fees shall not be refundable.
- (c) Each director of a department that issues an occupational or professional license is authorized to and shall issue an expedited license to the spouse of a service member who meets the requirements under this Section. Review and determination of an application for a license shall be expedited by the department within 30 60 days after the date on which the applicant provides the department receives with all necessary documentation required for licensure, including information from State and federal agencies. An expedited license shall be issued by the department to any spouse of a service member meeting the application requirements of this Section, regardless of whether the spouse or the service member currently reside in this State. The spouse of a service member shall apply to the department on forms provided by the department. An application must include proof that:
  - (1) the applicant is the spouse of a service member;
  - (2) the applicant holds a valid license in good standing for the occupation or profession issued by another state, commonwealth, possession, or territory of the United States, the District of Columbia, or any foreign jurisdiction and the requirements for licensure in the other jurisdiction are determined by the department to be substantially equivalent to the standards for licensure of this State;
  - (2.5) the applicant meets the requirements and standards for licensure through endorsement or reciprocity for the occupation or profession for which the applicant is applying;
  - (3) the applicant's spouse is assigned to a duty station in this State, has established legal residence in this State, or will reside in this State within 6 months after the date of application for licensure;
  - (4) a complete set of the applicant's fingerprints has been submitted to the Department of State Police for statewide and national criminal history checks, if applicable to the requirements of the department issuing the license; the applicant shall pay the fee to the Department of State Police or to the fingerprint vendor for electronic fingerprint processing; no temporary occupational or professional license shall be issued to an applicant if the statewide or national criminal history check discloses information that would cause the denial of an application for licensure under any applicable occupational or professional licensing Act;
  - (5) the applicant is not ineligible for licensure pursuant to Section 2105-165 of the Civil Administrative Code of Illinois;
    - (6) the applicant has submitted an application for full licensure; and
    - (7) the applicant has paid the required fee; fees shall not be refundable.
- (c-5) If a service member or his or her spouse relocates from this State, he or she shall be provided an opportunity to place his or her license in inactive status through coordination with the military liaison. If the service member or his or her spouse returns to this State, he or she may reactivate the license in accordance with the statutory provisions regulating the profession and any applicable administrative rules. The license reactivation shall be expedited and completed within 30 days after receipt of a completed application to reactivate the license. A license reactivation is only applicable when the valid license for which the first issuance of a license was predicated is still valid and in good standing. An application to reactivate a license must include proof that the applicant still holds a valid license in good standing for the occupation or profession issued in another State, commonwealth, possession, or territory of the United States, the District of Columbia, or any foreign jurisdiction.
- (d) All relevant experience of a service member or his or her spouse in the discharge of official duties, including full-time and part-time experience, shall be credited in the calculation of any years of practice in an occupation or profession as may be required under any applicable occupational or professional licensing Act. All relevant training provided by the military and completed by a service member shall be credited to that service member as meeting any training or education requirement under any applicable occupational or professional licensing Act, provided that the training or education is determined by the department to meet the requirements be substantially equivalent to that required under any applicable Act and is not otherwise contrary to any other licensure requirement.
- (e) A department may adopt any rules necessary for the implementation and administration of this Section and shall by rule provide for fees for the administration of this Section. (Source: P.A. 101-240, eff. 1-1-20.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Holmes, **House Bill No. 3662** was taken up, read by title a second time and ordered to a third reading.

## MOTION

Senator Harris moved that pursuant to Senate Rule 4-1(e), Senators Ellman and Connor be allowed to remotely participate and vote in today's session.

The motion prevailed.

## READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Villa, **House Bill No. 1739** having been printed, was taken up and read by title a second time.

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

# **AMENDMENT NO. 1 TO HOUSE BILL 1739**

AMENDMENT NO.  $\underline{1}$ . Amend House Bill 1739 by replacing everything after the enacting clause with the following:

"Section 3. The Sexual Assault Survivors Emergency Treatment Act is amended by changing Sections 5 and 5-1 as follows:

- (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)
- Sec. 5. Minimum requirements for medical forensic services provided to sexual assault survivors by hospitals and approved pediatric health care facilities.
- (a) Every hospital and approved pediatric health care facility providing medical forensic services to sexual assault survivors under this Act shall, as minimum requirements for such services, provide, with the consent of the sexual assault survivor, and as ordered by the attending physician, an advanced practice registered nurse, or a physician assistant, the services set forth in subsection (a-5).

Beginning January 1, 2022, a qualified medical provider must provide the services set forth in subsection (a-5).

- (a-5) A treatment hospital, a treatment hospital with approved pediatric transfer, or an approved pediatric health care facility shall provide the following services in accordance with subsection (a):
  - (1) Appropriate medical forensic services without delay, in a private, age-appropriate or developmentally-appropriate space, required to ensure the health, safety, and welfare of a sexual assault survivor and which may be used as evidence in a criminal proceeding against a person accused of the sexual assault, in a proceeding under the Juvenile Court Act of 1987, or in an investigation under the Abused and Neglected Child Reporting Act.

Records of medical forensic services, including results of examinations and tests, the Illinois State Police Medical Forensic Documentation Forms, the Illinois State Police Patient Discharge Materials, and the Illinois State Police Patient Consent: Collect and Test Evidence or Collect and Hold Evidence Form, shall be maintained by the hospital or approved pediatric health care facility as part of the patient's electronic medical record.

Records of medical forensic services of sexual assault survivors under the age of 18 shall be retained by the hospital for a period of 60 years after the sexual assault survivor reaches the age of 18. Records of medical forensic services of sexual assault survivors 18 years of age or older shall be retained by the hospital for a period of 20 years after the date the record was created.

Records of medical forensic services may only be disseminated in accordance with Section 6.5 of this Act and other State and federal law.

- (1.5) An offer to complete the Illinois Sexual Assault Evidence Collection Kit for any sexual assault survivor who presents within a minimum of the last 7 days of the assault or who has disclosed past sexual assault by a specific individual and was in the care of that individual within a minimum of the last 7 days.
  - (A) Appropriate oral and written information concerning evidence-based guidelines for the appropriateness of evidence collection depending on the sexual development of the sexual

assault survivor, the type of sexual assault, and the timing of the sexual assault shall be provided to the sexual assault survivor. Evidence collection is encouraged for prepubescent sexual assault survivors who present to a hospital or approved pediatric health care facility with a complaint of sexual assault within a minimum of 96 hours after the sexual assault.

Before January 1, 2022, the information required under this subparagraph shall be provided in person by the health care professional providing medical forensic services directly to the sexual assault survivor.

On and after January 1, 2022, the information required under this subparagraph shall be provided in person by the qualified medical provider providing medical forensic services directly to the sexual assault survivor.

The written information provided shall be the information created in accordance with Section 10 of this Act.

- (B) Following the discussion regarding the evidence-based guidelines for evidence collection in accordance with subparagraph (A), evidence collection must be completed at the sexual assault survivor's request. A sexual assault nurse examiner conducting an examination using the Illinois State Police Sexual Assault Evidence Collection Kit may do so without the presence or participation of a physician.
- (2) Appropriate oral and written information concerning the possibility of infection, sexually transmitted infection, including an evaluation of the sexual assault survivor's risk of contracting human immunodeficiency virus (HIV) from sexual assault, and pregnancy resulting from sexual assault.
- (3) Appropriate oral and written information concerning accepted medical procedures, laboratory tests, medication, and possible contraindications of such medication available for the prevention or treatment of infection or disease resulting from sexual assault.
- (3.5) After a medical evidentiary or physical examination, access to a shower at no cost, unless showering facilities are unavailable.
- (4) An amount of medication, including HIV prophylaxis, for treatment at the hospital or approved pediatric health care facility and after discharge as is deemed appropriate by the attending physician, an advanced practice registered nurse, or a physician assistant in accordance with the Centers for Disease Control and Prevention guidelines and consistent with the hospital's or approved pediatric health care facility's current approved protocol for sexual assault survivors.
- (5) Photo documentation of the sexual assault survivor's injuries, anatomy involved in the assault, or other visible evidence on the sexual assault survivor's body to supplement the medical forensic history and written documentation of physical findings and evidence beginning July 1, 2019. Photo documentation does not replace written documentation of the injury.
- (6) Written and oral instructions indicating the need for follow-up examinations and laboratory tests after the sexual assault to determine the presence or absence of sexually transmitted infection.
- (7) Referral by hospital or approved pediatric health care facility personnel for appropriate counseling.
- (8) Medical advocacy services provided by a rape crisis counselor whose communications are protected under Section 8-802.1 of the Code of Civil Procedure, if there is a memorandum of understanding between the hospital or approved pediatric health care facility and a rape crisis center. With the consent of the sexual assault survivor, a rape crisis counselor shall remain in the exam room during the medical forensic examination.
- (9) Written information regarding services provided by a Children's Advocacy Center and rape crisis center, if applicable.
- (10) A treatment hospital, a treatment hospital with approved pediatric transfer, an out-of-state hospital as defined in Section 5.4, or an approved pediatric health care facility shall comply with the rules relating to the collection and tracking of sexual assault evidence adopted by the Department of State Police under Section 50 of the Sexual Assault Evidence Submission Act.
- (11) Written information regarding the Illinois State Police sexual assault evidence tracking system.
- (a-7) By January 1, 2022, every hospital with a treatment plan approved by the Department shall employ or contract with a qualified medical provider to initiate medical forensic services to a sexual assault survivor within 90 minutes of the patient presenting to the treatment hospital or treatment hospital with

approved pediatric transfer. The provision of medical forensic services by a qualified medical provider shall not delay the provision of life-saving medical care.

- (b) Any person who is a sexual assault survivor who seeks medical forensic services or follow-up healthcare under this Act shall be provided such services without the consent of any parent, guardian, custodian, surrogate, or agent. If a sexual assault survivor is unable to consent to medical forensic services, the services may be provided under the Consent by Minors to Medical Procedures Act, the Health Care Surrogate Act, or other applicable State and federal laws.
- (b-5) Every hospital or approved pediatric health care facility providing medical forensic services to sexual assault survivors shall issue a voucher to any sexual assault survivor who is eligible to receive one in accordance with Section 5.2 of this Act. The hospital shall make a copy of the voucher and place it in the medical record of the sexual assault survivor. The hospital shall provide a copy of the voucher to the sexual assault survivor after discharge upon request.
- (c) Nothing in this Section creates a physician-patient relationship that extends beyond discharge from the hospital or approved pediatric health care facility.
- (d) This Section is effective on and after July 1, 2021. (Source: P.A. 100-513, eff. 1-1-18; 100-775, eff. 1-1-19; 100-1087, eff. 1-1-19; 101-81, eff. 7-12-19; 101-377, eff. 8-16-19; 101-634, eff. 6-5-20.)

(410 ILCS 70/5-1)

(Section scheduled to be repealed on June 30, 2021)

- Sec. 5-1. Minimum requirements for medical forensic services provided to sexual assault survivors by hospitals, approved pediatric health care facilities, and approved federally qualified health centers.
- (a) Every hospital, approved pediatric health care facility, and approved federally qualified health center providing medical forensic services to sexual assault survivors under this Act shall, as minimum requirements for such services, provide, with the consent of the sexual assault survivor, and as ordered by the attending physician, an advanced practice registered nurse, or a physician assistant, the services set forth in subsection (a-5).

Beginning January 1, 2022, a qualified medical provider must provide the services set forth in subsection (a-5).

- (a-5) A treatment hospital, a treatment hospital with approved pediatric transfer, or an approved pediatric health care facility, or an approved federally qualified health center shall provide the following services in accordance with subsection (a):
  - (1) Appropriate medical forensic services without delay, in a private, age-appropriate or developmentally-appropriate space, required to ensure the health, safety, and welfare of a sexual assault survivor and which may be used as evidence in a criminal proceeding against a person accused of the sexual assault, in a proceeding under the Juvenile Court Act of 1987, or in an investigation under the Abused and Neglected Child Reporting Act.

Records of medical forensic services, including results of examinations and tests, the Illinois State Police Medical Forensic Documentation Forms, the Illinois State Police Patient Discharge Materials, and the Illinois State Police Patient Consent: Collect and Test Evidence or Collect and Hold Evidence Form, shall be maintained by the hospital or approved pediatric health care facility as part of the patient's electronic medical record.

Records of medical forensic services of sexual assault survivors under the age of 18 shall be retained by the hospital for a period of 60 years after the sexual assault survivor reaches the age of 18. Records of medical forensic services of sexual assault survivors 18 years of age or older shall be retained by the hospital for a period of 20 years after the date the record was created.

Records of medical forensic services may only be disseminated in accordance with Section 6.5-1 of this Act and other State and federal law.

- (1.5) An offer to complete the Illinois Sexual Assault Evidence Collection Kit for any sexual assault survivor who presents within a minimum of the last 7 days of the assault or who has disclosed past sexual assault by a specific individual and was in the care of that individual within a minimum of the last 7 days.
  - (A) Appropriate oral and written information concerning evidence-based guidelines for the appropriateness of evidence collection depending on the sexual development of the sexual assault survivor, the type of sexual assault, and the timing of the sexual assault shall be provided to the sexual assault survivor. Evidence collection is encouraged for prepubescent

sexual assault survivors who present to a hospital or approved pediatric health care facility with a complaint of sexual assault within a minimum of 96 hours after the sexual assault.

Before January 1, 2022, the information required under this subparagraph shall be provided in person by the health care professional providing medical forensic services directly to the sexual assault survivor.

On and after January 1, 2022, the information required under this subparagraph shall be provided in person by the qualified medical provider providing medical forensic services directly to the sexual assault survivor.

The written information provided shall be the information created in accordance with Section 10-1 of this Act.

- (B) Following the discussion regarding the evidence-based guidelines for evidence collection in accordance with subparagraph (A), evidence collection must be completed at the sexual assault survivor's request. A sexual assault nurse examiner conducting an examination using the Illinois State Police Sexual Assault Evidence Collection Kit may do so without the presence or participation of a physician.
- (2) Appropriate oral and written information concerning the possibility of infection, sexually transmitted infection, including an evaluation of the sexual assault survivor's risk of contracting human immunodeficiency virus (HIV) from sexual assault, and pregnancy resulting from sexual assault.
- (3) Appropriate oral and written information concerning accepted medical procedures, laboratory tests, medication, and possible contraindications of such medication available for the prevention or treatment of infection or disease resulting from sexual assault.
- (3.5) After a medical evidentiary or physical examination, access to a shower at no cost, unless showering facilities are unavailable.
- (4) An amount of medication, including HIV prophylaxis, for treatment at the hospital or approved pediatric health care facility and after discharge as is deemed appropriate by the attending physician, an advanced practice registered nurse, or a physician assistant in accordance with the Centers for Disease Control and Prevention guidelines and consistent with the hospital's or approved pediatric health care facility's current approved protocol for sexual assault survivors.
- (5) Photo documentation of the sexual assault survivor's injuries, anatomy involved in the assault, or other visible evidence on the sexual assault survivor's body to supplement the medical forensic history and written documentation of physical findings and evidence beginning July 1, 2019. Photo documentation does not replace written documentation of the injury.
- (6) Written and oral instructions indicating the need for follow-up examinations and laboratory tests after the sexual assault to determine the presence or absence of sexually transmitted infection.
- (7) Referral by hospital or approved pediatric health care facility personnel for appropriate counseling.
- (8) Medical advocacy services provided by a rape crisis counselor whose communications are protected under Section 8-802.1 of the Code of Civil Procedure, if there is a memorandum of understanding between the hospital or approved pediatric health care facility and a rape crisis center. With the consent of the sexual assault survivor, a rape crisis counselor shall remain in the exam room during the medical forensic examination.
- (9) Written information regarding services provided by a Children's Advocacy Center and rape crisis center, if applicable.
- (10) A treatment hospital, a treatment hospital with approved pediatric transfer, an out-of-state hospital as defined in Section 5.4, or an approved pediatric health care facility shall comply with the rules relating to the collection and tracking of sexual assault evidence adopted by the Department of State Police under Section 50 of the Sexual Assault Evidence Submission Act.
- (11) Written information regarding the Illinois State Police sexual assault evidence tracking system.
- (a-7) By January 1, 2022, every hospital with a treatment plan approved by the Department shall employ or contract with a qualified medical provider to initiate medical forensic services to a sexual assault survivor within 90 minutes of the patient presenting to the treatment hospital or treatment hospital with approved pediatric transfer. The provision of medical forensic services by a qualified medical provider shall not delay the provision of life-saving medical care.

- (b) Any person who is a sexual assault survivor who seeks medical forensic services or follow-up healthcare under this Act shall be provided such services without the consent of any parent, guardian, custodian, surrogate, or agent. If a sexual assault survivor is unable to consent to medical forensic services, the services may be provided under the Consent by Minors to Medical Procedures Act, the Health Care Surrogate Act, or other applicable State and federal laws.
- (b-5) Every hospital, approved pediatric health care facility, or approved federally qualified health center providing medical forensic services to sexual assault survivors shall issue a voucher to any sexual assault survivor who is eligible to receive one in accordance with Section 5.2-1 of this Act. The hospital, approved pediatric health care facility, or approved federally qualified health center shall make a copy of the voucher and place it in the medical record of the sexual assault survivor. The hospital, approved pediatric health care facility, or approved federally qualified health center shall provide a copy of the voucher to the sexual assault survivor after discharge upon request.
- (c) Nothing in this Section creates a physician-patient relationship that extends beyond discharge from the hospital, or approved pediatric health care facility, or approved federally qualified health center.
- (d) This Section is repealed on June 30, 2021. (Source: P.A. 101-634, eff. 6-5-20.)

(Source: 1.71. 101 054, eff. 0 5 20.

Section 5. 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 <u>may</u> 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 10. The Sexual Assault Incident Procedure Act is amended by changing Sections 25 and 35 and by adding Section 11 as follows:

(725 ILCS 203/11 new)

Sec. 11. Victim notification. When evidence is collected from a sexual assault survivor, the health care provider or law enforcement officer who collects the evidence must notify a victim about the tracking system.

(725 ILCS 203/25)

Sec. 25. Report; victim notice.

- (a) At the time of first contact with the victim, law enforcement shall:
- (1) Advise the victim about the following by providing a form, the contents of which shall be prepared by the Office of the Attorney General and posted on its website, written in a language appropriate for the victim or in Braille, or communicating in appropriate sign language that includes, but is not limited to:
  - (A) information about seeking medical attention and preserving evidence, including specifically, collection of evidence during a medical forensic examination at a hospital and photographs of injury and clothing;
  - (B) notice that the victim will not be charged for hospital emergency and medical forensic services;

- (C) information advising the victim that evidence can be collected at the hospital up to 7 days after the sexual assault or sexual abuse but that the longer the victim waits the likelihood of obtaining evidence decreases;
- (C-5) notice that the sexual assault forensic evidence collected will not be used to prosecute the victim for any offense related to the use of alcohol, cannabis, or a controlled substance;
- (D) the location of nearby hospitals that provide emergency medical and forensic services and, if known, whether the hospitals employ any sexual assault nurse examiners;
- (E) a summary of the procedures and relief available to victims of sexual assault or sexual abuse under the Civil No Contact Order Act or the Illinois Domestic Violence Act of 1986;
  - (F) the law enforcement officer's name and badge number;
- (G) at least one referral to an accessible service agency and information advising the victim that rape crisis centers can assist with obtaining civil no contact orders and orders of protection; and
- (H) if the sexual assault or sexual abuse occurred in another jurisdiction, provide in writing the address and phone number of a specific contact at the law enforcement agency having jurisdiction.
- (2) Offer to provide or arrange accessible transportation for the victim to a hospital for emergency and forensic services, including contacting emergency medical services.
  - (2.5) Notify victims about the Illinois State Police sexual assault evidence tracking system.
- (3) Offer to provide or arrange accessible transportation for the victim to the nearest available circuit judge or associate judge so the victim may file a petition for an emergency civil no contact order under the Civil No Contact Order Act or an order of protection under the Illinois Domestic Violence Act of 1986 after the close of court business hours, if a judge is available.
- (b) At the time of the initial contact with a person making a third-party report under Section 22 of this Act, a law enforcement officer shall provide the written information prescribed under paragraph (1) of subsection (a) of this Section to the person making the report and request the person provide the written information to the victim of the sexual assault or sexual abuse.
- (c) If the first contact with the victim occurs at a hospital, a law enforcement officer may request the hospital provide interpretive services.

(Source: P.A. 99-801, eff. 1-1-17; 100-1087, eff. 1-1-19.)

(725 ILCS 203/35)

Sec. 35. Release of information.

- (a) Upon the request of the victim who has consented to the release of sexual assault evidence for testing, the law enforcement agency having jurisdiction shall <u>notify</u> the victim about the <u>Illinois State Police</u> sexual assault evidence tracking system and provide the following information in writing:
  - (1) the date the sexual assault evidence was sent to a Department of State Police forensic laboratory or designated laboratory;
  - (2) test results provided to the law enforcement agency by a Department of State Police forensic laboratory or designated laboratory, including, but not limited to:
    - (A) whether a DNA profile was obtained from the testing of the sexual assault evidence from the victim's case;
    - (B) whether the DNA profile developed from the sexual assault evidence has been searched against the DNA Index System or any state or federal DNA database;
    - (C) whether an association was made to an individual whose DNA profile is consistent with the sexual assault evidence DNA profile, provided that disclosure would not impede or compromise an ongoing investigation; and
    - (D) whether any drugs were detected in a urine or blood sample analyzed for drug facilitated sexual assault and information about any drugs detected.
- (b) The information listed in paragraph (1) of subsection (a) of this Section shall be provided to the victim within 7 days of the transfer of the evidence to the laboratory. The information listed in paragraph (2) of subsection (a) of this Section shall be provided to the victim within 7 days of the receipt of the information by the law enforcement agency having jurisdiction.
- (c) At the time the sexual assault evidence is released for testing, the victim shall be provided written information by the law enforcement agency having jurisdiction or the hospital providing emergency services

and forensic services to the victim informing him or her of the right to request information under subsection (a) of this Section. A victim may designate another person or agency to receive this information.

(d) The victim or the victim's designee shall keep the law enforcement agency having jurisdiction informed of the name, address, telephone number, and email address of the person to whom the information should be provided, and any changes of the name, address, telephone number, and email address, if an email address is available.

(Source: P.A. 99-801, eff. 1-1-17.)

Section 99. Effective date. This Act takes effect upon becoming law.". Committee Amendment No. 2 was held in the Committee on Assignments. Senator Villa offered the following amendment and moved its adoption:

### AMENDMENT NO. 3 TO HOUSE BILL 1739

AMENDMENT NO. 3 . Amend House Bill 1739, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 22, line 23, by replacing "evidence" with "the Illinois State Police Sexual Assault Evidence Collection Kit"; and

on page 23, line 2, after "system.", by inserting "Such notification is satisfied by providing the victim information regarding the Sexual Assault Evidence Tracking System and the victim's unique log-in information contained within the sexual assault evidence kit or generated by the sexual assault evidence tracking system."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

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

On motion of Senator Joyce, **House Bill No. 3786** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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	Loughran Cappel	Stewart
Aquino	Feigenholtz	Martwick	Stoller
Bailey	Fowler	McClure	Syverson
Barickman	Gillespie	McConchie	Tracy
Belt	Glowiak Hilton	Morrison	Turner, D.
Bennett	Harris	Murphy	Turner, S.
Bryant	Holmes	Pacione-Zayas	Van Pelt
Bush	Hunter	Peters	Villa
Castro	Johnson	Plummer	Villanueva
Collins	Jones, E.	Rezin	Villivalam
Connor	Joyce	Rose	Wilcox
Crowe	Koehler	Simmons	Mr. President
Cunningham	Landek	Sims	
Curran	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.

Senator Fine asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **House Bill No. 3786**.

On motion of Senator Fowler, **House Bill No. 3882** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Martwick Bailey Fine Stoller Barickman Fowler McClure Syverson Belt Gillespie McConchie. Tracy Glowiak Hilton Morrison Turner, D. Bennett **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 Mr. President Cullerton, T. Joyce Rose Koehler Cunningham 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.

On motion of Senator Feigenholtz, **House Bill No. 3886** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 DeWitte Landek Sims Aquino Feigenholtz Lightford Stadelman Bailey Fine Loughran Cappel Stewart Barickman Fowler Martwick Stoller McClure Belt Gillespie Syverson Bennett Glowiak Hilton McConchie Tracy **Bryant** Harris Morrison Turner, D. Turner, S. Bush Hastings Muñoz Murphy Castro Holmes Van Pelt Collins Hunter Pacione-Zayas Villa Crowe Johnson Peters Villanueva Villivalam Cullerton, T. Jones, E. Plummer Cunningham Joyce Rose Wilcox 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 in the Senate Amendment adopted thereto.

On motion of Senator Belt, **House Bill No. 3914** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Fine Loughran Cappel Stoller Fowler Martwick Svverson Aquino Bailey Gillespie McClure Tracy Glowiak Hilton Barickman McConchie Turner, D. Belt Harris Morrison Turner, S. Bennett Hastings Muñoz Van Pelt Bush Holmes Murphy Villa Hunter Pacione-Zayas Villanueva Castro Collins Johnson Peters Villivalam Jones, E. Wilcox Crowe Rezin Mr. President Cullerton, T. Joyce Rose Cunningham Koehler Simmons Landek DeWitte Sime Feigenholtz 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 in the Senate Amendment adopted thereto.

On motion of Senator Fine, **House Bill No. 3950** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Fine Martwick Stoller McClure Aquino Fowler Syverson Bailey Gillespie McConchie Tracy Glowiak Hilton Barickman Morrison Turner, D. Belt Harris Muñoz Turner, S. Bryant Hastings Murphy Van Pelt Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Villivalam Collins Johnson Plummer Crowe Jones, E. Rezin Wilcox Cullerton, T. Joyce Rose Mr. President Cunningham Koehler Simmons

CurranLandekSimsDeWitteLightfordStadelmanFeigenholtzLoughran CappelStewart

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.

On motion of Senator Morrison, **House Bill No. 19** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

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

On motion of Senator D. Turner, **House Bill No. 41** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Fowler Bailey McClure Syverson Tracy Barickman Gillespie McConchie Belt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Van Pelt **Bryant** Hastings Murphy Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam

Crowe Jones, E. Rezin Wilcox
Cullerton, T. Joyce Rose Mr. President
Cunningham Koehler Simmons
Curran Landek Sims

Curran Landek
DeWitte Lightford

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).

Stadelman

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Pacione-Zayas, **House Bill No. 51** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 McClure Syverson Fowler Barickman Gillespie McConchie Tracy Glowiak Hilton Morrison Turner, D. Belt Harris Turner, S. Bennett Muñoz Van Pelt **Bryant** Hastings Murphy Bush Villa Holmes Pacione-Zayas Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Wilcox Crowe Jones, E. Rezin Mr. President Cullerton, T. Joyce Rose Cunningham Koehler Simmons Curran 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.

On motion of Senator Johnson, **House Bill No. 58** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Fine Martwick Stoller Aquino Bailev Fowler McClure Syverson Barickman McConchie Tracy Gillespie Relt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Bryant Hastings Murphy Van Pelt

Bush Holmes Pacione-Zayas Villa Castro Hunter Villanueva Peters Collins Johnson Plummer Villivalam Rezin Wilcox Crowe Jones, E. Mr. President Cullerton, T. Joyce Rose Cunningham Koehler Simmons Landek Curran Sime **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.

On motion of Senator Fine, **House Bill No. 60** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Syverson

Turner, D. Turner, S.

Van Pelt Villa

Villanueva

Villivalam

Mr. President

Wilcox

Tracy

YEAS 52; NAYS 4.

The following voted in the affirmative:

Martwick Anderson Fowler Aquino Gillespie Morrison Belt Glowiak Hilton Muñoz Bennett Harris Murphy Bush Hastings Pacione-Zayas Castro Holmes Peters Collins Hunter Plummer Crowe Johnson Rezin Cullerton, T. Jones, E. Rose Cunningham Joyce Simmons Curran Koehler Sime **DeWitte** Landek Stadelman Feigenholtz Lightford Stewart Loughran Cappel Fine Stoller

The following voted in the negative:

Bailey Bryant
Barickman McConchie

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 in the Senate Amendment adopted thereto.

On motion of Senator Morrison, **House Bill No. 102** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Syverson Bailey Fowler McClure Barickman Gillespie McConchie Tracy Glowiak Hilton Belt Morrison Turner, D. Bennett Harris Muñoz Turner, S. Van Pelt Brvant Hastings Murphy Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Wilcox Crowe Jones, E. Rezin Cullerton, T. Jovce 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).

Stadelman

Ordered that the Secretary inform the House of Representatives thereof.

Lightford

On motion of Senator Connor, **House Bill No. 115** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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.

**DeWitte** 

The following voted in the affirmative:

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

On motion of Senator Villa, **House Bill No. 119** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Martwick Aquino Fine Stoller Bailey Fowler McClure Syverson Gillespie McConchie Barickman Tracv Belt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Van Pelt Bryant Hastings Murphy Holmes Pacione-Zayas Villa Bush Villanueva Castro Hunter Peters Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Mr. President Cullerton, T. Joyce Rose Koehler Simmons Cunningham Curran 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 in the Senate Amendment adopted thereto.

On motion of Senator Murphy, **House Bill No. 120** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 3.

The following voted in the affirmative:

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

The following voted in the negative:

Bailey Rose 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.

On motion of Senator Villivalam, **House Bill No. 121** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 3.

The following voted in the affirmative:

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

The following voted in the negative:

Bailey 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 in the Senate Amendment adopted thereto.

On motion of Senator Loughran Cappel, **House Bill No. 122** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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; NAY 1.

The following voted in the affirmative:

Anderson Fine Martwick Stoller Aquino Fowler McClure Syverson McConchie Bailey Gillespie Tracy Belt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Brvant Hastings Murphy Van Pelt Holmes Pacione-Zayas Villa Bush Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox

Cullerton, T. Joyce Rose Mr. President

CunninghamKoehlerSimmonsCurranLandekSimsDeWitteLightfordStadelmanFeigenholtzLoughran CappelStewart

The following voted in the negative:

#### Barickman

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.

On motion of Senator Villa, **House Bill No. 155** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Fine Martwick Stoller Aquino Bailey Fowler McClure Syverson Barickman Gillespie McConchie Tracy Glowiak Hilton Morrison Turner, D. Belt Bennett Harris Muñoz Turner, S. Bryant Hastings Murphy Van Pelt Bush Holmes Pacione-Zayas Villa Villanueva Castro Hunter Peters Collins 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).

Stadelman

Ordered that the Secretary inform the House of Representatives thereof.

Lightford

On motion of Senator Johnson, **House Bill No. 160** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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

**DeWitte** 

Belt Glowiak Hilton Morrison Turner, D. Harris Muñoz Turner, S. Bennett Hastings Bryant Murphy Van Pelt Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Jones, E. Wilcox Crowe Rezin Cullerton, T. Joyce Rose Mr. President Cunningham Koehler Simmons Landek Curran Sime 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.

On motion of Senator Peters, **House Bill No. 161** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

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

On motion of Senator Holmes, **House Bill No. 168** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Bailev Fowler McClure Syverson Barickman Gillespie McConchie Tracy Belt Glowiak Hilton Morrison Turner, D. Harris Turner, S. Rennett Muñoz Van Pelt Bryant Hastings Murphy Bush Holmes Pacione-Zayas Villa Villanueva Hunter Castro Peters Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Cullerton, T. Joyce Rose Mr. President Koehler Cunningham Simmons Sime

CunninghamKoehlerSimmonsCurranLandekSimsDeWitteLightfordStadelman

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.

On motion of Senator Villivalam, **House Bill No. 169** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Bailev Fowler McClure Syverson Barickman Gillespie McConchie Tracv Glowiak Hilton Turner, D. Belt Morrison Bennett Harris Muñoz Turner, S. Bryant Hastings Murphy Van Pelt Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Jones, E. Rezin Wilcox Crowe Cullerton, T. Jovce Rose Mr. President Cunningham Koehler Simmons Curran Landek Sime **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.

On motion of Senator Wilcox, **House Bill No. 185** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Glowiak Hilton Belt Morrison Turner, D. Bennett Harris Muñoz Turner, S. Van Pelt Brvant Hastings Murphy Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Wilcox Crowe Jones, E. Rezin Cullerton, T. Jovce 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).

Stadelman

Ordered that the Secretary inform the House of Representatives thereof.

Lightford

On motion of Senator Morrison, **House Bill No. 279** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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.

**DeWitte** 

The following voted in the affirmative:

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

On motion of Senator Loughran Cappel, **House Bill No. 282** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Martwick Stoller Aquino Fine Bailey Fowler McClure Syverson Barickman McConchie Gillespie Tracv Belt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Van Pelt Bryant Hastings Murphy Holmes Pacione-Zayas Villa Bush Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Mr. President Cullerton, T. Joyce Rose Cunningham Koehler Simmons Curran 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.

On motion of Senator Villa, **House Bill No. 290** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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
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).

Stadelman

Ordered that the Secretary inform the House of Representatives thereof.

Lightford

On motion of Senator Loughran Cappel, **House Bill No. 343** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

**DeWitte** 

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 Turner, D. Belt Glowiak Hilton Morrison Turner, S. Bennett Harris Muñoz **Bryant** Hastings Murphy Van Pelt Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Jones, E. Crowe Rezin Wilcox Mr. President Cullerton, T. Joyce Rose Cunningham Koehler Simmons Landek Curran Sime **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.

On motion of Senator Connor, **House Bill No. 365** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Aguino Fine Martwick Stoller Fowler McClure Syverson Bailey Barickman Gillespie McConchie Tracv Belt Glowiak Hilton Morrison Turner, D. Harris Turner, S. Bennett Muñoz **Bryant** Hastings Murphy Van Pelt Bush Holmes Pacione-Zayas Villa Castro Hunter Villanueva Peters Collins Johnson Plummer Villivalam Rezin Wilcox Crowe Jones, E. Cullerton, T. Joyce Rose Mr. President Cunningham Koehler Simmons Curran 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.

On motion of Senator Ellman, **House Bill No. 368** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Glowiak Hilton Belt Morrison Turner, D. Harris Muñoz Turner, S. Bennett Bryant Hastings Van Pelt Murphy Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Cullerton, T. Joyce Rose Mr. President Cunningham Koehler Simmons Curran 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.

On motion of Senator Holmes, **House Bill No. 395** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Fine Martwick Stoller Aquino Bailey Fowler McClure Syverson McConchie Tracy Barickman Gillespie Glowiak Hilton Turner, D. Belt Morrison Bennett Harris Muñoz Turner, S. Van Pelt Bryant Hastings Murphy Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Villivalam Collins Johnson Plummer Crowe Jones, E. Rezin Wilcox Joyce Rose Mr. President Cullerton, T. Cunningham Koehler Simmons Curran 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.

On motion of Senator Stadelman, **House Bill No. 399** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 4.

The following voted in the affirmative:

Anderson Fowler Gillespie Aguino Belt Glowiak Hilton Harris Bennett Bush Hastings Castro Holmes Collins Hunter Crowe Johnson Cullerton, T. Jones, E. Cunningham Joyce Curran Koehler **DeWitte** Landek Feigenholtz Lightford Fine Loughran Cappel

Martwick Stoller McClure Syverson McConchie Tracy Morrison Turner, D. Muñoz Turner, S. Murphy Van Pelt Pacione-Zayas Villa Peters Villanueva Villivalam Rezin Rose Wilcox Simmons Mr. President

The following voted in the negative:

Bailey Bryant
Barickman 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).

Sims

Stadelman

Stewart

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Crowe, **House Bill No. 410** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Aguino Fine Martwick Stoller Bailey Fowler McClure Syverson Barickman Gillespie McConchie Tracv Glowiak Hilton Turner, D. Belt Morrison Bennett Harris Muñoz Turner, S. Bryant Hastings Murphy Van Pelt Bush Holmes Pacione-Zayas Villa

Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Cullerton, T. Rose Mr. President Joyce Koehler Simmons Cunningham Curran 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.

On motion of Senator Crowe, **House Bill No. 557** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Fine Martwick Stoller Aquino Bailey Fowler McClure Syverson Barickman McConchie Gillespie Tracy Glowiak Hilton Morrison Relt Turner, D. Bennett Harris Muñoz Turner, S. Van Pelt Brvant Hastings Murphy Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Cullerton, T. Joyce Rose Mr. President Cunningham Koehler Simmons Curran 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.

On motion of Senator Collins, **House Bill No. 588** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Feigenholtz Loughran Cappel Stewart Anderson Aguino 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 Wilcox Jones, E. Crowe Rezin Cullerton, T. Joyce Rose Mr. President Koehler Cunningham Simmons Curran 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.

On motion of Senator Hunter, **House Bill No. 590** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Fine Martwick Stoller Aquino 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 Villanueva Castro Hunter Peters Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Cullerton, T. Joyce Rose Mr. President Cunningham Koehler Simmons Curran 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.

On motion of Senator Bush, **House Bill No. 592** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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. Turner, S. Bennett Harris Muñoz Bryant Hastings Murphy Van Pelt Villa Bush Holmes Pacione-Zayas Castro Hunter Peters Villanueva Plummer Collins Johnson Villivalam Wilcox Crowe Jones, E. Rezin Cullerton, T. Joyce Rose Mr. President Cunningham Koehler Simmons Curran 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.

On motion of Senator Johnson, **House Bill No. 644** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

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

On motion of Senator S. Turner, **House Bill No. 656** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 2.

The following voted in the affirmative:

Anderson Feigenholtz Lightford Stadelman

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

The following voted in the negative:

Bailey Rose

**DeWitte** 

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.

On motion of Senator Hastings, **House Bill No. 704** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 McConchie Barickman Gillespie Tracy Belt Glowiak Hilton Morrison Turner, D. Turner, S. Bennett Harris Muñoz Van Pelt Brvant Hastings Murphy Bush Holmes Pacione-Zayas Villa Hunter Villanueva Castro Peters Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Cullerton, T. Mr. President Joyce Rose 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).

Stadelman

Ordered that the Secretary inform the House of Representatives thereof.

Lightford

On motion of Senator Fine, **House Bill No. 706** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Turner, D. Morrison Bennett Harris Muñoz Turner, S. Bryant Hastings Murphy Van Pelt Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Mr. President Cullerton, T. Joyce Rose Cunningham Koehler Simmons Landek Curran Sime 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.

On motion of Senator Holmes, **House Bill No. 711** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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
Crowe	Jones, E.	Rezin	Wilcox
Cullerton, T.	Joyce	Rose	Mr. President
Cunningham	Koehler	Simmons	
Curran	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.

On motion of Senator Tracy, **House Bill No. 713** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Glowiak Hilton Belt Morrison Turner, D. Bennett Harris Muñoz Turner, S. Bryant Hastings Van Pelt Murphy Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Cullerton, T. Joyce Rose Mr. President Cunningham Koehler Simmons Curran 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 in the Senate Amendment adopted thereto.

On motion of Senator Fine, **House Bill No. 714** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Turner, D. Belt Glowiak Hilton Morrison Bennett Harris Muñoz Turner, S. **Bryant** Hastings Murphy Van Pelt Bush Holmes Pacione-Zayas Villa Peters Castro Hunter Villanueva Collins Johnson Plummer Villivalam Jones, E. Rezin Wilcox Crowe Cullerton, T. Jovce Rose Mr. President Koehler Cunningham Simmons Curran Landek Sime **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.

On motion of Senator Stadelman, **House Bill No. 734** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Aguino Fine Martwick Stoller Bailev Fowler McClure Svverson Barickman Gillespie McConchie Tracy Glowiak Hilton Turner, D. Belt Morrison Bennett Harris Muñoz Turner, S. Van Pelt Bryant Hastings Murphy Bush Holmes Pacione-Zayas Villa Hunter Villanueva Castro Peters Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Mr. President Cullerton, T. Joyce Rose Cunningham Koehler Simmons Landek Curran Sime 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.

On motion of Senator Van Pelt, **House Bill No. 738** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

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

Curran 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.

On motion of Senator Feigenholtz, **House Bill No. 739** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Fine Martwick Stoller Aguino McClure Bailey Fowler Syverson Barickman Gillespie McConchie Tracy Belt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Bryant Hastings Van Pelt Murphy Bush Holmes Pacione-Zayas Villa Castro Hunter Villanueva Peters Johnson Villivalam Collins Plummer Crowe Jones, E. Rezin Wilcox Mr. President Cullerton, T. Jovce Rose Cunningham Koehler Simmons Curran 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.

On motion of Senator Ellman, **House Bill No. 741** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Aguino Fine Martwick Stoller Bailey Fowler McClure Syverson Barickman McConchie Gillespie Tracv Belt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Brvant Hastings Murphy Van Pelt Holmes Pacione-Zayas Villa Bush Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox

Cullerton, T. Joyce Rose Mr. President

CunninghamKoehlerSimmonsCurranLandekSimsDeWitteLightfordStadelman

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.

On motion of Senator Cunningham, **House Bill No. 796** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Martwick Stoller Aquino Fine Bailey Fowler McClure Syverson Barickman Gillespie McConchie Tracy Belt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Brvant Van Pelt Hastings Murphy Pacione-Zayas Bush Holmes Villa Castro Hunter Peters Villanueva Villivalam Collins Johnson Plummer Crowe Jones, E. Rezin Wilcox Cullerton, T. Joyce Rose Mr. President Cunningham Koehler Simmons Curran 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.

On motion of Senator Villa, **House Bill No. 809** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Martwick Aquino Fine Stoller Syverson Bailey Fowler McClure 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 CollinsJohnsonPlummerVillivalamCroweJones, E.RezinWilcoxCullerton, T.JoyceRoseMr. PresidentCunninghamKoehlerSimmons

Cunierton, I. Joyce Rose
Cunningham Koehler Simmons
Curran 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.

On motion of Senator Glowiak Hilton, **House Bill No. 814** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 McClure Syverson Fowler Barickman Gillespie McConchie Tracy Glowiak Hilton Morrison Turner, D. Belt Harris Turner, S. Bennett Muñoz **Bryant** Hastings Murphy Van Pelt Bush Villa Holmes Pacione-Zayas Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Wilcox Crowe Jones, E. Rezin Mr. President Cullerton, T. Joyce Rose 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).

Stadelman

Ordered that the Secretary inform the House of Representatives thereof.

Lightford

On motion of Senator Sims, **House Bill No. 835** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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.

**DeWitte** 

The following voted in the affirmative:

Anderson Feigenholtz Loughran Cappel Stewart Fine Martwick Stoller Aquino Bailey Fowler McClure Syverson Barickman McConchie Tracy Gillespie Belt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Bryant Hastings Murphy Van Pelt

Bush Holmes Pacione-Zayas Villa Castro Hunter Villanueva Peters Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Mr. President Cullerton, T. Joyce Rose Cunningham Koehler Simmons Landek Sims Curran **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.

On motion of Senator Bush, **House Bill No. 848** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

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

On motion of Senator Sims, **House Bill No. 1068** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Johnson Villivalam Collins Plummer Crowe Jones, E. Rezin Wilcox Mr. President Cullerton, T. Jovce Rose Cunningham Koehler Simmons Curran 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.

On motion of Senator Villanueva, **House Bill No. 1158** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Martwick Aquino Fine Stoller Bailey Fowler McClure Syverson Barickman McConchie Gillespie Tracy Belt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Bryant Hastings Murphy Van Pelt Holmes Bush Pacione-Zayas Villa Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Cullerton, T. Jovce Rose Mr. President Cunningham Koehler Simmons Curran Landek Sime 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.

On motion of Senator Fine, **House Bill No. 1710** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Glowiak Hilton Morrison Turner, D. Belt Bennett Harris Muñoz Turner, S. Van Pelt Bryant Hastings Murphy Pacione-Zayas Bush Holmes Villa Castro Hunter Peters Villanueva Villivalam Collins Johnson Plummer Crowe Jones, E. Rezin Wilcox Joyce Rose Mr. President Cullerton, T. 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).

Stadelman

Ordered that the Secretary inform the House of Representatives thereof.

Lightford

On motion of Senator Curran, **House Bill No. 1719** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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.

DeWitte

The following voted in the affirmative:

Anderson Feigenholtz Loughran Cappel Stewart Aquino Fine Martwick Stoller Bailey Fowler McClure Syverson Barickman McConchie Gillespie 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 Crowe Jones, E. Rezin Wilcox Mr. President Cullerton, T. Joyce Rose Cunningham Koehler Simmons Curran 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.

On motion of Senator Villa, **House Bill No. 1742** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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

[May 27, 2021]

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

On motion of Senator Harris, **House Bill No. 1745** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Fine Martwick Stoller Aquino Bailey Fowler McClure Syverson Barickman Gillespie McConchie Tracy Relt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Bryant Hastings Murphy Van Pelt Pacione-Zayas Bush Holmes Villa Castro Hunter Peters Villanueva Villivalam Collins Inhnson Plummer Crowe Jones, E. Rezin Wilcox Mr. President Cullerton, T. Joyce Rose Koehler Simmons Cunningham Curran 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.

On motion of Senator Morrison, **House Bill No. 1746** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Martwick Aguino Fine Stoller Bailey Fowler McClure Syverson Gillespie McConchie Barickman Tracv Belt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Bryant Van Pelt Hastings Murphy Holmes Villa Bush Pacione-Zayas Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Mr. President Cullerton, T. Joyce Rose Cunningham Koehler Simmons Curran 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.

On motion of Senator Murphy, **House Bill No. 1760** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 McConchie Barickman Gillespie Tracy Belt Glowiak Hilton Morrison Turner, D. Turner, S. Bennett Harris Muñoz Brvant Hastings Murphy Van Pelt Bush Holmes Pacione-Zayas Villa Hunter Villanueva Castro Peters Collins Johnson Plummer Villivalam Rezin Wilcox Crowe Jones, E. Cullerton, T. Mr. President Joyce Rose Cunningham Koehler Simmons Landek Curran 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).

Stadelman

Ordered that the Secretary inform the House of Representatives thereof.

Lightford

On motion of Senator Gillespie, **House Bill No. 1776** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

**DeWitte** 

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

On motion of Senator Ellman, **House Bill No. 1802** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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; NAY 1.

The following voted in the affirmative:

Fine

Aguino Fowler Gillespie Bailey Barickman Glowiak Hilton Belt Harris Hastings Bennett Bush Holmes Castro Hunter Collins Johnson Crowe Jones, E. Cullerton, T. Joyce Cunningham Koehler Curran Landek DeWitte Lightford Feigenholtz Loughran Cappel Martwick
McClure
McConchie
Morrison
Muñoz
Murphy
Pacione-Zayas
Peters
Plummer
Rezin
Rose
Simmons
Sims

Stadelman

Stewart

Stoller Syverson Tracy Turner, D. Turner, S. Van Pelt Villa Villanueva Villivalam Wilcox Mr. President

The following voted in the negative:

Bryant

Anderson

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.

On motion of Senator Ellman, **House Bill No. 1803** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Fine Martwick Stoller Aguino Bailey Fowler McClure Svverson Barickman Gillespie McConchie Tracy Glowiak Hilton Turner, D. Belt Morrison Bennett Harris Muñoz Turner, S. Van Pelt Bryant Hastings Murphy Bush Holmes Pacione-Zayas Villa Hunter Villanueva Castro Peters Collins Johnson Plummer Villivalam Jones, E. Rezin Wilcox Crowe Joyce Mr. President Cullerton, T. Rose Cunningham Koehler Simmons Landek Curran Sime **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.

On motion of Senator Van Pelt, **House Bill No. 1805** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

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

Curran 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.

On motion of Senator Fine, **House Bill No. 1836** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Fine Martwick Stoller Aguino McClure Bailey Fowler Syverson Barickman Gillespie McConchie Tracy Belt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Brvant Hastings Van Pelt Murphy Bush Holmes Pacione-Zayas Villa Castro Hunter Villanueva Peters Johnson Villivalam Collins Plummer Crowe Jones, E. Rezin Wilcox Mr. President Cullerton, T. Jovce Rose Cunningham Koehler Simmons Curran 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.

On motion of Senator Stewart, **House Bill No. 1916** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 McConchie Gillespie Tracv Belt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Brvant Hastings Murphy Van Pelt Holmes Pacione-Zayas Villa Bush Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox

Cullerton, T. Joyce Rose Mr. President

Cunningham Koehler Simmons
Curran 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.

On motion of Senator Anderson, **House Bill No. 1932** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Martwick Stoller Aquino Fine Bailey Fowler McClure Syverson Barickman Gillespie McConchie Tracy Belt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Bryant Van Pelt Hastings Murphy Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Villivalam Collins Johnson Plummer Crowe Jones, E. Rezin Wilcox Cullerton, T. Joyce Rose Mr. President Cunningham Koehler Simmons Curran 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.

On motion of Senator Ellman, **House Bill No. 1934** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Martwick Aquino Fine Stoller Syverson Bailey Fowler McClure 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 CollinsJohnsonPlummerVillivalamCroweJones, E.RezinWilcoxCullerton, T.JoyceRoseMr. PresidentCunninghamKoehlerSimmons

Cullerton, I. Joyce Rose
Cunningham Koehler Simmons
Curran 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.

On motion of Senator Harris, **House Bill No. 1955** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 McClure Syverson Fowler Barickman Gillespie McConchie Tracy Glowiak Hilton Morrison Turner, D. Belt Harris Turner, S. Bennett Muñoz **Bryant** Hastings Murphy Van Pelt Bush Villa Holmes Pacione-Zayas Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Wilcox Crowe Jones, E. Rezin Mr. President Cullerton, T. Joyce Rose 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).

Stadelman

Ordered that the Secretary inform the House of Representatives thereof.

Lightford

On motion of Senator Harris, **House Bill No. 1957** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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.

**DeWitte** 

The following voted in the affirmative:

Anderson Feigenholtz Loughran Cappel Stewart Fine Martwick Stoller Aquino Bailey Fowler McClure Syverson Barickman McConchie Tracy Gillespie Belt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Bryant Hastings Murphy Van Pelt

Bush Holmes Pacione-Zayas Villa Castro Hunter Villanueva Peters Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Mr. President Cullerton, T. Joyce Rose Cunningham Koehler Simmons Landek Sims Curran **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.

On motion of Senator McClure, **House Bill No. 1966** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 McClure Bailey Fowler Syverson McConchie Barickman Gillespie Tracy Belt Glowiak Hilton Morrison Turner, D. Turner, S. Bennett Harris Muñoz **Bryant** Hastings Murphy Van Pelt Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Villivalam Collins Johnson Plummer 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).

Stadelman

Ordered that the Secretary inform the House of Representatives thereof.

Lightford

On motion of Senator Villa, **House Bill No. 2400** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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.

**DeWitte** 

Bennett Harris Muñoz Turner, S. **Bryant** Hastings Murphy Van Pelt Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Johnson Villivalam Collins Plummer Crowe Jones, E. Rezin Wilcox Mr. President Cullerton, T. Jovce Rose Cunningham Koehler Simmons Curran 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.

On motion of Senator Harris, **House Bill No. 2405** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Martwick Aquino Fine Stoller Bailey Fowler McClure Syverson Barickman McConchie Gillespie Tracy Belt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Bryant Hastings Murphy Van Pelt Holmes Bush Pacione-Zayas Villa Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Cullerton, T. Jovce Rose Mr. President Cunningham Koehler Simmons Curran Landek Sime 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.

On motion of Senator Koehler, **House Bill No. 2425** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Glowiak Hilton Morrison Turner, D. Belt Bennett Harris Muñoz Turner, S. Van Pelt Bryant Hastings Murphy Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Villivalam Collins Johnson Plummer Crowe Jones, E. Rezin Wilcox Joyce Rose Mr. President Cullerton, T. Cunningham Koehler Simmons Curran 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.

On motion of Senator Koehler, **House Bill No. 2449** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 McConchie Gillespie 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 Crowe Jones, E. Rezin Wilcox Mr. President Cullerton, T. Joyce Rose Cunningham Koehler Simmons Curran 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.

On motion of Senator Glowiak Hilton, **House Bill No. 2454** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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

[May 27, 2021]

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

On motion of Senator Stewart, **House Bill No. 2548** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Fine Martwick Stoller Aquino Bailey Fowler McClure Syverson Barickman Gillespie McConchie Tracy Relt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Bryant Hastings Murphy Van Pelt Pacione-Zayas Bush Holmes Villa Castro Hunter Peters Villanueva Villivalam Collins Inhnson Plummer Crowe Jones, E. Rezin Wilcox Mr. President Cullerton, T. Joyce Rose Koehler Simmons Cunningham Curran 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.

On motion of Senator Aquino, **House Bill No. 2570** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Martwick Aguino Fine Stoller Bailey Fowler McClure Syverson McConchie Barickman Gillespie Tracv Belt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Bryant Van Pelt Hastings Murphy Holmes Villa Bush Pacione-Zayas Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Mr. President Cullerton, T. Joyce Rose Koehler Simmons Cunningham Curran 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.

On motion of Senator Rose, **House Bill No. 2584** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 McConchie Barickman Gillespie Tracy Belt Glowiak Hilton Morrison Turner, D. Turner, S. Bennett Harris Muñoz Brvant Hastings Murphy Van Pelt Bush Holmes Pacione-Zayas Villa Hunter Villanueva Castro Peters Collins Johnson Plummer Villivalam Rezin Wilcox Crowe Jones, E. Mr. President Cullerton, T. Joyce Rose Cunningham Koehler Simmons Landek Curran 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).

Stadelman

Ordered that the Secretary inform the House of Representatives thereof.

Lightford

On motion of Senator Johnson, **House Bill No. 2653** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

**DeWitte** 

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

YEAS 55; NAY 1.

The following voted in the affirmative:

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

The following voted in the negative:

# Bailey

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.

On motion of Senator Hastings, House Bill No. 2741 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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; NAY 1.

The following voted in the affirmative:

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

The following voted in the negative:

Morrison

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.

On motion of Senator Hunter, **House Bill No. 2795** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Stewart Feigenholtz Loughran Cappel Fine Martwick Stoller Aquino Fowler McClure Bailey Syverson Barickman Gillespie McConchie Tracy Glowiak Hilton Turner, D. Relt Morrison Bennett Harris Muñoz Turner, S. **Bryant** Hastings Murphy Van Pelt Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Villivalam Collins Johnson Plummer Crowe Jones, E. Rezin Wilcox Cullerton, T. Joyce Rose Mr. President Koehler Cunningham Simmons Curran 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.

On motion of Senator S. Turner, **House Bill No. 2834** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Martwick Aquino Fine Stoller Bailey Fowler McClure Syverson Tracy Barickman Gillespie McConchie Belt Glowiak Hilton Turner, D. Morrison Bennett Harris Muñoz Turner, S. **Bryant** Hastings Van Pelt Murphy Bush Holmes Pacione-Zavas Villa Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Cullerton, T. Joyce Rose Mr. President 
 Cunningham
 Koehler
 Simmons

 Curran
 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.

On motion of Senator Anderson, **House Bill No. 2864** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

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

On motion of Senator Tracy, **House Bill No. 2894** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Fowler McClure Bailey Syverson Tracy Barickman Gillespie McConchie Belt Glowiak Hilton Morrison Turner, D. Bennett Harris Muñoz Turner, S. Van Pelt **Bryant** Hastings Murphy Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam

Crowe Jones, E. Rezin Wilcox Cullerton, T. Joyce Rose Mr. President

CunninghamKoehlerSimmonsCurranLandekSimsDeWitteLightfordStadelman

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.

On motion of Senator Harris, **House Bill No. 2914** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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; NAY 1.

The following voted in the affirmative:

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

CunninghamKoehlerSimmonsCurranLandekSimsDeWitteLightfordStadelmanFeigenholtzLoughran CappelStewart

The following voted in the negative:

### Bailey

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.

On motion of Senator Fine, **House Bill No. 3025** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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. Harris Muñoz Turner, S. Bennett Hastings Bryant Murphy Van Pelt Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Wilcox Crowe Jones, E. Rezin Cullerton, T. Joyce Rose Mr. President Cunningham Koehler Simmons Landek Curran Sime 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.

On motion of Senator Gillespie, **House Bill No. 3069** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

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

On motion of Senator T. Cullerton, **House Bill No. 3147** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Bailev Fowler McClure Syverson Barickman Gillespie McConchie Tracy Belt Glowiak Hilton Morrison Turner, D. Turner, S. Rennett Harris Muñoz Van Pelt **Bryant** Hastings Murphy Bush Holmes Pacione-Zayas Villa Villanueva Hunter Castro Peters Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Cullerton, T. Joyce Rose Mr. President Koehler Cunningham Simmons Sime

CunninghamKoehlerSimmonsCurranLandekSimsDeWitteLightfordStadelman

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.

On motion of Senator Gillespie, **House Bill No. 3175** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Bailev Fowler McClure Syverson Barickman Gillespie McConchie Tracy Glowiak Hilton Turner, D. Belt Morrison Bennett Harris Muñoz Turner, S. Bryant Hastings Murphy Van Pelt Bush Holmes Pacione-Zayas Villa Villanueva Castro Hunter Peters Collins Johnson Plummer Villivalam Jones, E. Rezin Wilcox Crowe Cullerton, T. Jovce Rose Mr. President Cunningham Koehler Simmons Landek Curran Sime **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.

On motion of Senator Muñoz, **House Bill No. 3698** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Fine Martwick Stoller Aquino Bailey Fowler McClure Syverson Barickman Gillespie McConchie Tracy Glowiak Hilton Belt Morrison Turner, D. Bennett Harris Muñoz Turner, S. Van Pelt Brvant Hastings Murphy Bush Holmes Pacione-Zayas Villa Castro Hunter Peters Villanueva Collins Johnson Plummer Villivalam Crowe Jones, E. Rezin Wilcox Cullerton, T. Jovce 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).

Stadelman

Ordered that the Secretary inform the House of Representatives thereof.

Lightford

On motion of Senator Stewart, **House Bill No. 3855** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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.

**DeWitte** 

The following voted in the affirmative:

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

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.

# HOUSE BILL RECALLED

On motion of Senator Peters, **House Bill No. 15** was recalled from the order of third reading to the order of second reading.

Senator Peters offered the following amendment and moved its adoption:

# AMENDMENT NO. 1 TO HOUSE BILL 15

AMENDMENT NO.  $\underline{1}$  . Amend House Bill 15 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 34-18.67 as follows:

(105 ILCS 5/34-18.67 new)

Sec. 34-18.67. Parental notification of student discipline.

- (a) In this Section, "misconduct" means an incident that involves offensive touching, a physical altercation, or the use of violence.
- (b) If a student commits an act or acts of misconduct involving offensive touching, a physical altercation, or the use of violence, the student's school shall provide written notification of that misconduct to the parent or guardian of the student.
- (c) If a student makes a written statement to a school employee relating to an act or acts of misconduct, whether the student is engaging in the act or acts or is targeted by the act or acts, the school shall provide the written statement to the student's parent or guardian, upon request and in accordance with federal and State laws and rules governing school student records.
- (d) If the parent or guardian of a student involved in an act or acts of misconduct, whether the student is engaging in the act or acts or is targeted by the act or acts, requests a synopsis of any statement made by the parent's or guardian's child, the school shall provide any existing records responsive to that request, in accordance with federal and State laws and rules governing school student records.
- (e) A school shall make reasonable attempts to provide a copy of any disciplinary report resulting from an investigation into a student's act or acts of misconduct to the parent or guardian of the student receiving disciplinary action, including any and all restorative justice measures, within 2 school days after the completion of the report. The disciplinary report shall include all of the following:
  - (1) A description of the student's act or acts of misconduct that resulted in disciplinary action. The names and any identifying information of any other student or students involved must be redacted from or not included in the report, in accordance with federal and State student privacy laws and rules.
  - (2) A description of the disciplinary action, if any, imposed on the parent's or guardian's child, including the duration of the disciplinary action.
  - (3) The school's justification and rationale for the disciplinary action imposed on the parent's or guardian's child, including reference to the applicable student discipline policies, procedures, or guidelines.
  - (4) A description of the restorative justice measures, if any, used on the parent's or guardian's child.

Section 99. Effective date. This Act takes effect July 1, 2021.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

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

On motion of Senator Peters, **House Bill No. 15** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Sims
Aquino Feigenholtz Lightford Stadelman
Bailey Fine Loughran Cappel Stoller

Barickman Fowler Martwick Syverson Belt Gillespie McClure Tracy Bennett Glowiak Hilton McConchie Turner, D. **Bryant** Morrison Van Pelt Harris Bush Hastings Muñoz Villa Castro Holmes Murphy Villanueva Hunter Villivalam Collins Pacione-Zayas Crowe Johnson Peters Wilcox 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 in the Senate Amendment adopted thereto.

On motion of Senator Stadelman, **House Bill No. 24** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 12.

The following voted in the affirmative:

Aquino Ellman Joyce Peters Barickman Feigenholtz Koehler Simmons Belt Fine Landek Sims Bennett Gillespie Lightford Stadelman Bush Glowiak Hilton Loughran Cappel Turner, D. Van Pelt Castro Harris Martwick Collins Hastings McConchie Villa Crowe Holmes Morrison Villanueva Cullerton, T. Hunter Muñoz Villivalam Cunningham Johnson Murphy DeWitte Jones, E. Pacione-Zayas

The following voted in the negative:

Anderson Plummer Stoller
Bailey Rezin Tracy
Bryant Rose Turner, S.
Fowler 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.

On motion of Senator Pacione-Zayas, **House Bill No. 26** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

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

On motion of Senator Van Pelt, **House Bill No. 88** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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	Gillespie	Landek	Sims
Belt	Glowiak Hilton	Lightford	Stadelman
Bennett	Harris	Loughran Cappel	Turner, D.
Bush	Hastings	Martwick	Van Pelt
Castro	Holmes	Morrison	Villa
Collins	Hunter	Muñoz	Villanueva
Cullerton, T.	Johnson	Murphy	Villivalam
Ellman	Jones, E.	Pacione-Zayas	
Feigenholtz	Joyce	Peters	
Fine	Koehler	Simmons	

The following voted in the negative:

Anderson	Fowler	Rezin	Syverson
Bailey	McClure	Rose	Turner, S.
Barickman	McConchie	Stewart	Wilcox
DeWitte	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.

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

#### POSTING NOTICES WAIVED

Senator Barickman moved to waive the six-day posting requirement on **Appointment Messages numbered 1020039, 1020040, 1020109 and 1020110** so that the measures may be heard in the Committee on Executive Appointments that is scheduled to meet May 31, 2021.

And on that motion, a call of the roll was had resulting as follows:

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
Crowe	Jones, E.	Rezin	Wilcox
Cullerton, T.	Joyce	Rose	
Cunningham	Koehler	Simmons	
Curran	Landek	Sims	
DeWitte	Lightford	Stadelman	

The motion prevailed.

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

At the hour of 2:25 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

#### AFTER RECESS

At the hour of 3:51 o'clock p.m., the Senate resumed consideration of business. Senator Muñoz, presiding.

### LEGISLATIVE MEASURES FILED

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

Amendment No. 1 to House Bill 275 Amendment No. 1 to House Bill 806 Amendment No. 3 to House Bill 2878

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

Amendment No. 1 to House Bill 394

#### REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chair of the Committee on Assignments, during its May 27, 2021 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Education: Committee Amendment No. 1 to House Bill 2778.

Executive: Committee Amendment No. 1 to House Bill 1092; Floor Amendment No. 1 to House Bill 1725; Committee Amendment No. 2 to House Bill 2621; Committee Amendment No. 1 to House Bill 3205.

Higher Education: Senate Resolution No. 311; Floor Amendment No. 3 to House Bill 2878.

Human Rights: Motion to Concur in House Amendment No. 1 to Senate Bill 593

Senator Lightford, Chair of the Committee on Assignments, during its May 27, 2021 meeting, reported that the following Legislative Measure has been approved for consideration:

#### Senate Resolution No. 289

The foregoing resolution was placed on the Senate Calendar.

Pursuant to Senate Rule 3-11 (b)(2), the Committee on Assignments exempts House Bill 900 from the requirements of Rule 3-11(b) and approves House Bill 900 for consideration.

# READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Martwick, **House Bill No. 117** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 15.

The following voted in the affirmative:

Aquino	Ellman	Joyce	Rezin
Belt	Feigenholtz	Koehler	Simmons
Bennett	Fine	Landek	Sims
Bryant	Gillespie	Lightford	Stadelman
Bush	Glowiak Hilton	Loughran Cappel	Turner, D.
Castro	Harris	Martwick	Van Pelt
Collins	Hastings	Morrison	Villa
Crowe	Holmes	Muñoz	Villanueva
Cullerton, T.	Hunter	Murphy	Villivalam
Cunningham	Johnson	Pacione-Zayas	
Curran	Jones, E.	Peters	

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.

#### HOUSE BILL RECALLED

On motion of Senator Martwick, **House Bill No. 417** 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 HOUSE BILL 417**

AMENDMENT NO.  $\underline{1}$ . Amend House Bill 417 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 18-185 as follows: (35 ILCS 200/18-185)

Sec. 18-185. Short title; definitions. This Division 5 may be cited as the Property Tax Extension Limitation Law. As used in this Division 5:

"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.

"Extension limitation" means (a) the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate of increase approved by voters under Section 18-205.

"Affected county" means a county of 3,000,000 or more inhabitants or a county contiguous to a county of 3,000,000 or more inhabitants.

"Taxing district" has the same meaning provided in Section 1-150, except as otherwise provided in this Section. For the 1991 through 1994 levy years only, "taxing district" includes only each non-home rule taxing district having the majority of its 1990 equalized assessed value within any county or counties contiguous to a county with 3,000,000 or more inhabitants. Beginning with the 1995 levy year, "taxing district" includes only each non-home rule taxing district subject to this Law before the 1995 levy year and each non-home rule taxing district not subject to this Law before the 1995 levy year having the majority of its 1994 equalized assessed value in an affected county or counties. Beginning with the levy year in which this Law becomes applicable to a taxing district as provided in Section 18-213, "taxing district" also includes those taxing districts made subject to this Law as provided in Section 18-213.

"Aggregate extension" for taxing districts to which this Law applied before the 1995 levy year means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before October 1, 1991; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before October 1, 1991; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after October 1, 1991 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before October 1, 1991 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before October 1, 1991, to pay for the building project; (g) made for payments due under installment contracts entered into before October 1, 1991; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), (e), and (h) of this definition

for non-referendum obligations, except obligations initially issued pursuant to referendum; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made by a school district that participates in the Special Education District of Lake County, created by special education joint agreement under Section 10-22.31 of the School Code, for payment of the school district's share of the amounts required to be contributed by the Special Education District of Lake County to the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code; the amount of any extension under this item (k) shall be certified by the school district to the county clerk; (l) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (m) made for temporary relocation loan repayment purposes pursuant to Sections 2-3.77 and 17-2.2d of the School Code; (n) made for payment of principal and interest on any bonds issued under the authority of Section 17-2.2d of the School Code; (o) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; and (p) made for road purposes in the first year after a township assumes the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of a road district abolished under the provisions of Section 6-133 of the Illinois Highway Code.

"Aggregate extension" for the taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213) means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 1, 1995; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 1, 1995; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 1, 1995 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 1, 1995 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 1, 1995 to pay for the building project; (g) made for payments due under installment contracts entered into before March 1, 1995; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (h-4) made for stormwater management purposes by the Metropolitan Water Reclamation District of Greater Chicago under Section 12 of the Metropolitan Water Reclamation District Act; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum and bonds described in subsection (h) of this definition; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made for payments of principal and interest on bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium or museum projects and bonds issued under Section 20a of the Chicago Park District Act for the purpose of making contributions to the pension fund established under Article 12 of the Illinois Pension Code; (1) made for payments of principal and interest on bonds authorized by Public Act 87-1191 or 93-601 and (i) issued pursuant to Section 21.2 of the Cook County Forest Preserve District Act, (ii) issued under Section 42 of the Cook County Forest Preserve District Act for zoological park projects, or (iii) issued under Section 44.1 of the Cook County Forest Preserve District Act for botanical gardens projects; (m) made pursuant to Section 34-53.5 of the School Code, whether levied annually or not; (n) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (o) made by the Chicago Park District for recreational programs for persons with disabilities under subsection (c) of Section 7.06 of the Chicago Park District Act; (p) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; (q) made by Ford Heights School District 169 under Section 17-9.02 of the School Code; and (r) made for the purpose of

making employer contributions to the Public School Teachers' Pension and Retirement Fund of Chicago under Section 34-53 of the School Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the taxing district is held for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the date on which the referendum making this Law applicable to the taxing district is held to pay for the building project; (g) made for payments due under installment contracts entered into before the date on which the referendum making this Law applicable to the taxing district is held; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; and (m) made for the taxing district to pay interest or principal on general obligation bonds issued pursuant to Section 19-3.10 of the School Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with paragraph (2) of subsection (e) of Section 18-213 means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 7, 1997 (the effective date of Public Act 89-718) this amendatory Act of 1997; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 7, 1997 (the effective date of Public Act 89-718) this amendatory Act of 1997; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 7, 1997 (the effective date of Public Act 89-718) this amendatory Act of 1997 if the bonds were approved by referendum after March 7, 1997 (the effective date of Public Act 89-718) this amendatory Act of 1997; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 7, 1997 (the effective date of Public Act 89-718) this amendatory Act of 1997 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 7, 1997 (the effective date of Public Act 89-718) this amendatory Act of 1997 to pay for the building project; (g) made for payments due under

installment contracts entered into before March 7, 1997 (the effective date of Public Act 89-718) this amendatory Act of 1997; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Debt service extension base" means an amount equal to that portion of the extension for a taxing district for the 1994 levy year, or for those taxing districts subject to this Law in accordance with Section 18-213, except for those subject to paragraph (2) of subsection (e) of Section 18-213, for the levy year in which the referendum making this Law applicable to the taxing district is held, or for those taxing districts subject to this Law in accordance with paragraph (2) of subsection (e) of Section 18-213 for the 1996 levy year, constituting an extension for payment of principal and interest on bonds issued by the taxing district without referendum, but not including excluded non-referendum bonds. For park districts (i) that were first subject to this Law in 1991 or 1995 and (ii) whose extension for the 1994 levy year for the payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds) was less than 51% of the amount for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds), "debt service extension base" means an amount equal to that portion of the extension for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds). A debt service extension base established or increased at any time pursuant to any provision of this Law, except Section 18-212, shall be increased each year commencing with the later of (i) the 2009 levy year or (ii) the first levy year in which this Law becomes applicable to the taxing district, by the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year. The debt service extension base may be established or increased as provided under Section 18-212. "Excluded non-referendum bonds" means (i) bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium and museum projects; (ii) bonds issued under Section 15 of the Local Government Debt Reform Act; or (iii) refunding obligations issued to refund or to continue to refund obligations initially issued pursuant to referendum.

"Special purpose extensions" include, but are not limited to, extensions for levies made on an annual basis for unemployment and workers' compensation, self-insurance, contributions to pension plans, and extensions made pursuant to Section 6-601 of the Illinois Highway Code for a road district's permanent road fund whether levied annually or not. The extension for a special service area is not included in the aggregate extension.

"Aggregate extension base" means the taxing district's last preceding aggregate extension as adjusted under Sections 18-135, 18-215, 18-230, and 18-206. An adjustment under Section 18-135 shall be made for the 2007 levy year and all subsequent levy years whenever one or more counties within which a taxing district is located (i) used estimated valuations or rates when extending taxes in the taxing district for the last preceding levy year that resulted in the over or under extension of taxes, or (ii) increased or decreased the tax extension for the last preceding levy year as required by Section 18-135(c). Whenever an adjustment is required under Section 18-135, the aggregate extension base of the taxing district shall be equal to the amount that the aggregate extension of the taxing district would have been for the last preceding levy year if either or both (i) actual, rather than estimated, valuations or rates had been used to calculate the extension of taxes for the last levy year, or (ii) the tax extension for the last preceding levy year had not been adjusted as required by subsection (c) of Section 18-135.

Notwithstanding any other provision of law, for levy year 2012, the aggregate extension base for West Northfield School District No. 31 in Cook County shall be \$12,654,592.

"Levy year" has the same meaning as "year" under Section 1-155.

"New property" means (i) the assessed value, after final board of review or board of appeals action, of new improvements or additions to existing improvements on any parcel of real property that increase the assessed value of that real property during the levy year multiplied by the equalization factor issued by the Department under Section 17-30, (ii) the assessed value, after final board of review or board of appeals action, of real property not exempt from real estate taxation, which real property was exempt from real estate taxation for any portion of the immediately preceding levy year, multiplied by the equalization factor issued by the Department under Section 17-30, including the assessed value, upon final stabilization of occupancy after new construction is complete, of any real property located within the boundaries of an otherwise or previously exempt military reservation that is intended for residential use and owned by or leased to a private corporation or other entity, (iii) in counties that classify in accordance with Section 4 of Article IX of the Illinois Constitution, an incentive property's additional assessed value resulting from a scheduled increase in the level of assessment as applied to the first year final board of review market value, and (iv) any increase in assessed value due to oil or gas production from an oil or gas well required to be permitted under the Hydraulic Fracturing Regulatory Act that was not produced in or accounted for during the previous levy year. In addition, the county clerk in a county containing a population of 3,000,000 or more shall include in the 1997 recovered tax increment value for any school district, any recovered tax increment value that was applicable to the 1995 tax year calculations.

"Qualified airport authority" means an airport authority organized under the Airport Authorities Act and located in a county bordering on the State of Wisconsin and having a population in excess of 200,000 and not greater than 500,000.

"Recovered tax increment value" means, except as otherwise provided in this paragraph, the amount of the current year's equalized assessed value, in the first year after a municipality terminates the designation of an area as a redevelopment project area previously established under the Tax Increment Allocation Redevelopment Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, previously established under the Economic Development Project Area Tax Increment Act of 1995, or previously established under the Economic Development Area Tax Increment Allocation Act, of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Redevelopment Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, by an amount equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. In the first year after a municipality removes a taxable lot, block, tract, or parcel of real property from a redevelopment project area established under the Tax Increment Allocation Redevelopment Development Act in the Illinois Municipal Code, the Industrial Jobs Recovery Law in the Illinois Municipal Code, or the Economic Development Area Tax Increment Allocation Act, "recovered tax increment value" means the amount of the current year's equalized assessed value of each taxable lot, block, tract, or parcel of real property removed from the redevelopment project area over and above the initial equalized assessed value of that real property before removal from the redevelopment project area.

Except as otherwise provided in this Section, "limiting rate" means a fraction the numerator of which is the last preceding aggregate extension base times an amount equal to one plus the extension limitation defined in this Section and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. For those taxing districts that reduced their aggregate extension for the last preceding levy year, except for school districts that reduced their extension for educational purposes pursuant to Section 18-206, the highest aggregate extension in any of the last 3 preceding levy years shall be used for the purpose of computing the limiting rate. The denominator shall not include new property or the recovered tax increment value. If a new rate, a rate decrease, or a limiting rate increase has been approved at an election held after March 21, 2006, then (i) the otherwise applicable limiting rate shall be increased by the amount of the new rate or shall be reduced by the amount of the rate decrease, as the case may be, or (ii) in the case of a limiting rate increase,

the limiting rate shall be equal to the rate set forth in the proposition approved by the voters for each of the years specified in the proposition, after which the limiting rate of the taxing district shall be calculated as otherwise provided. In the case of a taxing district that obtained referendum approval for an increased limiting rate on March 20, 2012, the limiting rate for tax year 2012 shall be the rate that generates the approximate total amount of taxes extendable for that tax year, as set forth in the proposition approved by the voters; this rate shall be the final rate applied by the county clerk for the aggregate of all capped funds of the district for tax year 2012.

(Source: P.A. 99-143, eff. 7-27-15; 99-521, eff. 6-1-17; 100-465, eff. 8-31-17; revised 8-12-19.)

Section 10. The Chicago Park District Act is amended by changing Section 20a as follows: (70 ILCS 1505/20a) (from Ch. 105, par. 333.20a)

Sec. 20a. Bonds; issuance; interest. Notwithstanding anything to the contrary in Section 20 of this Act, the Chicago Park District is authorized to issue from time to time bonds of such district in the principal amount of \$84,000,000 for the purpose of paying the cost of erecting, enlarging, ornamenting, building, rebuilding, rehabilitating and improving any aquarium or any museum or museums of art, industry, science or natural or other history located within any public park or parks under the control of the Chicago Park District, without submitting the question of issuing such bonds to the voters of the District.

Notwithstanding anything to the contrary in Section 20 of this Act, and in addition to any other amount of bonds authorized to be issued under this Act, the Chicago Park District is authorized to issue from time to time, before January 1, 2004, bonds of the district in the principal amount of \$128,000,000 for the purpose of paying the cost of erecting, enlarging, ornamenting, building, rebuilding, rehabilitating, and improving any aquarium or any museum or museums of art, industry, science, or natural or other history located within any public park or parks under the control of the Chicago Park District, without submitting the question of issuing the bonds to the voters of the District.

Notwithstanding anything to the contrary in Section 20 of this Act, and in addition to any other amount of bonds authorized to be issued under this Act, the Chicago Park District is authorized to issue from time to time bonds of the district in the principal amount of \$250,000,000 for the purpose of making contributions to the pension fund established under Article 12 of the Illinois Pension Code without submitting the question of issuing the bonds to the voters of the District; except that in any one year, the Chicago Park District may not issue bonds in excess of \$75,000,000. Any bond issuances under this subsection are intended to decrease the unfunded liability of the pension fund and shall not decrease the amount of the employer contributions required in any given year under Section 12-149 of the Illinois Pension Code.

The bonds authorized under this Section shall be of such denomination or denominations, may be registerable as to principal only, and shall mature serially within a period of not to exceed 20 years or, for bonds issued after the effective date of this amendatory Act of the 93rd General Assembly, within a period of not to exceed 30 years, may be redeemable prior to maturity with or without premium at the option of the commissioners on such terms and conditions as the commissioners of the Chicago Park District shall fix by the ordinance authorizing the issuance of such bonds. The bonds shall bear interest at the rate of not to exceed that permitted in "An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as now or hereafter amended.

Such bonds shall be executed for and on behalf of the Park District by such officers as shall be specified in the bond ordinance, and one of such officers may be authorized to execute the bonds by his facsimile signature, which officer shall adopt as and for his official manual signature the facsimile signature as it appears upon the bonds.

The ordinance authorizing the issuance of the bonds shall provide for the levy and collection, in each of the years any of such bonds shall be outstanding, a tax without limitation as to rate or amount and in addition to all other taxes upon all the taxable property within the corporate boundaries of the Chicago Park District, sufficient to pay the principal of and the interest upon such bonds as the same matures and becomes due.

A certified copy of the ordinance providing for the issuance of the bonds and the levying and collecting of the tax to pay the same shall be filed with the County Clerk of the county in which the Chicago Park District is located or with the respective County Clerks of each county in which the Chicago Park District is located. Such ordinance shall be irrevocable and upon receipt of the certified copy thereof the County Clerk or County Clerks, as the case may be, shall provide for, assess and extend the tax as therein

provided upon all the taxable property located within the corporate boundaries of the Chicago Park District, in the same manner as other park taxes by law shall be provided for, assessed and extended, and such taxes shall be collected and paid out in the same manner as other park taxes by law shall be collected and paid.

The interest on any unexpended proceeds of bonds issued under this Section shall be credited to the Chicago Park District and shall be paid into the District's general corporate fund. The Chicago Park District may transfer such amount of interest from the general corporate fund to the aquarium and museum bond fund.

The amount of the outstanding bonded indebtedness of the Chicago Park District issued under this Section shall not be included in the bonded indebtedness of the District in determining whether or not the District has exceeded its limitation of 1/2 of 1% of the assessed valuation of all taxable property in the District as last equalized and determined by the Department of Revenue for the issuance of any bonds authorized under the provisions of Section 20 of this Act without submitting the question to the legal voters for approval.

(Source: P.A. 93-338, eff. 7-24-03.)

Section 15. The Illinois Pension Code is amended by changing Sections 1-160, 12-130, 12-133.1, 12-133.2, 12-140, 12-149, and 12-150 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, 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. Notwithstanding anything to the contrary in this Section, for purposes of this Section, a person 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) 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 (age 65, with respect to service under Article 12 that is subject to this Section, for a member or participant under Article 12 who first becomes a member or participant under Article 12 on or after January 1, 2022 or who makes the election under item (i) of subsection (d-15) of this Section) (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 (age 60, with respect to service under Article 12 that is subject to this Section, for a member or participant under Article 12 who first becomes a member or participant under Article 12 on or after January 1, 2022 or who makes the election under item (i) of subsection (d-15) of this Section) (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 (age 60, with respect to service under Article 12 that is subject to this Section, for a member or participant under Article 12 who first becomes a member or participant under Article 12 on or after January 1, 2022 or who makes the election under item (i) of subsection (d-15) of this Section) (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 (age 65, with respect to service under Article 12 that is subject to this Section, for a member or participant under Article 12 who first becomes a member or participant under Article 12 on or after January 1, 2022 or who makes the election under item (i) of subsection (d-15) of this Section) (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).

- (d-15) Each person who first becomes a member or participant under Article 12 on or after January 1, 2011 and prior to January 1, 2022 shall make an irrevocable election either:
  - (i) to be eligible for the reduced retirement age specified in subsections (c) and (d) of this Section, the eligibility for which is conditioned upon the member or participant agreeing to the increase in employee contributions for service annuities specified in subsection (b) of Section 12-150; or
  - (ii) to not agree to item (i) of this subsection (d-15), in which case the member or participant shall not be eligible for the reduced retirement age specified in subsections (c) and (d) of this Section and shall not be subject to the increase in employee contributions for service annuities specified in subsection (b) of Section 12-150.

The election provided for in this subsection shall be made between January 1, 2022 and April 1, 2022. 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 (age 65, with respect to service under Article 12 that is subject to this Section, for a member or participant under Article 12 who first becomes a member or participant under Article 12 on or after January 1, 2022 or who makes the election under item (i) of subsection (d-15); 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 annualy 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 102nd 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 102nd General Assembly.

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 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 5/12-130) (from Ch. 108 1/2, par. 12-130)

Sec. 12-130. Retirement prior to age 60. An employee withdrawing prior to January 1, 1990 with at least 10 years of service and before attainment of age 55 shall be entitled at his option to a retirement annuity beginning at age 55.

An employee withdrawing prior to January 1, 1990 with at least 10 years of service upon or after attainment of age 55, and before age 60, shall be entitled to a retirement annuity beginning at any time thereafter.

An employee who withdraws on or after January 1, 1990 and has attained age 45 before January 1, 2015 with at least 10 years of service and prior to age 60 shall be entitled, at his option, to a retirement annuity beginning at any time after withdrawal or attainment of age 50, whichever occurs later. An employee who has not attained age 45 before January 1, 2015 and withdraws on or after that date with at least 10 years of service and prior to age 60 shall be entitled, at his option, to a retirement annuity beginning at any time after withdrawal or attainment of age 58, whichever occurs later.

Notwithstanding Section 1-103.1, the changes to this Section made by this amendatory Act of the 98th General Assembly apply regardless of whether the employee was in active service on or after the effective date of this amendatory Act, but do not apply to a person whose service under this Article is subject to Section 1-160.

Any employee upon withdrawal after at least 15 years of service, upon or after attainment of age 50, and before attainment of age 55, who received ordinary disability benefit for the maximum period of time provided herein, and who continues to be disabled, shall be entitled to a retirement annuity.

The amount of retirement annuity for any employee who entered service prior to July 1, 1971 shall be provided from the total of the accumulations as stated in this Section, at the employee's attained age on the date of retirement:

- (a) the accumulation from employee contributions for service annuity on the date of withdrawal, improved by regular interest from the date the employee withdraws to the date he enters upon annuity;
- (b) 1/10 of the accumulation, on the date of withdrawal, from employer contributions for service annuity, for each complete year of service above 10 years up to 100% of such accumulation, improved by regular interest from the date the employee withdraws to the date he enters upon annuity. (Source: P.A. 86-272; 86-1028.)
  - (40 ILCS 5/12-133.1) (from Ch. 108 1/2, par. 12-133.1)

Sec. 12-133.1. Annual increase in basic retirement annuity.

(a) Any employee upon withdrawal from service on or after July 1, 1965, and retiring on a retirement annuity, shall be entitled to an annual increase in his basic retirement annuity as defined herein while he is in receipt of such annuity.

The term "basic retirement annuity" shall mean the retirement annuity of the amount fixed and payable at date of retirement of the employee.

- (b) The annual increase in annuity shall be 1 1/2% of the basic retirement annuity. The increase shall first occur in the month of January or the month of July, whichever first occurs next following or coincidental with the first anniversary of retirement. Effective January 1, 1972, the annual rate of increase in annuity thereafter shall be 2% of the basic retirement annuity, provided that beginning as of January 1, 1976, the annual rate of increase shall be 3% of the basic retirement annuity.
- (b 1) Notwithstanding subsection (b), all automatic annual increases payable under this Section on or after January 1, 2015 shall be calculated at 3% or one-half the annual unadjusted percentage increase (but not less than 0) 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.

For the purposes of this Article, "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.

Notwithstanding Section 1-103.1, this subsection (b-1) is applicable without regard to whether the employee was in active service on or after the effective date of this amendatory Act of the 98th General Assembly. This subsection (b-1) is also applicable to any former employee who on or after the effective date of this amendatory Act of the 98th General Assembly is receiving a retirement annuity pursuant to the provisions of this Section.

(b-2) Notwithstanding any other provision of this Article, no automatic annual increase in retirement annuity payable under this Section shall be granted to any person by the Fund in 2015, 2017, and 2019 under this Article or under Section 1-160 of this Code as it applies to this Article. In the years 2016, 2018, 2020, and thereafter, the Fund shall continue to pay amounts accruing from automatic annual increases in the manner provided by this Code.

Notwithstanding Section 1-103.1, this subsection (b-2) is applicable without regard to whether the employee was in active service on or after the effective date of this amendatory. Act of the 98th General Assembly. This subsection (b-2) is also applicable to any former employee who on or after the effective date of this amendatory. Act of the 98th General Assembly is receiving a retirement annuity pursuant to the provisions of this Article.

(c) For an employee who retires with less than 30 years of service, the increase in the basic retirement annuity shall begin not earlier than in the month of January or the month of July, whichever occurs first, following or coincidental with the employee's attainment of age 60.

For Subject to the provisions of subsection (b 2), for an employee who retires with at least 30 years of service, the annual increase under this Section shall begin in the month of January or the month of July, whichever first occurs next following or coincidental with the later of (1) the first anniversary of retirement

- or (2) July 1, 1998, without regard to the attainment of age 60 and without regard to whether or not the employee was in service on or after the effective date of this amendatory Act of 1998.
- (d) The increase in the basic retirement annuity shall not be applicable unless the employee otherwise qualified has made contributions to the fund as provided herein for an equivalent period of one full year. If such contributions were not made, the employee may make the required payment to the fund at the time of retirement, in a single sum, without interest.
- (e) The additional contributions by an employee towards the annual increase in basic retirement annuity shall not be refundable, except to an employee who withdraws and applies for a refund under this Article, or dies while in service, and also in cases where a temporary annuity becomes payable. In such cases his contributions shall be refunded without interest.

(Source: P.A. 90-766, eff. 8-14-98.)

(40 ILCS 5/12-133.2) (from Ch. 108 1/2, par. 12-133.2)

Sec. 12-133.2. Increases to employee annuitants. The provisions of subsections (b 1) and (b 2) of Section 12 133.1 also apply to the benefits provided under this Section.

Employees who retired on service retirement annuity prior to July 1, 1965 who were at least 55 years of age at date of retirement and had at least 20 years of credited service, who shall have attained age 65, and any employee retired on or after such date who meets such qualifying conditions and who is not eligible for an annual increase in basic retirement annuity otherwise provided in this Article, shall be entitled to receive benefits under this Section.

These benefits shall be in an amount equal to 1 1/2% of the service retirement annuity multiplied by the number of full years that the annuitant was in receipt of such annuity. This payment shall begin in January of 1970, and an additional 1 1/2% based upon the original grant of annuity shall be added in January of each year thereafter. Beginning January 1, 1972, the annual rate of increase in annuity shall be 2% of the original grant of annuity and shall also apply thereafter to any person who shall have had at least 15 years of credited service and less than 20 years on the same basis as was applicable to persons retired with 20 or more years of service; provided that beginning January 1, 1976, the annual rate of increase in retirement annuity shall be 3% of the basic retirement annuity.

An employee annuitant who otherwise qualifies for the aforesaid benefit shall make a one-time contribution of 1% of the final monthly average salary multiplied by the number of completed years of service forming the basis of his service retirement annuity, provided that if the annuity was computed on any other basis, the contribution shall be 1% of the rate of monthly salary in effect on the date of retirement multiplied by the number of completed years of service forming the basis of his service retirement annuity. (Source: P.A. 87-1265.)

(40 ILCS 5/12-140) (from Ch. 108 1/2, par. 12-140)

Sec. 12-140. Duty disability benefit. An employee who becomes disabled as the direct result of injury incurred in the performance of an act of duty and cannot perform the duties of the regularly assigned position, is entitled to receive, while so disabled, a benefit of 75% of the salary at the date when such duty disability benefits commence, subject to the conditions hereinafter stated, except that beginning January 1, 2015, such duty disability benefits shall be reduced to 74% of that salary; beginning January 1, 2017, such duty disability benefits shall be reduced to 73% of that salary; and beginning January 1, 2019, such duty disability benefits shall be reduced to 72% of that salary.

In the event an employee returns to service from any duty disability and renders actual employment in pay status performing the duties of the regularly assigned position for at least 60 days, and again becomes disabled, whether due to the previous disability or a new disability, the salary to be used in the computation of the benefit shall be the salary in effect at the date of the last day of service prior to the latest disability.

The employee shall also receive a further benefit of \$20 per month on account of each eligible minor child as prescribed in Section 12-137, but the combined benefit to employee and children shall not exceed the annual salary at the date of such disability less the sums that would be deducted from his salary for service annuity and spouse's service annuity.

The benefit prescribed herein shall be payable during disability until the employee attains age 65, if disability is incurred before age 60, or for a period of 5 years if disability is incurred at age 60 or older. If the disability is incurred after age 65, this 5 year period may be reduced if such reduction can be justified on the basis of actuarial cost data approved by the board upon the recommendation of the actuary. At such time if the employee remains disabled the employee may retire on a retirement annuity.

If an employee dies as the direct result of injury incurred in the performance of an act of duty, or if death results from any cause which is compensable under the Workers' Occupational Diseases Act, a surviving spouse shall be entitled to a benefit (subject to the modifications stated in Section 12-141) of 50% of the employee's salary as it was at the date of injury resulting in death, until the date when the employee would have attained age 65, if injury was incurred under age 60, or for a period of 5 years if disability is incurred at age 60 or older. After such date, the spouse shall be entitled to receive the reversionary annuity that would have been fixed had the employee continued in service at the rate of salary received at the date of his injury resulting in death, until the employee attained age 65 or as stated herein and had then retired.

If a spouse remarries while under age 55 while in receipt of a benefit under this section, the benefit shall terminate. Such termination shall be final and shall not be affected by any change thereafter in his or her marital status.

Notwithstanding Section 1-103.1, the changes to this Section made by this amendatory Act of the 98th General Assembly apply to duty disability benefits payable on or after January 1, 2015, regardless of whether the recipient is deemed to be in service on or after the effective date of this amendatory Act. (Source: P.A. 86-272.)

(40 ILCS 5/12-149) (from Ch. 108 1/2, par. 12-149)

Sec. 12-149. Financing.

(a) (a) The board of park commissioners of any such park district shall annually levy a tax (in addition to the taxes now authorized by law) upon all taxable property embraced in the district, at the rate which, when added to the employee contributions under this Article and applied to the fund created hereunder, shall be sufficient to provide for the purposes of this Article in accordance with the provisions thereof. Such tax shall be levied and collected with and in like manner as the general taxes of such district, and shall not in any event be included within any limitations of rate for general park purposes as now or hereafter provided by law, but shall be excluded therefrom and be in addition thereto.

The amount of such annual tax to and including the year 1977 shall not exceed .0275% of the value, as equalized or assessed by the Department of Revenue, of all taxable property embraced within the park district, provided that for the year 1978, and for each year thereafter, the amount of such annual tax shall be at a rate on the dollar of assessed valuation of all taxable property that will produce, when extended, for the year 1978 the following sum: 0.825 times the amount of employee contributions during the fiscal year 1976; for the year 1979, 0.85 times the amount of employee contributions during the fiscal year 1977; for the year 1980, 0.90 times the amount of employee contributions during the fiscal year 1978; for the year 1981, 0.95 times the amount of employee contributions during the fiscal year 1979; for the year 1982, 1.00 times the amount of employee contributions during the fiscal year 1980; for the year 1983, 1.05 times the amount of contributions made on behalf of employees during the fiscal year 1981; and for the year 1984 and each year thereafter through the year 2019 2013, an amount equal to 1.10 times the employee contributions during the fiscal year 2-years prior to the year for which the applicable tax is levied. Beginning in levy year 2020, and in each year thereafter, the levy shall not exceed the amount of the Park District's total required contribution to the Fund for the next payment year, as determined under this subsection. Beginning payment year 2021, the Park District's required annual contribution shall be as follows: For the year 2014, this calculation shall be 1.10 times the amount of employee contributions during the 12 month fiscal year ending June 30, 2012; and for the year 2015, this calculation shall be 1.70 times the amount of employee contributions during the 12-month fiscal year ending December 31, 2013. For the year 2016, this calculation shall be an amount equal to 1.70 times; for the years 2017 and 2018, this calculation shall be an amount equal to 2.30 times; and for the year 2019 and each year thereafter, until the Fund attains a funded ratio of at least 90% with the funded ratio being the ratio of the actuarial value of assets to the total actuarial liability, this calculation shall be an amount equal to 2.90 times the employee contributions during the fiscal year 2 years prior to the year for which the applicable tax is levied. Beginning in the fiscal year in which the Fund attains a funding ratio of at least 90%, the contribution shall be the lesser of (1) 2.90 times the employee contributions during the fiscal year 2 years prior to the year for which the applicable tax is levied, or (2) the amount needed to maintain a funded ratio of 90%.

For payment year 2021, the Park District's required annual contribution to the Fund shall be one-fourth of the amount, as determined by an actuary retained by the Fund, equal to the sum of (i) the Park District's portion of the projected normal cost for that fiscal year, plus (ii) an amount determined by an actuary retained by the Fund, using a 35-year period starting on December 31, 2020 with the entry age normal actuarial cost method, that is sufficient to bring the total actuarial assets of the Fund up to 100% of the total actuarial accrued liabilities of the Fund by the end of 2055.

For payment year 2022, the Park District's required annual contribution to the Fund shall be one-half of the amount, as determined by an actuary retained by the Fund, equal to the sum of (i) the Park District's

portion of the projected normal cost for that fiscal year, plus (ii) an amount determined by an actuary retained by the Fund, using a 35-year period starting on December 31, 2021 with the entry age normal actuarial cost method, that is sufficient to bring the total actuarial assets of the Fund up to 100% of the total actuarial accrued liabilities of the Fund by the end of 2056.

For payment year 2023, the Park District's required annual contribution to the Fund shall be three-fourths of the amount, as determined by an actuary retained by the Fund, equal to the sum of (i) the Park District's portion of the projected normal cost for that fiscal year, plus (ii) an amount determined by an actuary retained by the Fund, using a 35-year period starting on December 31, 2022 with the entry age normal actuarial cost method, that is sufficient to bring the total actuarial assets of the Fund up to 100% of the total actuarial accrued liabilities of the Fund by the end of 2057.

For payment years 2024 through 2058, the Park District's required annual contribution to the Fund shall be the amount, as determined by an actuary retained by the Fund, equal to the sum of (i) the Park District's portion of the projected normal cost for that fiscal year, plus (ii) an amount determined by an actuary retained by the Fund, using a 35-year period starting on December 31, 2023 with the entry age normal actuarial cost method, that is sufficient to bring the total actuarial assets of the Fund up to 100% of the total actuarial accrued liabilities of the Fund by the end of 2058.

For payment year 2059 and each year thereafter, the Park District's required annual contribution to the Fund shall be the amount, as determined by an actuary retained by the Fund, if any, needed to bring the total actuarial assets of the Fund up to 100% of the total actuarial accrued liabilities of the Fund, using the entry age normal actuarial cost method, as of the end of the year.

In making determinations under this subsection, any actuarial gains or losses from investment returns that differ from the expected investment returns incurred in a fiscal year shall be recognized in equal annual amounts over the 5-year period following the fiscal year.

As used in this Section, "payment year" means the year immediately following the levy year.

(b) In addition to the contributions required under the other provisions of this Article, no later than November 1, 2021 the employer shall contribute \$40,000,000 to the Fund. The additional employer contributions required under this subsection (b) are intended to decrease the unfunded liability of the Fund and shall not decrease the amount of the employer contributions required under the other provisions of this Article. The additional employer contributions made under this subsection (b) may be used by the Fund for any of its lawful purposes. In addition to the contributions required under the other provisions of this Article, by November 1 of the following specified years, the employer shall contribute to the Fund the following specified amounts: \$12,500,000 in 2015; \$12,500,000 in 2016; and \$50,000,000 in 2019. The additional employer contributions required under this subsection (a) are intended to decrease the unfunded liability of the Fund and shall not decrease the amount of the employer contributions required under the other provisions of this Article. The additional employer contributions made under this subsection (a) may be used by the Fund for any of its lawful purposes:

(c) (b) As used in this Section, the term "employee contributions" means contributions by employees for retirement annuity, spouse's annuity, automatic increase in retirement annuity, and death benefit.

In making required contributions under this Section, the employer may, in lieu of levying all or a portion of the tax required under this Section, deposit an amount not less than the required amount of employer contributions derived from any source legally available for that purpose. In making required contributions under this Section, the employer may, in lieu of levying all or a portion of the tax required under this Section, deposit an amount not less than the required amount of employer contributions derived from any source legally available for that purpose.

- (d) (e) In respect to park district employees, other than policemen, who are transferred to the employment of a city by virtue of the "Exchange of Functions Act of 1957", the corporate authorities of the city shall annually levy a tax upon all taxable property embraced in the city, as equalized or assessed by the Department of Revenue, at such rate per cent of the value of such property as shall be sufficient, when added to the amounts deducted from the salary or wages of such employees, to provide the benefits to which such employees, their dependents and beneficiaries are entitled under the provisions of this Article. The park district shall not levy a tax hereunder in respect to such employees. The tax levied by the city under authority of this Article shall be in addition to and exclusive of all other taxes authorized by law to be levied by the city for corporate, annuity fund or other purposes.
- (e) (d) All moneys accruing from the levy and collection of taxes, pursuant to this section, shall be remitted to the board by the employers as soon as they are received. Where a city has levied a tax pursuant to this Section in respect to park district employees transferred to the employment of a city, the treasurer of

such city or other authorized officer shall remit the moneys accruing from the levy and collection of such tax as soon as they are received. Such remittances shall be made upon a pro rata share basis, whereby each employer shall pay to the board such employer's proportionate percentage of each payment of taxes received by it, according to the ratio which its tax levy for this fund bears to the total tax levy of such employer.

- (f) (e) Should any board of park commissioners included under the provisions of this Article be without authority to levy the tax provided in this Section the corporation authorities (meaning the supervisor, clerk and assessor) of the town or towns for which such board shall be the board of park commissioners shall levy such tax.
- (g) (f) Employer contributions to the Fund may be reduced by \$5,000,000 for calendar years 2004 and 2005.

(Source: P.A. 97-973, eff. 8-16-12.)

(40 ILCS 5/12-150) (from Ch. 108 1/2, par. 12-150)

Sec. 12-150. Contributions by employees for service annuity.

- (a) From each payment of salary to a present employee beginning August 4, 1961, and prior to September 1, 1971, there shall be deducted as contributions for service annuity 6% of such payment. Beginning September 1, 1971, the deduction shall be 6 1/2% of salary. Beginning January 1, 2015, the deduction shall be 8% of salary. Beginning January 1, 2017, the deduction shall be 9% of salary. Beginning January 1, 2019, the deduction shall be 10% of salary. These contributions shall continue until the amounts thus deducted will provide an accumulation, at regular interest, at least equal to the amount that would be provided on such date from employee contributions, assuming regular interest to such date, if such employee had been contributing in accordance with the provisions of "The 1919 Act" and this Article from the beginning of his service and the salary of the employee during his prior service was the same as it was on July 1, 1919, or on July 1, 1937 in the case of an employee of the board.
- (b) From each payment of salary to a future entrant beginning August 4, 1961, and prior to September 1, 1971, there shall be deducted as contributions for service annuity 6% of such payment. Beginning September 1, 1971, the deduction shall be 6 1/2% of salary. Beginning January 1, 1990, the deduction shall be 7% of salary, except that the deduction shall be 9% of salary for a person who first becomes an employee on or after January 1, 2022 or who makes the election under item (i) of subsection (d-15) of Section 1-160. Beginning January 1, 2015, the deduction shall be 8% of salary. Beginning January 1, 2017, the deduction shall be 9% of salary. Beginning with the first pay period on or after the date when the funded ratio of the Fund is first determined to have reached the 90% funding goal, and each pay period thereafter for as long as the Fund maintains a funding ratio of 90% or more, employee contributions shall be 8.5% of salary for the service annuity. If the funding ratio falls below 90%, then employee contributions for the service annuity shall revert to 10% of salary until such time as the Fund once again is determined to have reached the 90% funding goal, at which time the 8.5% of salary employee contribution for the service annuity shall revert to 10% of salary until such time
- (c) For service rendered prior to August 4, 1961, the rates of contribution by employees for service annuity shall be as follows: July 1, 1919 to July 20, 1947, inclusive, 4% of salary; July 21, 1947 to August 3, 1961, inclusive, 5% of salary.

For the period from July 1, 1919, to August 4, 1961 such deductions for a present employee shall continue until such date as the amounts deducted will provide an accumulation at least equal to that which would be provided on such date, assuming regular interest to such date, from deductions from salary of such employee if such employee had been under the provisions of "The 1919 Act" and this Article from the beginning of his service and the salary of such employee during his period of prior service was the same as it was on July 1, 1919 or on July 1, 1937 in the case of an employee of the board.

(d) Any employee shall have the option to contribute for service annuity an amount, together with regular interest, equal to the difference between the amount he had accumulated in the fund on June 30, 1947, from contributions at the rate of 4% of salary, together with regular interest, and the amount he would have accumulated, together with regular interest, if he had made contributions at the rate of 5% of salary. All such contributions shall be subject to salary limitations and other conditions in effect prior to July 1, 1947. Upon making such contribution the employer of such employee shall contribute in the ratio of 2 to 1 with such employee.

(Source: P.A. 86-272.)

Section 20. (a) Public Act 98-622 added Section 12-195 to the Illinois Pension Code. Section 97 of Public Act 98-622 provided:

The changes made by this amendatory Act are inseverable, except that Section 12-195 of the Illinois Pension Code is severable under Section 1.31 of the Statute on Statutes.

(b) On March 1, 2018, the Circuit Court of Cook County entered a Memorandum and Order in David Biedron, et al. v. Park Employees' and Retirement Board Employees' Annuity and Benefit Fund, et al., case number 15 CH 14869. The Memorandum and Order, inter alia, held:

The legislative history of Public Act 098-0622 is clear that its purpose was to establish a comprehensive scheme to reform the Fund and enable it to achieve long-term financial stability. (District's MSJ. Ex, B). It is clear from the Act itself and the legislative history that the provisions of the Act were intended to work together to achieve this purpose. Section 12-195, the sole remaining provision of the Act, cannot by itself accomplish the General Assembly's purpose in enacting Public Act 098-0622. The invalidation of every provision of the Act except §12-195 severely undercuts the General Assembly's purpose in enacting Public Act 098-0622 and, therefore, §12-195 is also inseverable.

Based on Public Act 098-0622's severability provision and Illinois case law, the unchallenged sections of Public Act 098-0622 are not severable and the entire Act must be declared void. Plaintiffs are entitled to a declaration that Public Act 098-0622 is unconstitutional and unenforceable in its entirety under the Pension Clause.

An Agreed Order was entered in that case on January 8, 2019 to resolve certain matters.

(c) The purpose of the reenactment of Section 12-195 of the Illinois Pension Code in Section 20 of this Act is to remove any question as to the validity or content of Section 12-195 of the Illinois Pension Code. This Act is not intended to supersede any other Public Act that amends the text of Section 12-195 of the Illinois Pension Code.

Section 25. Section 12-195 of the Illinois Pension Code is reenacted as follows: (40 ILCS 5/12-195)

Sec. 12-195. 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 the effective date of this amendatory Act of the 98th 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 Fund of additional funding at least sufficient to fund the resulting annual increase in cost to the Fund as it accrues.

Every new benefit increase is contingent upon the General Assembly providing the additional funding required under this subsection (c). The State Actuary shall analyze whether adequate additional funding has been provided for the new benefit increase. A new benefit increase created by a Public Act that does not include the additional funding required under this subsection (c) is null and void. If the State Actuary determines that the additional funding provided for a new benefit increase under this subsection (c) 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.

(Source: P.A. 98-622, eff. 6-1-14.)

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(40 ILCS 5/12-150.5 rep.)
(40 ILCS 5/12-155.5 rep.)
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Section 30. The Illinois Pension Code is amended by repealing Sections 12-150.5 and 12-155.5.

Section 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. 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 bill, as amended, was ordered to a third reading.

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

On motion of Senator Martwick, **House Bill No. 417** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 14.

The following voted in the affirmative:

Anderson	DeWitte	Johnson	Pacione-Zayas
Aquino	Ellman	Jones, E.	Peters
Belt	Feigenholtz	Joyce	Simmons
Bennett	Fine	Koehler	Sims
Bush	Fowler	Landek	Stadelman
Castro	Gillespie	Lightford	Turner, D.
Collins	Glowiak Hilton	Loughran Cappel	Van Pelt
Crowe	Harris	Martwick	Villa
Cullerton, T.	Hastings	Morrison	Villanueva
Cunningham	Holmes	Muñoz	Villivalam
Curran	Hunter	Murphy	

The following voted in the negative:

Bailey	McConchie	Stewart	Turner, S.
Barickman	Plummer	Stoller	Wilcox
Bryant	Rezin	Syverson	
McClure	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 in the Senate Amendment adopted thereto.

On motion of Senator Bennett, **House Bill No. 573** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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
Bennett	Glowiak Hilton	Morrison	Turner, D.

Bryant Harris Muñoz Turner, S. Bush Van Pelt Hastings Murphy Castro Holmes Pacione-Zayas Villa Villanueva Hunter Collins Peters Crowe Johnson Plummer Villivalam Cullerton, T. Jones, E. Rezin Wilcox Cunningham Jovce Rose Curran Koehler Simmons DeWitte Landek Sims Ellman 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.

#### HOUSE BILL RECALLED

On motion of Senator Martwick, **House Bill No. 576** 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 HOUSE BILL 576**

AMENDMENT NO.  $\underline{1}$  . Amend House Bill 576 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 26-1 and 26-2a as follows: (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

Sec. 26-1. Compulsory school age; exemptions. Whoever has custody or control of any child (i) between the ages of 7 and 17 years (unless the child has already graduated from high school) for school years before the 2014-2015 school year or (ii) between the ages of 6 (on or before September 1) and 17 years (unless the child has already graduated from high school) beginning with the 2014-2015 school year shall cause such child to attend some public school in the district wherein the child resides the entire time it is in session during the regular school term, except as provided in Section 10-19.1, and during a required summer school program established under Section 10-22.33B; provided, that the following children shall not be required to attend the public schools:

- 1. Any child attending a private or a parochial school where children are taught the branches of education taught to children of corresponding age and grade in the public schools, and where the instruction of the child in the branches of education is in the English language;
- 2. Any child who is physically or mentally unable to attend school, such disability being certified to the county or district truant officer by a competent physician licensed in Illinois to practice medicine and surgery in all its branches, a chiropractic physician licensed under the Medical Practice Act of 1987, a licensed advanced practice registered nurse, a licensed physician assistant, or a Christian Science practitioner residing in this State and listed in the Christian Science Journal; or who is excused for temporary absence for cause by the principal or teacher of the school which the child attends, with absence for cause by illness being required to include the mental or behavioral health of the child for up to 5 days for which the child need not provide a medical note, in which case the child shall be given the opportunity to make up any school work missed during the mental or behavioral health absence and, after the second mental health day used, may be referred to the appropriate school support personnel; the exemptions in this paragraph (2) do not apply to any female who is pregnant or the mother of one or more children, except where a female is unable to attend school due to a complication arising from her pregnancy and the existence of such complication is certified to the county or district truant officer by a competent physician;
- 3. Any child necessarily and lawfully employed according to the provisions of the law regulating child labor may be excused from attendance at school by the county superintendent of schools or the superintendent of the public school which the child should be attending, on certification

of the facts by and the recommendation of the school board of the public school district in which the child resides. In districts having part-time continuation schools, children so excused shall attend such schools at least 8 hours each week;

- 4. Any child over 12 and under 14 years of age while in attendance at confirmation classes;
- 5. Any child absent from a public school on a particular day or days or at a particular time of day for the reason that he is unable to attend classes or to participate in any examination, study or work requirements on a particular day or days or at a particular time of day, because the tenets of his religion forbid secular activity on a particular day or days or at a particular time of day. Each school board shall prescribe rules and regulations relative to absences for religious holidays including, but not limited to, a list of religious holidays on which it shall be mandatory to excuse a child; but nothing in this paragraph 5 shall be construed to limit the right of any school board, at its discretion, to excuse an absence on any other day by reason of the observance of a religious holiday. A school board may require the parent or guardian of a child who is to be excused from attending school due to the observance of a religious holiday to give notice, not exceeding 5 days, of the child's absence to the school principal or other school personnel. Any child excused from attending school under this paragraph 5 shall not be required to submit a written excuse for such absence after returning to school;
- 6. Any child 16 years of age or older who (i) submits to a school district evidence of necessary and lawful employment pursuant to paragraph 3 of this Section and (ii) is enrolled in a graduation incentives program pursuant to Section 26-16 of this Code or an alternative learning opportunities program established pursuant to Article 13B of this Code;
- 7. A child in any of grades 6 through 12 absent from a public school on a particular day or days or at a particular time of day for the purpose of sounding "Taps" at a military honors funeral held in this State for a deceased veteran. In order to be excused under this paragraph 7, the student shall notify the school's administration at least 2 days prior to the date of the absence and shall provide the school's administration with the date, time, and location of the military honors funeral. The school's administration may waive this 2-day notification requirement if the student did not receive at least 2 days advance notice, but the student shall notify the school's administration as soon as possible of the absence. A student whose absence is excused under this paragraph 7 shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the school district. A student whose absence is excused under this paragraph 7 must be allowed a reasonable time to make up school work missed during the absence. If the student satisfactorily completes the school work, the day of absence shall be counted as a day of compulsory attendance and he or she may not be penalized for that absence; and
- 8. Any child absent from a public school on a particular day or days or at a particular time of day for the reason that his or her parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-support postings. Such a student shall be granted 5 days of excused absences in any school year and, at the discretion of the school board, additional excused absences to visit the student's parent or legal guardian relative to such leave or deployment of the parent or legal guardian. In the case of excused absences pursuant to this paragraph 8, the student and parent or legal guardian shall be responsible for obtaining assignments from the student's teacher prior to any period of excused absence and for ensuring that such assignments are completed by the student prior to his or her return to school from such period of excused absence.

(Source: P.A. 99-173, eff. 7-29-15; 99-804, eff. 1-1-17; 100-185, eff. 8-18-17; 100-513, eff. 1-1-18; 100-863, eff. 8-14-18.)

(105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

Sec. 26-2a. A "truant" is defined as a child who is subject to compulsory school attendance and who is absent without valid cause, as defined under this Section, from such attendance for more than 1% but less than 5% of the past 180 school days.

"Valid cause" for absence shall be illness, including the mental or behavioral health of the student, observance of a religious holiday, death in the immediate family, or family emergency, and shall include such other situations beyond the control of the student, as determined by the board of education in each district, or such other circumstances which cause reasonable concern to the parent for the mental, emotional, or physical health or safety of the student.

"Chronic or habitual truant" shall be defined as a child who is subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% or more of the previous 180 regular attendance days.

"Truant minor" is defined as a chronic truant to whom supportive services, including prevention, diagnostic, intervention and remedial services, alternative programs and other school and community resources have been provided and have failed to result in the cessation of chronic truancy, or have been offered and refused.

A "dropout" is defined as any child enrolled in grades 9 through 12 whose name has been removed from the district enrollment roster for any reason other than the student's death, extended illness, removal for medical non-compliance, expulsion, aging out, graduation, or completion of a program of studies and who has not transferred to another public or private school and is not known to be home-schooled by his or her parents or guardians or continuing school in another country.

"Religion" for the purposes of this Article, includes all aspects of religious observance and practice, as well as belief.

(Source: P.A. 100-810, eff. 1-1-19; 100-918, eff. 8-17-18; 101-81, eff. 7-12-19.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

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

On motion of Senator Martwick, **House Bill No. 576** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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	Ellman	Landek	Simmons
Aquino	Feigenholtz	Lightford	Sims
Bailey	Fine	Loughran Cappel	Stadelman
Barickman	Fowler	Martwick	Stewart
Belt	Gillespie	McClure	Stoller
Bennett	Glowiak Hilton	McConchie	Syverson
Bush	Harris	Morrison	Tracy
Castro	Hastings	Muñoz	Turner, D.
Collins	Holmes	Murphy	Turner, S.
Crowe	Hunter	Pacione-Zayas	Van Pelt
Cullerton, T.	Johnson	Peters	Villa
Cunningham	Jones, E.	Plummer	Villanueva
Curran	Joyce	Rezin	Villivalam
DeWitte	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 in the Senate Amendment adopted thereto.

On motion of Senator Koehler, **House Bill No. 633** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Gillespie Martwick Stoller Glowiak Hilton Aquino McClure Syverson Belt Harris McConchie Tracy Bennett Hastings Morrison Turner, D. Turner, S. Bush Hunter Muñoz Castro Johnson Murphy Van Pelt Collins Jones, E. Pacione-Zayas Villa Crowe Jovce Peters Villanueva Koehler Rose Villivalam Cullerton, T. Cunningham Landek Simmons Wilcox Feigenholtz Lightford Sims Fine Loughran Cappel Stadelman

The following voted in the negative:

Bailey **DeWitte** Plummer **Bryant** Fowler Rezin Curran Holmes 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.

On motion of Senator Anderson, House Bill No. 1931 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Lightford

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

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).

Stadelman

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Stoller, **House Bill No. 2863** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Ellman 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. Turner, S. Bryant Harris Muñoz Van Pelt Bush Hastings Murphy Holmes Pacione-Zayas Villa Castro Collins Hunter Peters Villanueva Crowe Johnson Plummer Villivalam Wilcox Cullerton, T. Jones, E. Rezin Cunningham Joyce Rose Curran 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.

On motion of Senator Villa, **House Bill No. 3100** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 38; NAYS 17.

The following voted in the affirmative:

Aquino Feigenholtz Joyce Peters Belt Fine Koehler Simmons Bennett Gillespie Landek Sims Bush Glowiak Hilton Lightford Stadelman Loughran Cappel Castro Harris Van Pelt Martwick Villa Collins Hastings Crowe Holmes Morrison Villanueva Cunningham Hunter Muñoz Villivalam Curran Johnson Murphy Ellman Jones, E. Pacione-Zayas

The following voted in the negative:

Anderson Fowler Rose Turner, S.
Bailey McClure Stewart Wilcox
Barickman McConchie Stoller

[May 27, 2021]

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.

Senator D. Turner asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **House Bill No. 3100**.

On motion of Senator Aquino, **House Bill No. 3114** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

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

#### HOUSE BILL RECALLED

On motion of Senator Rezin, **House Bill No. 3317** was recalled from the order of third reading to the order of second reading.

Senator Rezin offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO HOUSE BILL 3317

AMENDMENT NO.  $\underline{\mathbf{1}}$  . Amend House Bill 3317 on page 1, line 21, by inserting "and" after ";"; and

on page 2, line 4, by replacing "; and" with "."; and

on page 2, by deleting lines 5 through 7.

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

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

On motion of Senator Rezin, **House Bill No. 3317** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 Ellman Lightford Stadelman Feigenholtz Loughran Cappel Stewart Aguino Martwick Stoller Bailey Fine Barickman McClure Fowler Syverson Belt Gillespie McConchie Tracy Glowiak Hilton Morrison Turner, D. Bennett Bryant Harris Muñoz Turner, S. Bush Hastings Murphy Van Pelt Castro Holmes Pacione-Zayas Villa Collins Hunter Peters Villanueva Crowe Johnson Plummer Villivalam Cullerton, T. Jones, E. Rezin Wilcox Cunningham Joyce Rose Curran 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 in the Senate Amendment adopted thereto.

On motion of Senator Peters, House Bill No. 3582 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 13.

The following voted in the affirmative:

Aquino Feigenholtz Koehler Peters Belt Fine Landek Simmons Bennett Gillespie Lightford Sims Bush Glowiak Hilton Loughran Cappel Stadelman Castro Harris Martwick Tracv Collins Hastings McClure Turner, D. Van Pelt Crowe Holmes McConchie Cullerton, T. Hunter Morrison Villanueva Villivalam Cunningham Johnson Muñoz Curran Jones, E. Murphy Ellman Joyce Pacione-Zayas

The following voted in the negative:

Bailey Fowler Stewart Wilcox

BarickmanPlummerStollerBryantRezinSyversonDeWitteRoseTurner, 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 in the Senate Amendment adopted thereto.

Senator Tracy asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the negative on **House Bill No. 3582**.

On motion of Senator Fine, **House Bill No. 3709** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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:

Aquino Fine Lightford Stadelman Belt Fowler Loughran Cappel Syverson Bennett Martwick Gillespie Tracy Turner, D. Bush Glowiak Hilton McClure McConchie Turner, S. Castro Harris Hastings Morrison Van Pelt Collins Crowe Holmes Muñoz Villa Villanueva Cullerton, T. Hunter Murphy Cunningham Johnson Pacione-Zayas Villivalam Curran Jones, E. Peters Wilcox DeWitte Jovce Rezin Koehler Ellman Simmons Feigenholtz Landek Sims

The following voted in the negative:

Bailey Plummer Stewart Bryant Rose 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.

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

On motion of Senator Fine, **House Bill No. 292** having been printed, was taken up and read by title a second time.

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

# **AMENDMENT NO. 1 TO HOUSE BILL 292**

AMENDMENT NO.  $\underline{1}$  . Amend House Bill 292 on page 8, line 6, by replacing " $\underline{\text{October 1, 2022}}$ " with " $\underline{\text{July 1, 2021}}$ ".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator D. Turner, **House Bill No. 355** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harris, **House Bill No. 453** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Aquino, **House Bill No. 721** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones III, **House Bill No. 731** having been printed, was taken up and read by title a second time.

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

#### AMENDMENT NO. 1 TO HOUSE BILL 731

AMENDMENT NO.  $\underline{1}$ . Amend House Bill 731 by replacing everything after the enacting clause with the following:

"Section 5. The Community Association Manager Licensing and Disciplinary Act is amended by changing Section 1 as follows:

(225 ILCS 427/1)

(Section scheduled to be repealed on January 1, 2022)

Sec. 1. Short title. This Act may be cited as the the Community Association Manager Licensing and Disciplinary Act.

(Source: P.A. 96-726, eff. 7-1-10.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Harris, **House Bill No. 1724** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bennett, **House Bill No. 1855** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, House Bill No. 1950 having been printed, was taken up and read by title a second time.

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

#### AMENDMENT NO. 1 TO HOUSE BILL 1950

AMENDMENT NO.  $\underline{1}$ . Amend House Bill 1950 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 1-5 as follows:

(305 ILCS 5/1-5) (from Ch. 23, par. 1-5)

Sec. 1-5. Construction. The The provisions of this Code shall be liberally construed to effect its objects and purposes.

(Source: Laws 1967, p. 122.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Stadelman, **House Bill No. 1953** having been printed, was taken up and read by title a second time.

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

## AMENDMENT NO. 1 TO HOUSE BILL 1953

AMENDMENT NO.  $\underline{1}$ . Amend House Bill 1953 by replacing everything after the enacting clause with the following:

"Section 5. The Statute on Statutes is amended by changing Section 1 as follows:

(5 ILCS 70/1) (from Ch. 1, par. 1001)

Sec. 1. In the the construction of statutes, this Act shall be observed, unless such construction would be inconsistent with the manifest intent of the General Assembly or repugnant to the context of the statute. (Source: P.A. 86-451.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Villa, **House Bill No. 1954** having been printed, was taken up and read by title a second time.

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

#### AMENDMENT NO. 1 TO HOUSE BILL 1954

AMENDMENT NO.  $\underline{1}$  . Amend House Bill 1954 by replacing everything after the enacting clause with the following:

"Section 5. The State Commemorative Dates Act is amended by adding Section 137 as follows: (5 ILCS 490/137 new)

Sec. 137. Autism Acceptance Week. The first full week of April of each year is designated as Autism Acceptance Week to be observed throughout the State as a week to promote the awareness and acceptance of autism and to encourage school districts, organizations, businesses, and local residents to support this week and participate in informed educational events planned to commemorate the occasion.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Villivalam, **House Bill No. 1976** having been printed, was taken up and read by title a second time.

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

## **AMENDMENT NO. 1 TO HOUSE BILL 1976**

AMENDMENT NO.  $\underline{1}$ . Amend House Bill 1976 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Optometric Practice Act of 1987 is amended by changing Section 4 as follows:

(225 ILCS 80/4) (from Ch. 111, par. 3904)

(Section scheduled to be repealed on January 1, 2027)

Sec. 4. No person shall practice, or attempt to practice, optometry, as defined in this Act, without a valid license as an optometrist issued by the the Department. (Source: P.A. 85-896.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Holmes, House Bill No. 2431 having been printed, was taken up and read by title a second time.

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

## AMENDMENT NO. 1 TO HOUSE BILL 2431

AMENDMENT NO.  $\underline{1}$  . Amend House Bill 2431 by replacing everything after the enacting clause with the following:

"Section 5. The Massage Licensing Act is amended by changing Section 1 as follows:

(225 ILCS 57/1)

(Section scheduled to be repealed on January 1, 2022)

Sec. 1. Short title. This Act may be cited as the the Massage Licensing Act.

(Source: P.A. 92-860, eff. 6-1-03.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Castro, **House Bill No. 2567** having been printed, was taken up and read by title a second time.

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

## **AMENDMENT NO. 1 TO HOUSE BILL 2567**

AMENDMENT NO.  $\underline{1}$ . Amend House Bill 2567 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by changing Section 1-5 as follows: (30 ILCS 500/1-5)

Sec. 1-5. Public policy. It is the the purpose of this Code and is declared to be the policy of the State that the principles of competitive bidding and economical procurement practices shall be applicable to all purchases and contracts by or for any State agency.

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Feigenholtz, **House Bill No. 2590** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 1443** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Joyce, **House Bill No. 2620** having been printed, was taken up and read by title a second time.

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

#### AMENDMENT NO. 1 TO HOUSE BILL 2620

AMENDMENT NO.  $\underline{1}$  . Amend House Bill 2620 by replacing everything after the enacting clause with the following:

"Section 5. The Weights and Measures Act is amended by changing Section 1 as follows: (225 ILCS 470/1) (from Ch. 147, par. 101)

Sec. 1. This Act shall be known  $\underline{and}$  and may be cited as the "Weights and Measures Act". (Source: Laws 1963, p. 3433.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Hunter, House Bill No. 2621 having been printed, was taken up and read by title a second time.

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

## AMENDMENT NO. 1 TO HOUSE BILL 2621

AMENDMENT NO. 1 . Amend House Bill 2621 by replacing everything after the enacting clause with the following:

"Section 5. The Weights and Measures Act is amended by changing Section 1 as follows:

(225 ILCS 470/1) (from Ch. 147, par. 101)

Sec. 1. This Act shall be known and and may be cited as the "Weights and Measures Act".

(Source: Laws 1963, p. 3433.)".

Committee Amendment No. 2 was referred to the Committee on Executive earlier today. There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Belt, **House Bill No. 2789** having been printed, was taken up and read by title a second time.

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

#### AMENDMENT NO. 1 TO HOUSE BILL 2789

AMENDMENT NO. 1 . Amend House Bill 2789 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Administrative Procedure Act is amended by changing Section 5-45 as follows:

(5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

Sec. 5-45. Emergency rulemaking.

- (a) "Emergency" means the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare.
- (b) If any agency finds that an emergency exists that requires adoption of a rule upon fewer days than is required by Section 5-40 and states in writing its reasons for that finding, the agency may adopt an emergency rule without prior notice or hearing upon filing a notice of emergency rulemaking with the Secretary of State under Section 5-70. The notice shall include the text of the emergency rule and shall be published in the Illinois Register. Consent orders or other court orders adopting settlements negotiated by an agency may be adopted under this Section. Subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing under Section 5-65 or at a stated date less than 10 days thereafter. The agency's finding and a statement of the specific reasons for the finding shall be filed with the rule. The agency shall take reasonable and appropriate measures to make emergency rules known to the persons who may be affected by them.
- (c) An emergency rule may be effective for a period of not longer than 150 days, but the agency's authority to adopt an identical rule under Section 5-40 is not precluded. No emergency rule may be adopted more than once in any 24-month period, except that this limitation on the number of emergency rules that may be adopted in a 24-month period does not apply to (i) emergency rules that make additions to and deletions from the Drug Manual under Section 5-5.16 of the Illinois Public Aid Code or the generic drug formulary under Section 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii) emergency rules adopted by the Pollution Control Board before July 1, 1997 to implement portions of the Livestock Management Facilities Act, (iii) emergency rules adopted by the Illinois Department of Public Health under subsections (a) through (i) of Section 2 of the Department of Public Health Act when necessary to protect the public's health, (iv) emergency rules adopted pursuant to subsection (o) of this Section, or (vi) emergency rules adopted pursuant to subsection (c-5) of this Section. Two or more emergency rules having substantially the same purpose and effect shall be deemed to be a single rule for purposes of this Section.
- (c-5) To facilitate the maintenance of the program of group health benefits provided to annuitants, survivors, and retired employees under the State Employees Group Insurance Act of 1971, rules to alter the contributions to be paid by the State, annuitants, survivors, retired employees, or any combination of those entities, for that program of group health benefits, shall be adopted as emergency rules. The adoption of those rules shall be considered an emergency and necessary for the public interest, safety, and welfare.
- (d) In order to provide for the expeditious and timely implementation of the State's fiscal year 1999 budget, emergency rules to implement any provision of Public Act 90-587 or 90-588 or any other budget initiative for fiscal year 1999 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (d). The adoption of emergency rules authorized by this subsection (d) shall be deemed to be necessary for the public interest, safety, and welfare.
- (e) In order to provide for the expeditious and timely implementation of the State's fiscal year 2000 budget, emergency rules to implement any provision of Public Act 91-24 or any other budget initiative for

fiscal year 2000 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (e). The adoption of emergency rules authorized by this subsection (e) shall be deemed to be necessary for the public interest, safety, and welfare.

- (f) In order to provide for the expeditious and timely implementation of the State's fiscal year 2001 budget, emergency rules to implement any provision of Public Act 91-712 or any other budget initiative for fiscal year 2001 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (f). The adoption of emergency rules authorized by this subsection (f) shall be deemed to be necessary for the public interest, safety, and welfare.
- (g) In order to provide for the expeditious and timely implementation of the State's fiscal year 2002 budget, emergency rules to implement any provision of Public Act 92-10 or any other budget initiative for fiscal year 2002 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (g). The adoption of emergency rules authorized by this subsection (g) shall be deemed to be necessary for the public interest, safety, and welfare.
- (h) In order to provide for the expeditious and timely implementation of the State's fiscal year 2003 budget, emergency rules to implement any provision of Public Act 92-597 or any other budget initiative for fiscal year 2003 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (h). The adoption of emergency rules authorized by this subsection (h) shall be deemed to be necessary for the public interest, safety, and welfare.
- (i) In order to provide for the expeditious and timely implementation of the State's fiscal year 2004 budget, emergency rules to implement any provision of Public Act 93-20 or any other budget initiative for fiscal year 2004 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (i). The adoption of emergency rules authorized by this subsection (i) shall be deemed to be necessary for the public interest, safety, and welfare.
- (j) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2005 budget as provided under the Fiscal Year 2005 Budget Implementation (Human Services) Act, emergency rules to implement any provision of the Fiscal Year 2005 Budget Implementation (Human Services) Act may be adopted in accordance with this Section by the agency charged with administering that provision, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (j). The Department of Public Aid may also adopt rules under this subsection (j) necessary to administer the Illinois Public Aid Code and the Children's Health Insurance Program Act. The adoption of emergency rules authorized by this subsection (j) shall be deemed to be necessary for the public interest, safety, and welfare.
- (k) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2006 budget, emergency rules to implement any provision of Public Act 94-48 or any other budget initiative for fiscal year 2006 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (k). The Department of Healthcare and Family Services may also adopt rules under this subsection (k) necessary to administer the Illinois Public Aid Code, the Senior Citizens and Persons with Disabilities Property Tax Relief Act, the Senior Citizens and Disabled Persons Prescription Drug Discount Program Act (now the Illinois Prescription Drug Discount Program Act, and the Children's Health Insurance Program Act. The adoption of emergency rules authorized by this subsection (k) shall be deemed to be necessary for the public interest, safety, and welfare.
- (I) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2007 budget, the Department of Healthcare and Family Services may adopt emergency rules during fiscal year 2007, including rules effective July 1, 2007, in accordance with this subsection to the

extent necessary to administer the Department's responsibilities with respect to amendments to the State plans and Illinois waivers approved by the federal Centers for Medicare and Medicaid Services necessitated by the requirements of Title XIX and Title XXI of the federal Social Security Act. The adoption of emergency rules authorized by this subsection (I) shall be deemed to be necessary for the public interest, safety, and welfare.

- (m) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2008 budget, the Department of Healthcare and Family Services may adopt emergency rules during fiscal year 2008, including rules effective July 1, 2008, in accordance with this subsection to the extent necessary to administer the Department's responsibilities with respect to amendments to the State plans and Illinois waivers approved by the federal Centers for Medicare and Medicaid Services necessitated by the requirements of Title XIX and Title XXI of the federal Social Security Act. The adoption of emergency rules authorized by this subsection (m) shall be deemed to be necessary for the public interest, safety, and welfare.
- (n) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2010 budget, emergency rules to implement any provision of Public Act 96-45 or any other budget initiative authorized by the 96th General Assembly for fiscal year 2010 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative. The adoption of emergency rules authorized by this subsection (n) shall be deemed to be necessary for the public interest, safety, and welfare. The rulemaking authority granted in this subsection (n) shall apply only to rules promulgated during Fiscal Year 2010.
- (o) In order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2011 budget, emergency rules to implement any provision of Public Act 96-958 or any other budget initiative authorized by the 96th General Assembly for fiscal year 2011 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative. The adoption of emergency rules authorized by this subsection (o) is deemed to be necessary for the public interest, safety, and welfare. The rulemaking authority granted in this subsection (o) applies only to rules promulgated on or after July 1, 2010 (the effective date of Public Act 96-958) through June 30, 2011.
- (p) In order to provide for the expeditious and timely implementation of the provisions of Public Act 97-689, emergency rules to implement any provision of Public Act 97-689 may be adopted in accordance with this subsection (p) by the agency charged with administering that provision or initiative. The 150-day limitation of the effective period of emergency rules does not apply to rules adopted under this subsection (p), and the effective period may continue through June 30, 2013. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (p). The adoption of emergency rules authorized by this subsection (p) is deemed to be necessary for the public interest, safety, and welfare.
- (q) In order to provide for the expeditious and timely implementation of the provisions of Articles 7, 8, 9, 11, and 12 of Public Act 98-104, emergency rules to implement any provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104 may be adopted in accordance with this subsection (q) by the agency charged with administering that provision or initiative. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (q). The adoption of emergency rules authorized by this subsection (q) is deemed to be necessary for the public interest, safety, and welfare.
- (r) In order to provide for the expeditious and timely implementation of the provisions of Public Act 98-651, emergency rules to implement Public Act 98-651 may be adopted in accordance with this subsection (r) by the Department of Healthcare and Family Services. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (r). The adoption of emergency rules authorized by this subsection (r) is deemed to be necessary for the public interest, safety, and welfare.
- (s) In order to provide for the expeditious and timely implementation of the provisions of Sections 5-5b.1 and 5A-2 of the Illinois Public Aid Code, emergency rules to implement any provision of Section 5-5b.1 or Section 5A-2 of the Illinois Public Aid Code may be adopted in accordance with this subsection (s) by the Department of Healthcare and Family Services. The rulemaking authority granted in this subsection (s) shall apply only to those rules adopted prior to July 1, 2015. Notwithstanding any other provision of this Section, any emergency rule adopted under this subsection (s) shall only apply to payments made for State fiscal year 2015. The adoption of emergency rules authorized by this subsection (s) is deemed to be necessary for the public interest, safety, and welfare.
- (t) In order to provide for the expeditious and timely implementation of the provisions of Article II of Public Act 99-6, emergency rules to implement the changes made by Article II of Public Act 99-6 to the

Emergency Telephone System Act may be adopted in accordance with this subsection (t) by the Department of State Police. The rulemaking authority granted in this subsection (t) shall apply only to those rules adopted prior to July 1, 2016. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (t). The adoption of emergency rules authorized by this subsection (t) is deemed to be necessary for the public interest, safety, and welfare.

- (u) In order to provide for the expeditious and timely implementation of the provisions of the Burn Victims Relief Act, emergency rules to implement any provision of the Act may be adopted in accordance with this subsection (u) by the Department of Insurance. The rulemaking authority granted in this subsection (u) shall apply only to those rules adopted prior to December 31, 2015. The adoption of emergency rules authorized by this subsection (u) is deemed to be necessary for the public interest, safety, and welfare.
- (v) In order to provide for the expeditious and timely implementation of the provisions of Public Act 99-516, emergency rules to implement Public Act 99-516 may be adopted in accordance with this subsection (v) by the Department of Healthcare and Family Services. The 24-month limitation on the adoption of emergency rules does not apply to rules adopted under this subsection (v). The adoption of emergency rules authorized by this subsection (v) is deemed to be necessary for the public interest, safety, and welfare.
- (w) In order to provide for the expeditious and timely implementation of the provisions of Public Act 99-796, emergency rules to implement the changes made by Public Act 99-796 may be adopted in accordance with this subsection (w) by the Adjutant General. The adoption of emergency rules authorized by this subsection (w) is deemed to be necessary for the public interest, safety, and welfare.
- (x) In order to provide for the expeditious and timely implementation of the provisions of Public Act 99-906, emergency rules to implement subsection (i) of Section 16-115D, subsection (g) of Section 16-128A, and subsection (a) of Section 16-128B of the Public Utilities Act may be adopted in accordance with this subsection (x) by the Illinois Commerce Commission. The rulemaking authority granted in this subsection (x) shall apply only to those rules adopted within 180 days after June 1, 2017 (the effective date of Public Act 99-906). The adoption of emergency rules authorized by this subsection (x) is deemed to be necessary for the public interest, safety, and welfare.
- (y) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-23, emergency rules to implement the changes made by Public Act 100-23 to Section 4.02 of the Illinois Act on the Aging, Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code, Section 55-30 of the Alcoholism and Other Drug Abuse and Dependency Act, and Sections 74 and 75 of the Mental Health and Developmental Disabilities Administrative Act may be adopted in accordance with this subsection (y) by the respective Department. The adoption of emergency rules authorized by this subsection (y) is deemed to be necessary for the public interest, safety, and welfare.
- (z) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-554, emergency rules to implement the changes made by Public Act 100-554 to Section 4.7 of the Lobbyist Registration Act may be adopted in accordance with this subsection (z) by the Secretary of State. The adoption of emergency rules authorized by this subsection (z) is deemed to be necessary for the public interest, safety, and welfare.
- (aa) In order to provide for the expeditious and timely initial implementation of the changes made to Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code under the provisions of Public Act 100-581, the Department of Healthcare and Family Services may adopt emergency rules in accordance with this subsection (aa). The 24-month limitation on the adoption of emergency rules does not apply to rules to initially implement the changes made to Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code adopted under this subsection (aa). The adoption of emergency rules authorized by this subsection (aa) is deemed to be necessary for the public interest, safety, and welfare.
- (bb) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-587, emergency rules to implement the changes made by Public Act 100-587 to Section 4.02 of the Illinois Act on the Aging, Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code, subsection (b) of Section 55-30 of the Alcoholism and Other Drug Abuse and Dependency Act, Section 5-104 of the Specialized Mental Health Rehabilitation Act of 2013, and Section 75 and subsection (b) of Section 74 of the Mental Health and Developmental Disabilities Administrative Act may be adopted in accordance with this subsection (bb) by the respective Department. The adoption of emergency rules authorized by this subsection (bb) is deemed to be necessary for the public interest, safety, and welfare.
- (cc) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-587, emergency rules may be adopted in accordance with this subsection (cc) to implement the changes

made by Public Act 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois Pension Code by the Board created under Article 14 of the Code; Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by the Board created under Article 15 of the Code; and Sections 16-190.5 and 16-190.6 of the Illinois Pension Code by the Board created under Article 16 of the Code. The adoption of emergency rules authorized by this subsection (cc) is deemed to be necessary for the public interest, safety, and welfare.

- (dd) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-864, emergency rules to implement the changes made by Public Act 100-864 to Section 3.35 of the Newborn Metabolic Screening Act may be adopted in accordance with this subsection (dd) by the Secretary of State. The adoption of emergency rules authorized by this subsection (dd) is deemed to be necessary for the public interest, safety, and welfare.
- (ee) In order to provide for the expeditious and timely implementation of the provisions of Public Act 100-1172, emergency rules implementing the Illinois Underground Natural Gas Storage Safety Act may be adopted in accordance with this subsection by the Department of Natural Resources. The adoption of emergency rules authorized by this subsection is deemed to be necessary for the public interest, safety, and welfare.
- (ff) In order to provide for the expeditious and timely initial implementation of the changes made to Articles 5A and 14 of the Illinois Public Aid Code under the provisions of Public Act 100-1181, the Department of Healthcare and Family Services may on a one-time-only basis adopt emergency rules in accordance with this subsection (ff). The 24-month limitation on the adoption of emergency rules does not apply to rules to initially implement the changes made to Articles 5A and 14 of the Illinois Public Aid Code adopted under this subsection (ff). The adoption of emergency rules authorized by this subsection (ff) is deemed to be necessary for the public interest, safety, and welfare.
- (gg) In order to provide for the expeditious and timely implementation of the provisions of Public Act 101-1, emergency rules may be adopted by the Department of Labor in accordance with this subsection (gg) to implement the changes made by Public Act 101-1 to the Minimum Wage Law. The adoption of emergency rules authorized by this subsection (gg) is deemed to be necessary for the public interest, safety, and welfare.
- (hh) In order to provide for the expeditious and timely implementation of the provisions of Public Act 101-10, emergency rules may be adopted in accordance with this subsection (hh) to implement the changes made by Public Act 101-10 to subsection (j) of Section 5-5.2 of the Illinois Public Aid Code. The adoption of emergency rules authorized by this subsection (hh) is deemed to be necessary for the public interest, safety, and welfare.
- (ii) In order to provide for the expeditious and timely implementation of the provisions of Public Act 101-10, emergency rules to implement the changes made by Public Act 101-10 to Sections 5-5.4 and 5-5.4i of the Illinois Public Aid Code may be adopted in accordance with this subsection (ii) by the Department of Public Health. The adoption of emergency rules authorized by this subsection (ii) is deemed to be necessary for the public interest, safety, and welfare.
- (jj) In order to provide for the expeditious and timely implementation of the provisions of Public Act 101-10, emergency rules to implement the changes made by Public Act 101-10 to Section 74 of the Mental Health and Developmental Disabilities Administrative Act may be adopted in accordance with this subsection (jj) by the Department of Human Services. The adoption of emergency rules authorized by this subsection (jj) is deemed to be necessary for the public interest, safety, and welfare.
- (kk) In order to provide for the expeditious and timely implementation of the Cannabis Regulation and Tax Act and Public Act 101-27, the Department of Revenue, the Department of Public Health, the Department of Agriculture, the Department of State Police, and the Department of Financial and Professional Regulation may adopt emergency rules in accordance with this subsection (kk). The rulemaking authority granted in this subsection (kk) shall apply only to rules adopted before December 31, 2021. Notwithstanding the provisions of subsection (c), emergency rules adopted under this subsection (kk) shall be effective for 180 days. The adoption of emergency rules authorized by this subsection (kk) is deemed to be necessary for the public interest, safety, and welfare.
- (ll) In order to provide for the expeditious and timely implementation of the provisions of the Leveling the Playing Field for Illinois Retail Act, emergency rules may be adopted in accordance with this subsection (ll) to implement the changes made by the Leveling the Playing Field for Illinois Retail Act. The adoption of emergency rules authorized by this subsection (ll) is deemed to be necessary for the public interest, safety, and welfare.

- (mm) In order to provide for the expeditious and timely implementation of the provisions of Section 25-70 of the Sports Wagering Act, emergency rules to implement Section 25-70 of the Sports Wagering Act may be adopted in accordance with this subsection (mm) by the Department of the Lottery as provided in the Sports Wagering Act. The adoption of emergency rules authorized by this subsection (mm) is deemed to be necessary for the public interest, safety, and welfare.
- (nn) In order to provide for the expeditious and timely implementation of the Sports Wagering Act, emergency rules to implement the Sports Wagering Act may be adopted in accordance with this subsection (nn) by the Illinois Gaming Board. The adoption of emergency rules authorized by this subsection (nn) is deemed to be necessary for the public interest, safety, and welfare.
- (oo) In order to provide for the expeditious and timely implementation of the provisions of subsection (c) of Section 20 of the Video Gaming Act, emergency rules to implement the provisions of subsection (c) of Section 20 of the Video Gaming Act may be adopted in accordance with this subsection (oo) by the Illinois Gaming Board. The adoption of emergency rules authorized by this subsection (oo) is deemed to be necessary for the public interest, safety, and welfare.
- (pp) In order to provide for the expeditious and timely implementation of the provisions of Section 50 of the Sexual Assault Evidence Submission Act, emergency rules to implement Section 50 of the Sexual Assault Evidence Submission Act may be adopted in accordance with this subsection (pp) by the Department of State Police. The adoption of emergency rules authorized by this subsection (pp) is deemed to be necessary for the public interest, safety, and welfare.
- (qq) In order to provide for the expeditious and timely implementation of the provisions of the Illinois Works Jobs Program Act, emergency rules may be adopted in accordance with this subsection (qq) to implement the Illinois Works Jobs Program Act. The adoption of emergency rules authorized by this subsection (qq) is deemed to be necessary for the public interest, safety, and welfare.
- (rr) In order to provide for the expeditious and timely implementation of the provisions of subsection (c) of Section 2-3.25 of the School Code, subsection (b) of Section 2-3.25 of the School Code, paragraph (1.5) of Section 10-30 of the School Code, and paragraph (1.5) of Section 34-18.66 of the School Code, emergency rules to implement subsection (c) of Section 2-3.25 of the School Code, subsection (b) of Section 2-3.25 of the School Code, and paragraph (1.5) of Section 34-18.66 of the School Code may be adopted in accordance with this subsection (rr) by the State Board of Education. The adoption of emergency rules authorized by this subsection (rr) is deemed to be necessary for the public interest, safety, and welfare.
- (Source: P.A. 100-23, eff. 7-6-17; 100-554, eff. 11-16-17; 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff. 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18; 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19; 100-1181, eff. 3-8-19; 101-1, eff. 2-19-19; 101-10, Article 20, Section 20-5, eff. 6-5-19; 101-10, Article 35, Section 35-5, eff. 6-5-19; 101-27, eff. 6-25-19; 101-31, Article 15, Section 15-5, eff. 6-28-19; 101-31, Article 25, Section 25-900, eff. 6-28-19; 101-31, Article 35, Section 35-3, eff. 6-28-19; 101-377, eff. 8-16-19; 101-601, eff. 12-10-19.)

Section 10. The School Code is amended by changing Sections 2-3.25, 2-3.25o, 10-20, 10-30, 21B-5, and 34-18.66 as follows:

(105 ILCS 5/2-3.25) (from Ch. 122, par. 2-3.25)

Sec. 2-3.25. Standards for schools.

- (a) To determine for all types of schools conducted under this Act efficient and adequate standards for the physical plant, heating, lighting, ventilation, sanitation, safety, equipment and supplies, instruction and teaching, curriculum, library, operation, maintenance, administration and supervision, and to issue, refuse to issue or revoke eertificates of recognition for schools or school districts pursuant to standards established hereunder; to determine and establish efficient and adequate standards for approval of credit for courses given and conducted by schools outside of the regular school term.
- (a-5) On or before July 1, 2021, the State Board of Education must adopt revised social science learning standards that are inclusive and reflective of all individuals in this country.
- (b) Whenever it appears that a secondary or unit school district may be unable to offer courses enabling students in grades 9 through 12 to meet the minimum preparation and admission requirements for public colleges and universities adopted by the Board of Higher Education, the State Board of Education shall assist the district in reviewing and analyzing its existing curriculum with particular reference to the educational needs of all pupils of the district and the sufficiency of existing and future revenues and payments available to the district for development of a curriculum which will provide maximum educational

opportunity to pupils of the district. The review and analysis may consider achievement of this goal not only through implementation of traditional classroom methods but also through development of and participation in joint educational programs with other school districts or institutions of higher education, or alternative programs employing modern technological methods including but not limited to the use of television, telephones, computers, radio and other electronic devices.

(c) The State Board of Education shall adopt rules to revoke recognition pursuant to subsection (a) for schools or school districts that do not comply with public health requirements established by the Department of Public Health when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(Source: P.A. 101-654, eff. 3-8-21.)

(105 ILCS 5/2-3.25o)

Sec. 2-3.25o. Registration and recognition of non-public elementary and secondary schools.

(a) Findings. The General Assembly finds and declares (i) that the Constitution of the State of Illinois provides that a "fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities" and (ii) that the educational development of every school student serves the public purposes of the State. In order to ensure that all Illinois students and teachers have the opportunity to enroll and work in State-approved educational institutions and programs, the State Board of Education shall provide for the voluntary registration and recognition of non-public elementary and secondary schools.

- (b) Registration. All non-public elementary and secondary schools in the State of Illinois may voluntarily register with the State Board of Education on an annual basis. Registration shall be completed in conformance with procedures prescribed by the State Board of Education. Information required for registration shall include assurances of compliance (i) with federal and State laws regarding health examination and immunization, attendance, length of term, and nondiscrimination and (ii) with applicable fire and health safety requirements and assurances that the school will comply with public health requirements established by the Department of Public Health when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act. All non-public elementary and secondary schools must investigate complaints of noncompliance with public health requirements. A complaint filed with a non-public school does not preclude a complaint from being filed with the regional superintendent of schools. Regional superintendents of schools must investigate complaints received of noncompliance with public health requirements at non-public schools. An appeal contesting the findings of a regional superintendent of schools may be filed with the State Board of Education. Upon receiving notice of an appeal, the State Board of Education must investigate complaints of noncompliance with public health requirements.
- (c) Recognition. All non-public elementary and secondary schools in the State of Illinois may voluntarily seek the status of "Non-public School Recognition" from the State Board of Education. This status may be obtained by compliance with administrative guidelines and review procedures as prescribed by the State Board of Education. The guidelines and procedures must recognize that some of the aims and the financial bases of non-public schools are different from public schools and will not be identical to those for public schools, nor will they be more burdensome. The guidelines and procedures must also recognize the diversity of non-public schools and shall not impinge upon the noneducational relationships between those schools and their clientele.
- (c-5) Prohibition against recognition. A non-public elementary or secondary school may not obtain "Non-public School Recognition" status unless the school requires all certified and non-certified applicants for employment with the school, after July 1, 2007, to authorize a fingerprint-based criminal history records check as a condition of employment to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses set forth in Section 21B-80 of this Code or have been convicted, within 7 years of the application for employment, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State.

Authorization for the check shall be furnished by the applicant to the school, except that if the applicant is a substitute teacher seeking employment in more than one non-public school, a teacher seeking concurrent part-time employment positions with more than one non-public school (as a reading specialist, special education teacher, or otherwise), or an educational support personnel employee seeking employment positions with more than one non-public school, then only one of the non-public schools employing the individual shall request the authorization. Upon receipt of this authorization, the non-public school shall

submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department of State Police.

The Department of State Police and Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereafter, until expunged, to the president or principal of the non-public school that requested the check. The Department of State Police shall charge that school a fee for conducting such check, which fee must be deposited into the State Police Services Fund and must not exceed the cost of the inquiry. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse non-public schools for fees paid to obtain criminal history records checks under this Section.

A non-public school may not obtain recognition status unless the school also performs a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, for each applicant for employment, after July 1, 2007, to determine whether the applicant has been adjudicated a sex offender.

Any information concerning the record of convictions obtained by a non-public school's president or principal under this Section is confidential and may be disseminated only to the governing body of the non-public school or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Upon a check of the Statewide Sex Offender Database, the non-public school shall notify the applicant as to whether or not the applicant has been identified in the Sex Offender Database as a sex offender. Any information concerning the records of conviction obtained by the non-public school's president or principal under this Section for a substitute teacher seeking employment in more than one non-public school, a teacher seeking concurrent part-time employment positions with more than one non-public school (as a reading specialist, special education teacher, or otherwise), or an educational support personnel employee seeking employment positions with more than one non-public school may be shared with another non-public school's principal or president to which the applicant seeks employment. Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.

No non-public school may obtain recognition status that knowingly employs a person, hired after July 1, 2007, for whom a Department of State Police and Federal Bureau of Investigation fingerprint-based criminal history records check and a Statewide Sex Offender Database check has not been initiated or who has been convicted of any offense enumerated in Section 21B-80 of this Code or any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as one or more of those offenses. No non-public school may obtain recognition status under this Section that knowingly employs a person who has been found to be the perpetrator of sexual or physical abuse of a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

In order to obtain recognition status under this Section, a non-public school must require compliance with the provisions of this subsection (c-5) from all employees of persons or firms holding contracts with the school, including, but not limited to, food service workers, school bus drivers, and other transportation employees, who have direct, daily contact with pupils. Any information concerning the records of conviction or identification as a sex offender of any such employee obtained by the non-public school principal or president must be promptly reported to the school's governing body.

Prior to the commencement of any student teaching experience or required internship (which is referred to as student teaching in this Section) in any non-public elementary or secondary school that has obtained or seeks to obtain recognition status under this Section, a student teacher is required to authorize a fingerprint-based criminal history records check. Authorization for and payment of the costs of the check must be furnished by the student teacher to the chief administrative officer of the non-public school where the student teaching is to be completed. Upon receipt of this authorization and payment, the chief administrative officer of the non-public school shall submit the student teacher's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department of State Police. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereinafter, until expunged, to the chief administrative officer of the non-public school that requested the check. The Department of State Police shall charge the school a fee for conducting the check, which fee must be passed on to the student teacher, must not exceed the cost of the inquiry, and must be deposited into the State Police Services Fund. The school shall further perform a check of the

Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, and of the Statewide Murderer and Violent Offender Against Youth Database, as authorized by the Murderer and Violent Offender Against Youth Registration Act, for each student teacher. No school that has obtained or seeks to obtain recognition status under this Section may knowingly allow a person to student teach for whom a criminal history records check, a Statewide Sex Offender Database check, and a Statewide Murderer and Violent Offender Against Youth Database check have not been completed and reviewed by the chief administrative officer of the non-public school.

A copy of the record of convictions obtained from the Department of State Police must be provided to the student teacher. Any information concerning the record of convictions obtained by the chief administrative officer of the non-public school is confidential and may be transmitted only to the chief administrative officer of the non-public school or his or her designee, the State Superintendent of Education, the State Educator Preparation and Licensure Board, or, for clarification purposes, the Department of State Police or the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database. Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.

No school that has obtained or seeks to obtain recognition status under this Section may knowingly allow a person to student teach who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to Section 21B-80 of this Code or who has been found to be the perpetrator of sexual or physical abuse of a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

- (d) Public purposes. The provisions of this Section are in the public interest, for the public benefit, and serve secular public purposes.
- (e) Definition. For purposes of this Section, a non-public school means any non-profit, non-home-based, and non-public elementary or secondary school that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of this Code.
- (f) The State Board of Education shall adopt rules to revoke registration or recognition, as appropriate, for schools that do not comply with public health requirements established by the Department of Public Health when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(Source: P.A. 99-21, eff. 1-1-16; 99-30, eff. 7-10-15.)

(105 ILCS 5/10-20) (from Ch. 122, par. 10-20)

Sec. 10-20. Powers of school board. The school board has the powers enumerated in the Sections of this Article following this Section. This enumeration of powers is not exclusive, but the board may exercise all other powers not inconsistent with this Act that may be requisite or proper for the maintenance, operation, and development of any school or schools under the jurisdiction of the board. This grant of powers does not release a school board from any duty imposed upon it by this Act or any other law. When the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, a school board may not pass any resolution that is in contravention of any requirement established by the Illinois Department of Public Health.

(Source: P.A. 88-670, eff. 12-2-94; 89-159, eff. 1-1-96.)

(105 ILCS 5/10-30)

Sec. 10-30. Remote and blended remote learning. This Section applies if the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

- (1) If the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, the State Superintendent of Education may declare a requirement to use remote learning days or blended remote learning days for a school district, multiple school districts, a region, or the entire State. During remote learning days, schools shall conduct instruction remotely. During blended remote learning days, schools may utilize hybrid models of in-person and remote instruction. Once declared, remote learning days or blended remote learning days shall be implemented in grades pre-kindergarten through 12 as days of attendance and shall be deemed pupil attendance days for calculation of the length of a school term under Section 10-19.
- (1.5) Nonpublic schools and public school districts must comply with public health requirements established by the Illinois Department of Public Health. School districts must investigate complaints of noncompliance with public health requirements. Filing a complaint with a school

district does not preclude a complaint from being filed with the regional superintendent of schools. Regional superintendents of schools must investigate complaints received of noncompliance with public health requirements at nonpublic schools and public school districts. An appeal contesting the findings of a regional superintendent of schools may be filed with the State Board of Education. Upon receiving an appeal, the State Board of Education must investigate complaints of noncompliance with public health requirements. The State Superintendent of Education may require nonpublic schools and public school districts to operate fully remotely if the public health requirements established by the Department are not followed. Nonpublic schools and public school districts that do not comply with the requirements of this paragraph (1.5) are subject to penalties pursuant to Section 2-3.25 or 2-3.250, as appropriate. The State Board of Education may adopt rules to implement this paragraph (1.5).

- (2) For purposes of this Section, a remote learning day or blended remote learning day may be met through a district's implementation of an e-learning program under Section 10-20.56.
- (3) For any district that does not implement an e-learning program under Section 10-20.56, the district shall adopt a remote and blended remote learning day plan approved by the district superintendent. Each district may utilize remote and blended remote learning planning days, consecutively or in separate increments, to develop, review, or amend its remote and blended remote learning day plan or provide professional development to staff regarding remote education. Up to 5 remote and blended remote learning planning days may be deemed pupil attendance days for calculation of the length of a school term under Section 10-19.
  - (4) Each remote and blended remote learning day plan shall address the following:
    - (i) accessibility of the remote instruction to all students enrolled in the district;
  - (ii) if applicable, a requirement that the remote learning day and blended remote learning day activities reflect State learning standards;
    - (iii) a means for students to confer with an educator, as necessary;
  - (iv) the unique needs of students in special populations, including, but not limited to, students eligible for special education under Article 14, students who are English learners as defined in Section 14C-2, and students experiencing homelessness under the Education for Homeless Children Act, or vulnerable student populations;
  - (v) how the district will take attendance and monitor and verify each student's remote participation; and
  - (vi) transitions from remote learning to on-site learning upon the State Superintendent's declaration that remote learning days or blended remote learning days are no longer deemed necessary.
- (5) The district superintendent shall periodically review and amend the district's remote and blended remote learning day plan, as needed, to ensure the plan meets the needs of all students.
- (6) Each remote and blended remote learning day plan shall be posted on the district's Internet website where other policies, rules, and standards of conduct are posted and shall be provided to students and faculty.
- (7) This Section does not create any additional employee bargaining rights and does not remove any employee bargaining rights.
- (8) Statutory and regulatory curricular mandates and offerings may be administered via a district's remote and blended remote learning day plan, except that a district may not offer individual behind-the-wheel instruction required by Section 27-24.2 via a district's remote and blended remote learning day plan. This Section does not relieve schools and districts from completing all statutory and regulatory curricular mandates and offerings.

(Source: P.A. 101-643, eff. 6-18-20.)

(105 ILCS 5/21B-5)

Sec. 21B-5. Licensure powers of the State Board of Education.

- (a) Recognizing that the education of our citizens is the single most important influence on the prosperity and success of this State and recognizing that new developments in education require a flexible approach to our educational system, the State Board of Education, in consultation with the State Educator Preparation and Licensure Board, shall have the power and authority to do all of the following:
  - (1) Set standards for teaching, supervising, or otherwise holding licensed employment in the public schools of this State and administer the licensure process as provided in this Article.
    - (2) Approve, evaluate, and sanction educator preparation programs.

- (3) Enter into agreements with other states relative to reciprocal approval of educator preparation programs.
  - (4) Establish standards for the issuance of new types of educator licenses.
  - (5) Establish a code of ethics for all educators.
- (6) Maintain a system of licensure examination aligned with standards determined by the State Board of Education.
- (7) Take such other action relating to the improvement of instruction in the public schools as is appropriate and consistent with applicable laws.
- (8) Take action to sanction any educator or individual licensed under this Code who implements any practice that is in contravention of any public health requirement established by the Illinois Department of Public Health when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) Only the State Board of Education, acting in accordance with the applicable provisions of this Article and rules, shall have the authority to issue or endorse any license required for teaching, supervising, or otherwise holding licensed employment in the public schools; and no other State agency shall have any power or authority (i) to establish or prescribe any qualifications or other requirements applicable to the issuance or endorsement of any such license or (ii) to establish or prescribe any licensure or equivalent requirement that must be satisfied in order to teach, supervise, or hold licensed employment in the public schools.

(Source: P.A. 100-596, eff. 7-1-18.) (105 ILCS 5/34-18.66)

- Sec. 34-18.66. Remote and blended remote learning. This Section applies if the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.
  - (1) If the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act, the State Superintendent of Education may declare a requirement to use remote learning days or blended remote learning days for the school district, multiple school districts, a region, or the entire State. During remote learning days, schools shall conduct instruction remotely. During blended remote learning days or blended remote learning days or blended remote learning days or blended remote learning days shall be implemented in grades pre-kindergarten through 12 as days of attendance and shall be deemed pupil attendance days for calculation of the length of a school term under Section 10-19.
  - (1.5) When individuals are present in school buildings, the school district must comply with public health requirements established by the Illinois Department of Public Health. The school district must investigate complaints of noncompliance with public health requirements. Filing a complaint with the school district does not preclude a complaint from being filed with the State Board of Education. The State Board of Education must investigate complaints received of noncompliance with public health requirements in the school district. The State Superintendent of Education may require a school or the school district to operate fully remotely if the public health requirements established by the Department are not followed. If the school district does not comply with the requirements of this paragraph (1.5), the school district is subject to penalties pursuant to Section 2-3.25. The State Board of Education may adopt rules to implement this paragraph (1.5).
  - (2) For purposes of this Section, a remote learning day or blended remote learning day may be met through the district's implementation of an e-learning program under Section 10-20.56.
  - (3) If the district does not implement an e-learning program under Section 10-20.56, the district shall adopt a remote and blended remote learning day plan approved by the general superintendent of schools. The district may utilize remote and blended remote learning planning days, consecutively or in separate increments, to develop, review, or amend its remote and blended remote learning day plan or provide professional development to staff regarding remote education. Up to 5 remote and blended remote learning planning days may be deemed pupil attendance days for calculation of the length of a school term under Section 10-19.
    - (4) Each remote and blended remote learning day plan shall address the following:
      - (i) accessibility of the remote instruction to all students enrolled in the district;
    - (ii) if applicable, a requirement that the remote learning day and blended remote learning day activities reflect State learning standards;

- (iii) a means for students to confer with an educator, as necessary;
- (iv) the unique needs of students in special populations, including, but not limited to, students eligible for special education under Article 14, students who are English learners as defined in Section 14C-2, and students experiencing homelessness under the Education for Homeless Children Act, or vulnerable student populations;
- (v) how the district will take attendance and monitor and verify each student's remote participation; and
- (vi) transitions from remote learning to on-site learning upon the State Superintendent's declaration that remote learning days or blended remote learning days are no longer deemed necessary.
- (5) The general superintendent of schools shall periodically review and amend the district's remote and blended remote learning day plan, as needed, to ensure the plan meets the needs of all students.
- (6) Each remote and blended remote learning day plan shall be posted on the district's Internet website where other policies, rules, and standards of conduct are posted and shall be provided to students and faculty.
- (7) This Section does not create any additional employee bargaining rights and does not remove any employee bargaining rights.
- (8) Statutory and regulatory curricular mandates and offerings may be administered via the district's remote and blended remote learning day plan, except that the district may not offer individual behind-the-wheel instruction required by Section 27-24.2 via the district's remote and blended remote learning day plan. This Section does not relieve schools and the district from completing all statutory and regulatory curricular mandates and offerings.

(Source: P.A. 101-643, eff. 6-18-20.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Martwick, **House Bill No. 2908** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Aquino, House Bill No. 3136 having been printed, was taken up and read by title a second time.

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

## **AMENDMENT NO. 1 TO HOUSE BILL 3136**

AMENDMENT NO.  $\underline{1}$ . Amend House Bill 3136 by replacing everything after the enacting clause with the following:

"Section 5. The Debt Settlement Consumer Protection Act is amended by changing Section 1 as follows:

(225 ILCS 429/1)

Sec. 1. Short title. This Act may be cited as the the Debt Settlement Consumer Protection Act. (Source: P.A. 96-1420, eff. 8-3-10.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Pacione-Zayas, **House Bill No. 2878** having been printed, was taken up and read by title a second time.

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

## **AMENDMENT NO. 1 TO HOUSE BILL 2878**

AMENDMENT NO.  $\underline{1}$  . Amend House Bill 2878 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 1-2 as follows: (105 ILCS 5/1-2) (from Ch. 122, par. 1-2)

Sec. 1-2. Construction. <u>The The provisions of this Act</u>, so far as they are the same as those of any prior statute, shall be construed as a continuation of such prior provisions, and not as a new enactment.

If in any other statute reference is made to an Act of the General Assembly, or a section of such an Act, which is continued in this School Code, such reference shall be held to refer to the Act or section thereof so continued in this Code.

(Source: Laws 1961, p. 31.)".

Committee Amendment No. 2 was referred to the Committee on Assignments earlier today.

Floor Amendment No. 3 was referred to the Committee on Higher Education earlier today.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Crowe, House Bill No. 3138 having been printed, was taken up and read by title a second time.

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

#### **AMENDMENT NO. 1 TO HOUSE BILL 3138**

AMENDMENT NO.  $\underline{1}$ . Amend House Bill 3138 by replacing everything after the enacting clause with the following:

"Section 5. The Supreme Court Act is amended by changing Section 7 as follows:

(705 ILCS 5/7) (from Ch. 37, par. 12)

Sec. 7. The The supreme court shall be vested with all power and authority necessary to carry into complete execution all its judgments and determinations in all matters within its jurisdiction, according to the rules and principles of the common law and of the laws of this State. (Source: P.A. 81-275.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Joyce, **House Bill No. 3416** having been printed, was taken up and read by title a second time.

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

## AMENDMENT NO. 1 TO HOUSE BILL 3416

AMENDMENT NO.  $\underline{1}$  . Amend House Bill 3416 by replacing everything after the enacting clause with the following:

"Section 5. The Animal Welfare Act is amended by changing Section 1 as follows:

(225 ILCS 605/1) (from Ch. 8, par. 301)

Sec. 1. This Act shall be known and and may be cited as the Animal Welfare Act. (Source: P.A. 78-900.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Hunter, House Bill No. 3490 having been printed, was taken up and read by title a second time.

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

# AMENDMENT NO. 1 TO HOUSE BILL 3490

AMENDMENT NO.  $\underline{1}$  . Amend House Bill 3490 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Food, Drug and Cosmetic Act is amended by changing Section 1 as follows: (410 ILCS 620/1) (from Ch. 56 1/2, par. 501)

Sec. 1. This Act shall be known and and may be cited as the Illinois Food, Drug and Cosmetic Act. (Source: Laws 1967, p. 959.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Glowiak Hilton, **House Bill No. 3523** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crowe, **House Bill No. 3699** having been printed, was taken up and read by title a second time.

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

# AMENDMENT NO. 1 TO HOUSE BILL 3699

AMENDMENT NO.  $\underline{1}$  . Amend House Bill 3699 by replacing everything after the enacting clause with the following:

"Section 5. The Procurement of Domestic Products Act is amended by changing Section 1 as follows: (30 ILCS 517/1)

Sec. 1. Short title. This Act may be cited as  $\underline{\text{the}}$  the Procurement of Domestic Products Act. (Source: P.A. 93-954, eff. 1-1-05.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

At the hour of 5:17 o'clock p.m., Senator Holmes, presiding.

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

On motion of Senator Muñoz, **House Bill No. 132** having been printed, was taken up and read by title a second time.

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

## AMENDMENT NO. 1 TO HOUSE BILL 132

AMENDMENT NO.  $\underline{1}$ . Amend House Bill 132 by replacing everything after the enacting clause with the following:

"Section 5. The Business Enterprise for Minorities, Women, and Persons with Disabilities Act is amended by adding Section 81 as follows:

(30 ILCS 575/81 new)

Sec. 8l. Certification recognition. Notwithstanding any rule or provision of law to the contrary, the Business Enterprise Program shall recognize and accept the certifications of businesses that have been certified as minority-owned businesses or women-owned businesses by the City of Chicago, Cook County, or other entities approved by the Business Enterprise Council for purposes of participating in the Business Enterprise Program, provided that the City of Chicago, Cook County, or other entities approved by the Business Enterprise Council have certification requirements more restrictive than that required by the Business Enterprise Program under this Act, including, but not limited to, an income level requirement."

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

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Muñoz, House Bill No. 2755 was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Assignments.

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

#### **AMENDMENT NO. 2 TO HOUSE BILL 2755**

AMENDMENT NO.  $\underline{2}$  . Amend House Bill 2755 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by changing Section 1-5 as follows: (30 ILCS 500/1-5)

Sec. 1-5. Public policy. It is the the purpose of this Code and is declared to be the policy of the State that the principles of competitive bidding and economical procurement practices shall be applicable to all purchases and contracts by or for any State agency.

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Muñoz, House Bill No. 2770 having been printed, was taken up and read by title a second time.

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

## **AMENDMENT NO. 1 TO HOUSE BILL 2770**

AMENDMENT NO.  $\underline{1}$ . Amend House Bill 2770 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by changing Section 1-5 as follows: (30 ILCS 500/1-5)

Sec. 1-5. Public policy. It is the the purpose of this Code and is declared to be the policy of the State that the principles of competitive bidding and economical procurement practices shall be applicable to all purchases and contracts by or for any State agency.

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Muñoz, House Bill No. 2947 having been printed, was taken up and read by title a second time.

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

## AMENDMENT NO. 1 TO HOUSE BILL 2947

AMENDMENT NO.  $\underline{1}$ . Amend House Bill 2947 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 1 as follows:

(215 ILCS 5/1) (from Ch. 73, par. 613)

Sec. 1. Short title. This Act shall be known and and may be cited as the Illinois Insurance Code. (Source: P.A. 96-328, eff. 8-11-09.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator E. Jones III, **House Bill No. 1738** having been printed, was taken up and read by title a second time.

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

## **AMENDMENT NO. 1 TO HOUSE BILL 1738**

AMENDMENT NO.  $\underline{1}$ . Amend House Bill 1738 by replacing everything after the enacting clause with the following:

"Section 5. The Registered Interior Designers Act is amended by changing Section 2 as follows: (225 ILCS 310/2) (from Ch. 111, par. 8202)

(Section scheduled to be repealed on January 1, 2022)

Sec. 2. Public policy. Interior design in the the State of Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the interior design profession merit and receive the confidence of the public and that only qualified persons be permitted to use the title of registered interior

designer in the State of Illinois. This Act shall be liberally construed to carry out these objectives and purposes.

(Source: P.A. 100-920, eff. 8-17-18.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator E. Jones III, **House Bill No. 3714** having been printed, was taken up and read by title a second time.

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

## AMENDMENT NO. 1 TO HOUSE BILL 3714

AMENDMENT NO.  $\underline{1}$  . Amend House Bill 3714 by replacing everything after the enacting clause with the following:

"Section 5. The Real Estate Appraiser Licensing Act of 2002 is amended by changing Section 1-5 as follows:

(225 ILCS 458/1-5)

(Section scheduled to be repealed on January 1, 2022)

Sec. 1-5. Legislative intent. The The intent of the General Assembly in enacting this Act is to evaluate the competency of persons engaged in the appraisal of real estate and to license and regulate those persons for the protection of the public. Additionally, it is the intent of the General Assembly for this Act to be consistent with the provisions of Title XI of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989.

(Source: P.A. 98-1109, eff. 1-1-15.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator E. Jones III, **House Bill No. 3743** having been printed, was taken up and read by title a second time.

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

# AMENDMENT NO. 1 TO HOUSE BILL 3743

AMENDMENT NO.  $\underline{1}$  . Amend House Bill 3743 by replacing everything after the enacting clause with the following:

"Section 5. The Boxing and Full-contact Martial Arts Act is amended by changing Section 5 as follows:

(225 ILCS 105/5) (from Ch. 111, par. 5005)

(Section scheduled to be repealed on January 1, 2022)

Sec. 5. The The Department shall exercise, but subject to the provisions of this Act, the following functions, powers, and duties: (a) to ascertain the qualifications and fitness of applicants for licenses and permits; (b) to prescribe rules and regulations for the administration of the Act; (c) to conduct hearings on proceedings to refuse to issue, refuse to renew, revoke, suspend, or subject to reprimand licenses or permits under this Act; and (d) to revoke, suspend, or refuse issuance or renewal of such licenses or permits. (Source: P.A. 92-499, eff. 1-1-02.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Peters, House Bill No. 3443 was taken up, read by title a second time.

Committee Amendment Nos. 1, 2 and 3 were held in the Committee on Assignments.

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

#### **AMENDMENT NO. 4 TO HOUSE BILL 3443**

AMENDMENT NO. 4 . Amend House Bill 3443 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 116-4 as follows:

(725 ILCS 5/116-4)

Sec. 116-4. Preservation of evidence for forensic testing.

- (a) Before or after the the trial in a prosecution for a violation of Section 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 or in a prosecution for an offense defined in Article 9 of that Code, or in a prosecution for an attempt in violation of Section 8-4 of that Code of any of the above-enumerated offenses, unless otherwise provided herein under subsection (b) or (c), a law enforcement agency or an agent acting on behalf of the law enforcement agency shall preserve, subject to a continuous chain of custody, any physical evidence in their possession or control that is reasonably likely to contain forensic evidence, including, but not limited to, fingerprints or biological material secured in relation to a trial and with sufficient documentation to locate that evidence.
- (b) After a judgment of conviction is entered, the evidence shall either be impounded with the Clerk of the Circuit Court or shall be securely retained by a law enforcement agency. Retention shall be permanent in cases where a sentence of death is imposed. Retention shall be until the completion of the sentence, including the period of mandatory supervised release for the offense, or January 1, 2006, whichever is later, for any conviction for an offense or an attempt of an offense defined in Article 9 of the Criminal Code of 1961 or the Criminal Code of 2012 or in Section 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 or for 7 years following any conviction for any other felony for which the defendant's genetic profile may be taken by a law enforcement agency and submitted for comparison in a forensic DNA database for unsolved offenses.
- (c) After a judgment of conviction is entered, the law enforcement agency required to retain evidence described in subsection (a) may petition the court with notice to the defendant or, in cases where the defendant has died, his estate, his attorney of record, or an attorney appointed for that purpose by the court for entry of an order allowing it to dispose of evidence if, after a hearing, the court determines by a preponderance of the evidence that:
  - (1) it has no significant value for forensic science analysis and should be returned to its rightful owner, destroyed, used for training purposes, or as otherwise provided by law; or
  - (2) it has no significant value for forensic science analysis and is of a size, bulk, or physical character not usually retained by the law enforcement agency and cannot practicably be retained by the law enforcement agency; or
  - (3) there no longer exists a reasonable basis to require the preservation of the evidence because of the death of the defendant; however, this paragraph (3) does not apply if a sentence of death was imposed.
- (d) The court may order the disposition of the evidence if the defendant is allowed the opportunity to take reasonable measures to remove or preserve portions of the evidence in question for future testing.
- (d-5) Any order allowing the disposition of evidence pursuant to subsection (c) or (d) shall be a final and appealable order. No evidence shall be disposed of until 30 days after the order is entered, and if a notice of appeal is filed, no evidence shall be disposed of until the mandate has been received by the circuit court from the appellate court.
- (d-10) All records documenting the possession, control, storage, and destruction of evidence and all police reports, evidence control or inventory records, and other reports cited in this Section, including computer records, must be retained for as long as the evidence exists and may not be disposed of without the approval of the Local Records Commission.
- (e) In this Section, "law enforcement agency" includes any of the following or an agent acting on behalf of any of the following: a municipal police department, county sheriffs office, any prosecuting authority, the Department of State Police, or any other State, university, county, federal, or municipal police unit or police force.

"Biological material" includes, but is not limited to, any blood, hair, saliva, or semen from which genetic marker groupings may be obtained.

(Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Sims, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **House Bill No. 900** was taken up, read by title a second time and ordered to a third reading.

### MESSAGES FROM THE HOUSE

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 555

A bill for AN ACT concerning State government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 555

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

#### **AMENDMENT NO. 2 TO SENATE BILL 555**

AMENDMENT NO. 2 . Amend Senate Bill 555 by replacing everything after the enacting clause with the following:

"Section 5. The Substance Use Disorder Act is amended by adding Section 55-36 as follows:

(20 ILCS 301/55-36 new)

Sec. 55-36. Compliance checks; tobacco retailers.

(a) Definitions. As used in this Section:

"Alternative nicotine product" has the meaning ascribed to that term in Section 1 of the Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act.

"E-cigarette" has the meaning ascribed to the term "electronic cigarette" in Section 10-5 of the Tobacco Products Tax Act of 1995.

"Retailer" has the meaning ascribed to that term in Section 10-5 of the Tobacco Products Tax Act of 1995.

(b) As a means to reduce the consumption of tobacco products, alternative nicotine products, and e-cigarettes by persons under 21 years of age, the Department may conduct compliance checks of retailers to investigate whether such retailers are selling tobacco products, alternative nicotine products, or e-cigarettes to persons under 21 years of age in violation of the Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act. Compliance checks may be conducted by underage individuals under the supervision of local law enforcement and the Illinois State Police. The Illinois State Police shall communicate with local police departments and sheriffs' departments to ensure coordination and collaboration and to ensure its efforts do not duplicate any local compliance check activities. Underage individuals who purchase tobacco products, alternative nicotine products, or e-cigarettes while conducting supervised compliance checks shall not be in violation of any local or State laws pertaining to underage tobacco purchase or possession.".

Under the rules, the foregoing **Senate Bill No. 555**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 581

A bill for AN ACT concerning State government.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 581

House Amendment No. 3 to SENATE BILL NO. 581

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

### **AMENDMENT NO. 2 TO SENATE BILL 581**

AMENDMENT NO. 2 . Amend Senate Bill 581 as follows:

on page 1, immediately below line 3, by inserting the following:

"Section 3. The Regulatory Sunset Act is amended by changing Sections 4.32 and 4.34 as follows: (5 ILCS 80/4.32)

Sec. 4.32. Acts repealed on January 1, 2022. The following Acts are repealed on January 1, 2022:

The Boxing and Full-contact Martial Arts Act.

The Cemetery Oversight Act.

The Collateral Recovery Act.

The Community Association Manager Licensing and Disciplinary Act.

#### The Crematory Regulation Act.

The Detection of Deception Examiners Act.

The Home Inspector License Act.

The Illinois Health Information Exchange and Technology Act.

The Medical Practice Act of 1987.

The Registered Interior Designers Act.

The Massage Licensing Act.

The Petroleum Equipment Contractors Licensing Act.

The Radiation Protection Act of 1990.

The Real Estate Appraiser Licensing Act of 2002.

The Water Well and Pump Installation Contractor's License Act.

(Source: P.A. 100-920, eff. 8-17-18; 101-316, eff. 8-9-19; 101-614, eff. 12-20-19; 101-639, eff. 6-12-20.) (5 ILCS 80/4.34)

Sec. 4.34. Acts and Section repealed on January 1, 2024. The following Acts and Section of an Act are repealed on January 1, 2024:

The Crematory Regulation Act.

The Electrologist Licensing Act.

The Illinois Certified Shorthand Reporters Act of 1984.

The Illinois Occupational Therapy Practice Act.

The Illinois Public Accounting Act.

The Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

The Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act.

Section 2.5 of the Illinois Plumbing License Law.

The Veterinary Medicine and Surgery Practice Act of 2004.

(Source: P.A. 98-140, eff. 12-31-13; 98-253, eff. 8-9-13; 98-254, eff. 8-9-13; 98-264, eff. 12-31-13; 98-369, eff. 12-31-13; 98-363, eff. 8-16-13; 98-364, eff. 12-31-13; 98-445, eff. 12-31-13; 98-756, eff. 7-16-14.)".

# AMENDMENT NO. 3 TO SENATE BILL 581

AMENDMENT NO. 3 . Amend Senate Bill 581 as follows:

on page 20, by replacing lines 4 through 7 with "ending at the close of business on August 31."; and

on page 32, by replacing lines 7 through 11 with "December 31st.".

Under the rules, the foregoing **Senate Bill No. 581**, with House Amendments numbered 2 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 626

A bill for AN ACT concerning courts.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 626

House Amendment No. 2 to SENATE BILL NO. 626

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

## AMENDMENT NO. 1 TO SENATE BILL 626

AMENDMENT NO.  $\underline{1}$  . Amend Senate Bill 626 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal and Traffic Assessment Act is amended by changing Section 5-20 as follows:

(705 ILCS 135/5-20)

(Section scheduled to be repealed on January 1, 2022)

Sec. 5-20. Credit; time served; community service.

- (a) Any credit for time served prior to sentencing that reduces the amount a defendant is required to pay shall be deducted from the fine, if any, ordered by the court.
- (b) Excluding any ordered conditional assessment, a defendant who has been ordered to pay an assessment may petition the court to convert all or part of the assessment into court-approved public or community service. The period of public service necessary to satisfy the assessment shall be set by the court, but in no event shall the hourly rate of the public or community service performed by the defendant be equivalent to less than the minimum wage of this State. The court may adjust the hourly rate of public or community service in accordance with this amendatory. Act of the 102nd General Assembly for any mandatory assessments imposed between July 1, 2019 and the effective date of this amendatory. Act of the 102nd General Assembly. One hour of public or community service shall be equivalent to \$4 of assessment. The performance of this public or community service may shall be a condition of probation, conditional discharge, or supervision and shall be in addition to the performance of any other period of public or community service ordered by the court or required by law.

(Source: P.A. 100-987, eff. 7-1-19; 101-408, eff. 1-1-20.)

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 124A-20 as follows:

(725 ILCS 5/124A-20)

Sec. 124A-20. Assessment waiver.

- (a) As used in this Section:
- "Assessments" means any costs imposed on a criminal defendant under Article 15 of the Criminal and Traffic Assessment Act, but does not include violation of the Illinois Vehicle Code assessments.

"Indigent person" means any person who meets one or more of the following criteria:

- (1) He or she is receiving assistance under one or more of the following means-based governmental public benefits programs: Supplemental Security Income; Aid to the Aged, Blind and Disabled; Temporary Assistance for Needy Families; Supplemental Nutrition Assistance Program; General Assistance; Transitional Assistance; or State Children and Family Assistance.
- (2) His or her available personal income is 200% or less of the current poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are of a nature and value that the court determines that the applicant is able to pay the assessments.
- (3) He or she is, in the discretion of the court, unable to proceed in an action with payment of assessments and whose payment of those assessments would result in substantial hardship to the person or his or her family.

"Poverty level" means the current poverty level as established by the United States Department of Health and Human Services.

- (b) For criminal offenses reflected in Schedules 1, 3, 4, 5, 7, and 8 of Article 15 of the Criminal and Traffic Assessment Act, upon Upon the application of any defendant, after the commencement of an action, but no later than 30 days after sentencing:
  - (1) If the court finds that the applicant is an indigent person, the court shall grant the applicant a full assessment waiver exempting him or her from the payment of any assessments.
    - (2) The court shall grant the applicant a partial assessment as follows:
    - (A) 75% of all assessments shall be waived if the applicant's available income is greater than 200% but no more than 250% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the applicant is able, without undue hardship, to pay the total assessments.
    - (B) 50% of all assessments shall be waived if the applicant's available income is greater than 250% but no more than 300% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the court determines that the applicant is able, without undue hardship, to pay a greater portion of the assessments.
    - (C) 25% of all assessments shall be waived if the applicant's available income is greater than 300% but no more than 400% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the court determines that the applicant is able, without undue hardship, to pay a greater portion of the assessments.
- (b-5) For traffic and petty offenses reflected in Schedules 2, 6, 9, 10, and 13 of Article 15 of the Criminal and Traffic Assessment Act, upon the application of any defendant, after the commencement of an action, but no later than 30 days after sentencing, the court shall grant the applicant a partial assessment as follows:
  - (1) 50% of all assessments shall be waived if the court finds that the applicant is an indigent person or if the applicant's available income is not greater than 200% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the applicant is able, without undue hardship, to pay the total assessments.
  - (2) 37.5% of all assessments shall be waived if the applicant's available income is greater than 200% but no more than 250% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the applicant is able, without undue hardship, to pay the total assessments.
  - (3) 25% of all assessments shall be waived if the applicant's available income is greater than 250% but no more than 300% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the court determines that the applicant is able, without undue hardship, to pay a greater portion of the assessments.
  - (4) 12.5% of all assessments shall be waived if the applicant's available income is greater than 300% but no more than 400% of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the court determines that the applicant is able, without undue hardship, to pay a greater portion of the assessments.
- (c) An application for a waiver of assessments shall be in writing, signed by the defendant or, if the defendant is a minor, by another person having knowledge of the facts, and filed no later than 30 days after sentencing. The contents of the application for a waiver of assessments, and the procedure for deciding the applications, shall be established by Supreme Court Rule. Factors to consider in evaluating an application shall include:
  - (1) the applicant's receipt of needs based governmental public benefits, including Supplemental Security Income (SSI); Aid to the Aged, Blind and Disabled (<u>AABD ADBD</u>); Temporary Assistance for Needy Families (TANF); Supplemental Nutrition Assistance Program (SNAP or "food stamps"); General Assistance; Transitional Assistance; or State Children and Family Assistance;
    - (2) the employment status of the applicant and amount of monthly income, if any;
  - (3) income received from the applicant's pension, Social Security benefits, unemployment benefits, and other sources;
    - (4) income received by the applicant from other household members;
  - (5) the applicant's monthly expenses, including rent, home mortgage, other mortgage, utilities, food, medical, vehicle, childcare, debts, child support, and other expenses; and

- (6) financial affidavits or other similar supporting documentation provided by the applicant showing that payment of the imposed assessments would result in substantial hardship to the applicant or the applicant's family.
- (d) The clerk of court shall provide the application for a waiver of assessments to any defendant who indicates an inability to pay the assessments. The clerk of the court shall post in a conspicuous place in the courthouse a notice, no smaller than 8.5 x 11 inches and using no smaller than 30-point typeface printed in English and in Spanish, advising criminal defendants they may ask the court for a waiver of any court ordered assessments. The notice shall be substantially as follows:

"If you are unable to pay the required assessments, you may ask the court to waive payment of them. Ask the clerk of the court for forms."

- (e) For good cause shown, the court may allow an applicant whose application is denied or who receives a partial assessment waiver to defer payment of the assessments, make installment payments, or make payment upon reasonable terms and conditions stated in the order.
- (f) Nothing in this Section shall be construed to affect the right of a party to court-appointed counsel, as authorized by any other provision of law or by the rules of the Illinois Supreme Court.
- (g) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes. (Source: P.A. 100-987, eff. 7-1-19; revised 8-28-20.)

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

## AMENDMENT NO. 2 TO SENATE BILL 626

AMENDMENT NO. 2 . Amend Senate Bill 626, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 2, by replacing lines 23 and 24 with "Assessment Act, but does not include violation of the Illinois Vehicle Code assessments except as provided in subsection (a-5)."; and

on page 3, immediately below line 22, by inserting the following:

"(a-5) In a county having a population of more than 3,000,000, "assessments" means any costs imposed on a criminal defendant under Article 15 of the Criminal and Traffic Assessment Act, including violation of the Illinois Vehicle Code assessments. This subsection is inoperative on and after July 1, 2024.".

Under the rules, the foregoing **Senate Bill No. 626**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 661

A bill for AN ACT concerning education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 661

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

### AMENDMENT NO. 2 TO SENATE BILL 661

AMENDMENT NO.  $\underline{2}$  . Amend Senate Bill 661 by replacing everything after the enacting clause with the following:

"Section 5. The Higher Education Student Assistance Act is amended by adding Section 65.110 as follows:

(110 ILCS 947/65.110 new)

Sec. 65.110. Post-Master of Social Work School Social Work Professional Educator License scholarship.

- (a) Subject to appropriation, beginning with awards for the 2022-2023 academic year, the Commission shall award annually up to 250 Post-Master of Social Work School Social Work Professional Educator License scholarships to a person who:
  - (1) holds a valid Illinois-licensed clinical social work license or social work license;
  - (2) has obtained a master's degree in social work from an approved program;
  - (3) is a United States citizen or eligible noncitizen; and
  - (4) submits an application to the Commission for such scholarship and agrees to take courses to obtain an Illinois Professional Educator License with an endorsement in School Social Work.
- (b) If an appropriation for this Section for a given fiscal year is insufficient to provide scholarships to all qualified applicants, the Commission shall allocate the appropriation in accordance with this subsection (b). If funds are insufficient to provide all qualified applicants with a scholarship as authorized by this Section, the Commission shall allocate the available scholarship funds for that fiscal year to qualified applicants who submit a complete application on or before a date specified by the Commission, based on the following order of priority:
  - (1) firstly, to students who received a scholarship under this Section in the prior academic year and who remain eligible for a scholarship under this Section;
  - (2) secondly, to new, qualified applicants who are members of a racial minority, as defined in subsection (c); and
    - (3) finally, to other new, qualified applicants in accordance with this Section.
- (c) Scholarships awarded under this Section shall be issued pursuant to rules adopted by the Commission. In awarding scholarships, the Commission shall give priority to those applicants who are members of a racial minority. Racial minorities are underrepresented as school social workers in elementary and secondary schools in this State, and the General Assembly finds that it is in the interest of this State to provide them with priority consideration for programs that encourage their participation in this field and thereby foster a profession that is more reflective of the diversity of Illinois students and the parents they will serve. A more reflective workforce in school social work allows improved outcomes for students and a better utilization of services. Therefore, the Commission shall give priority to those applicants who are members of a racial minority. In this subsection (c), "racial minority" means a person who is a citizen of the United States or a lawful permanent resident alien of the United States and who is:
  - (1) Black (a person having origins in any of the black racial groups in Africa);
  - (2) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race);
  - (3) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); or
  - (4) American Indian or Alaskan Native (a person having origins in any of the original peoples of North America).
- (d) Each scholarship shall be applied to the payment of tuition and mandatory fees at the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, and Western Illinois University. Each scholarship may be applied to pay tuition and mandatory fees required to obtain an Illinois Professional Educator License with an endorsement in School Social Work.
- (e) The Commission shall make tuition and fee payments directly to the qualified institution of higher learning that the applicant attends.
- (f) Any person who has accepted a scholarship under this Section must, within one year after graduation or termination of enrollment in a Post-Master of Social Work Professional Education License with an endorsement in School Social Work program, begin working as a school social worker at a public or nonpublic not-for-profit preschool, elementary school, or secondary school located in this State for at least 2 of the 5 years immediately following that graduation or termination, excluding, however, from the computation of that 5-year period: (i) any time up to 3 years spent in the military service, whether such service occurs before or after the person graduates; (ii) the time that person is a person with a temporary total disability for a period of time not to exceed 3 years, as established by the sworn affidavit of a qualified physician; and (iii) the time that person is seeking and unable to find full-time employment as a school social worker at a State public or nonpublic not-for profit preschool, elementary school, or secondary school.
- (g) If a recipient of a scholarship under this Section fails to fulfill the work obligation set forth in subsection (f), the Commission shall require the recipient to repay the amount of the scholarships received,

prorated according to the fraction of the obligation not completed, at a rate of interest equal to 5%, and, if applicable, reasonable collection fees. The Commission is authorized to establish rules relating to its collection activities for repayment of scholarships under this Section. All repayments collected under this Section shall be forwarded to the State Comptroller for deposit into this State's General Revenue Fund.

A recipient of a scholarship under this Section is not considered to be in violation of the failure to fulfill the work obligation under subsection (f) if the recipient (i) enrolls on a full-time basis as a graduate student in a course of study related to the field of social work at a qualified Illinois institution of higher learning; (ii) is serving, not in excess of 3 years, as a member of the armed services of the United States; (iii) is a person with a temporary total disability for a period of time not to exceed 3 years, as established by the sworn affidavit of a qualified physician; (iv) is seeking and unable to find full-time employment as a school social worker at an Illinois public or nonpublic not-for-profit preschool, elementary school, or secondary school that satisfies the criteria set forth in subsection (f) and is able to provide evidence of that fact; or (v) becomes a person with a permanent total disability, as established by the sworn affidavit of a qualified physician.

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

Under the rules, the foregoing **Senate Bill No. 661**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 685

A bill for AN ACT concerning domestic violence.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 685

House Amendment No. 2 to SENATE BILL NO. 685

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

# AMENDMENT NO. 1 TO SENATE BILL 685

AMENDMENT NO.  $\underline{1}$  . Amend Senate Bill 685 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Domestic Violence Fatality Review Act.

Section 5. Definitions. As used in this Act:

"Board" means the Illinois Criminal Justice Information Authority Board.

"Case eligible for review" means the case based upon a qualifying relationship that the regional review teams can review under Section 70.

"Confidential information" means:

- (1) any oral, written, digital or electronic, original or copied information, records, documents, photographs, images, exhibits, or communications provided to, obtained by, shared with, discussed by, created by, or maintained by the Board, Statewide Committee, or by a regional review team with regard to a case eligible for review to determine whether the case should be reviewed or a review of an eligible case;
- (2) any information that discloses the identities of victims, survivors, deceased, or offenders, or their family members, or any information by which their identities can be determined by a reasonably diligent inquiry; and
- (3) any discussions, deliberations, minutes, notes, records, or opinions of the members of the Board, Statewide Committee, or a regional review team with regard to a case eligible for review to determine whether the case should be reviewed or a review of an eligible case. Confidential information does not mean nonidentifying or aggregate data information or analysis of data, and recommendations for community and systemic reform.

"Deceased" means anyone who died in connection with the actions of the offender, other than the victim, survivor, or offender.

"Domestic violence" means abuse as it is defined in Section 103 of the Illinois Domestic Violence Act of 1986 and paragraph (1) of subsection (b) of Section 112A-3 of the Code of Criminal Procedure of 1963.

"Domestic violence fatality review" means the deliberative process of multiagency and multidisciplinary teams that select eligible cases of domestic violence related fatalities and near-fatalities, and trace prior systemic interventions and involvement to:

- (1) examine barriers to safety, justice, self-determination, and equity;
- (2) identify systemic and community gaps and consider alternate and more effective systemic responses; and
- (3) develop recommendations for greater coordinated and improved community and systemic response and prevention initiatives to domestic violence in order to reduce the occurrence, frequency, and severity of domestic violence and prevent fatalities and near-fatalities.

"Familicide" means the killing of a family, including one or both parents and any children, by a family member.

"Fatality" means death caused by suicide or homicide.

"Near-fatality" means a death that nearly occurred by means of suicide or homicide, or an injury that could have resulted in death.

"Offender" means the person who inflicted domestic violence upon the victim and caused the victim's death, or the person who inflicted domestic violence upon a survivor. "Offender" includes a person who is deceased or alive, and is not required to have been the subject of a criminal investigation or prosecution.

"Regional domestic violence fatality review team" or "regional review team" means a multiagency and multidisciplinary team that selects and reviews eligible cases in accordance with Section 45.

"Statewide Committee" means the Ad Hoc Statewide Domestic Violence Fatality Review Committee of the Illinois Criminal Justice Information Authority Board.

"Survivor" means a person who experienced domestic violence and is alive.

"Victim" means the person who experienced domestic violence and is deceased, including by means of homicide or suicide.

Section 10. Findings. The General Assembly finds and declares the following:

- (a) Over 10,000,000 people in the United States experience physical domestic violence by a current or former partner each year.
- (b) According to the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, domestic violence accounts for 15% of all violent crime in the United States, and in this State, 42% of women and 26% of men have been harmed by an intimate partner in their lifetime.
- (c) According to the U.S. Department of Justice, nationwide approximately 1 in 4 women and nearly 1 in 7 men experience severe physical violence resulting from domestic violence by an intimate partner at some point in their lifetime.
- (d) The Illinois Criminal Justice Information Authority found that while the actual number of domestic violence incidents are underreported, in this State over 100,000 domestic violence offenses were reported to law enforcement each year between 2005 and 2017. Between 400,000 and nearly 600,000 orders of protection were filed each year between 2005 and 2017.
- (e) From 2001 to 2018, State domestic violence agencies served nearly 800,000 adults and children, at an average of 57,684 clients per year, according to the Illinois Criminal Justice Information Authority.
- (f) Domestic violence related homicides account for nearly 1 in 5 murders in the United States. According to the National Coalition Against Domestic Violence, female homicide victims are substantially more likely than male homicide victims to have been killed by an intimate partner. One in 3 female murder victims are killed by intimate partners. About 4% of male homicide victims were killed by an intimate partner. Nationwide, 72% of all homicide-suicides involved an intimate partner of which 94% of the murdered victims are women.
- (g) The Illinois Criminal Justice Information Authority found that 15% of all homicides in this State are connected to domestic violence, such that at least 130 domestic violence related homicides occurred in this State during 2019. The Illinois Coalition Against Domestic Violence found that domestic violence fatalities occurred across at least 26 counties and included at least 7 children between July 2019 and June 2020.

- (h) The Illinois Criminal Justice Information Authority found that the estimated financial impact of domestic violence homicides reported in this State during 2019 would total nearly \$1.2 billion.
  - (i) Nearly all familicides involve a history of domestic violence.
- (j) Effective responses to domestic violence and domestic violence related fatalities involve governmental, social services, and other systems in the community. A coordinated and consistent approach among community and system points of intervention are important to fostering the safety, stability, well-being and healing of survivors, and facilitating meaningful engagement with and sustainable accountability for offenders.
- (k) Domestic violence transcends boundaries of race, religion, ethnicity, sexual orientation, gender identity, disability, culture, socioeconomic status, and geography.
- (I) Domestic violence related fatalities and near-fatalities are experienced and responded to differently in historically marginalized communities. The communities and systems that victims, survivors, and offenders engage with in historically marginalized communities are typically those with power imbalances often rooted in systemic racism and oppression. Women of color, in particular, face additional barriers and gaps in accessing systemic and community responses aimed at reducing domestic violence related fatalities and near-fatalities.
- (m) Over 200 domestic violence fatality review teams exist across the United States. Those teams are engaged in systems reform in order to improve the response to domestic violence and reduce and prevent domestic violence related fatalities and near-fatalities.
- (n) Domestic violence related fatalities and near-fatalities can be prevented, and the use of regional domestic violence fatality review teams under the leadership, guidance, and technical assistance of the Statewide Committee in support of the regional teams is an effort toward such prevention.

## Section 15. Purposes. The purposes of this Act are:

- (1) To create the Ad Hoc Statewide Domestic Violence Fatality Review Committee of the Illinois Criminal Justice Information Authority Board to support domestic violence fatality review in this State.
- (2) To establish regional domestic violence fatality review teams that engage in domestic violence fatality review in this State in order to foster systemic reform that aims to:
  - (A) reduce domestic violence and domestic violence related fatalities and near-fatalities in this State:
  - (B) address disparate and discriminatory practices and attitudes in the systems that interact with victims, survivors, and offenders; and
  - (C) reduce the cost on society of domestic violence and domestic violence related fatalities and near-fatalities by:
    - (i) reviewing selected cases eligible for review;
    - (ii) examining how systems have responded to individual experiences;
    - (iii) identifying gaps and barriers to effective and equitable responses that promote safety, stability, well-being, healing, and accountability; and
    - (iv) recommending strategies to improve community and systemic responses to domestic violence in order to foster points of intervention and support that are effective, coordinated, collaborative, consistent, just, and equitable.

Section 20. Ad Hoc Statewide Domestic Violence Fatality Review Committee of the Illinois Criminal Justice Information Authority Board. The Ad Hoc Statewide Domestic Violence Fatality Review Committee of the Illinois Criminal Justice Information Authority Board is hereby created to provide guidance, leadership, technical assistance, research, and other supports to the regional domestic violence fatality review teams in carrying out their responsibilities under this Act, and to serve as a statewide resource for addressing domestic violence related fatalities and near-fatalities as well as other forms of abuse connected to domestic violence.

## Section 25. Membership of the Statewide Committee.

- (a) The Statewide Committee shall consist of the following voting members and nonvoting ex officio members. The voting membership shall have racial, ethnic, gender, and geographic diversity and include the following:
  - (1) Four members of the General Assembly as follows: 2 members of the Senate, one member appointed by the President of the Senate and one member appointed by the Senate Minority Leader; 2

members of the House of Representatives, one member appointed by the Speaker of the House and one member appointed by the House Minority Leader.

- (2) One member of the Governor's policy leadership team appointed by the Governor.
- (3) Up to 20 public members designated by the Board Chairperson, including:
- (A) Four members representing different regional review teams established under this Act, or at-large members in accordance with subparagraph (I) if 4 regional review teams have not yet been established at the time of appointment.
- (B) Two members representing statewide, regional, or local organizations that advocate on behalf of survivors of domestic violence.
- (C) Two members who are domestic violence survivors, one of whom may be a family member of a victim of domestic violence-related fatality or near-fatality.
- (D) Four social services providers representing different geographic areas of the State whose significant purpose is to provide services to survivors of domestic violence.
- (E) Two social service providers who have significant experience working with domestic violence offenders.
- (F) One physician licensed by the State whose State practice focuses on emergency medicine.
- (G) One member of the Illinois Association of Chiefs of Police recommended by the Association Director or President.
- (H) One member of the Illinois Sheriffs' Association recommended by the Association Director or President.
- (I) Three at-large members who have substantial expertise and experience in the response to or prevention of domestic violence and domestic violence related fatalities and near-fatalities, or a related skill or expertise.
- (b) The following, or a designee, shall serve as nonvoting ex officio members of the Statewide Committee: the Lieutenant Governor; the Secretary of Human Services; the Director of Public Health; the Attorney General; the Director of the Illinois State Police; the Director of Children and Family Services; the Director of the Illinois Criminal Justice Information Authority; the Director of the Office of the State's Attorney Appellate Prosecutor; and the Director of the Office of the State Appellate Defender.

Section 30. Statewide Committee terms of members; vacancies.

- (a) Terms of the original voting members shall be staggered as follows: one-half shall be designated for 2-year terms and one-half shall be designated for 3-year terms. The length of the initial terms of each original voting member shall be drawn by lot at the first meeting held by the Statewide Committee and shall be recorded as part of the minutes of the meeting. After the initial term, each term shall be for 3 years. Length of terms of co-chairs, the secretary, and other officers coincide with Statewide Committee members' terms.
- (b) The Board Chairperson shall designate members to fill vacancies in accordance with Section 25. A member whose term has expired may serve until a successor is appointed and accepts the appointment.

Section 35. Statewide Committee quorum; meetings; compensation.

- (a) A quorum shall consist of 7 of the voting members of the Statewide Committee.
- (b) The first meeting of the Statewide Committee shall occur by January 15, 2022. At the first meeting and at subsequent meetings when terms expire, the voting members shall elect 2 co-chairs and a secretary from among the voting members and may elect any other officers and other officers the voting members deem necessary to carry out the duties and responsibilities of the Statewide Committee.
- (c) The Statewide Committee shall meet at least quarterly each State Fiscal Year. Additional meetings may be called by the co-chairs, after at least 7 days prior notice to the Statewide Committee members, or upon a written request signed by at least 5 Statewide Committee members to the co-chairs for a meeting request. Meetings may be held by a virtual meeting format during a public health emergency or disaster proclamation declared by the Governor, or at the discretion of the co-chairs.
- (d) The meetings of the Statewide Committee are subject to the Open Meetings Act, except the following shall occur in closed executive sessions not subject to the requirements of the Open Meetings Act:
  - (1) discussions about personnel matters, confidential information as defined by Section 5, or cases eligible for review under Section 70;
    - (2) conducting a domestic violence fatality review; and

- (3) any other matters that the Statewide Committee co-chairs deem necessary or a majority of the Statewide Committee members vote to discuss in a closed executive session in order to advance the purposes of this Act.
- (e) The members shall receive no compensation for their service as members of the Statewide Committee, but may receive reimbursement for actual expenses incurred in the performance of their duties, subject to the availability of funds for that purpose.

Section 40. Duties and responsibilities of the Statewide Committee.

- (a) The Statewide Committee shall carry out the following duties and responsibilities:
- (1) Subject to available funds, hire or assign a full-time Program Manager to carry out the duties and responsibilities of the Statewide Committee and the purposes of this Act. The Program Manager may hire additional staff, subject to the availability of funds for that purpose and subject to the approval of the Board. The Statewide Committee and regional review teams can operate without an acting Program Manager.
  - (2) Establish and maintain an Internet website.
- (3) Prepare an annual budget that includes compensation for the Program Manager and staff, and financial reimbursement to regional review team members or teams for actual expenses incurred in the performance of their duties, subject to the availability of funds for that purpose.
- (4) Facilitate the establishment and implementation of regional review teams across the State over 6 years after the effective date of this Act and collaboratively develop regional implementation plans and procedures.
  - (5) Provide training and ongoing technical assistance to regional review teams.
- (6) Conduct, or assist in conducting, regional domestic violence fatality reviews if requested by regional review teams in specific cases.
- (7) Develop model confidentiality agreement, policies, and procedures for the use of regional review teams.
- (8) Develop guidelines for the annual and biennial reports of the Statewide Committee and the regional review teams pursuant to this Section and Section 65.
- (9) Appoint the initial members of each regional review team in accordance with Section 50 or designate a founding member of a regional review team to form the remainder of the regional review team in accordance with Section 50, unless the regional review team has been formed prior to the effective date of this Act or elects to form without the involvement of the Statewide Committee.
- (10) Create a process whereby the Statewide Committee shall annually officially recognize regional review teams that are formed and operated in substantial compliance with the requirements of this Act, and nonrecognize those regional review teams that are substantially out of compliance after reasonable efforts are made by the Statewide Committee to engage the regional review team's co-chairs and other regional stakeholders to facilitate corrective actions to bring the regional review team into substantial compliance. A nonrecognized regional review team no longer has the authority to operate under this Act, however, nonrecognition would not preclude the formation of a new regional review team for the affected region.
- (11) Review, analyze, maintain, and securely store regional review team reports and recommendations submitted by each regional review team as required by Section 65.
- (12) File an annual report with the Governor and the General Assembly on the operations and activities of the Statewide Committee and of the regional review teams. The first report shall be due no later than March 1, 2023, and each subsequent report shall be due no later than March 1 of each year thereafter. The annual report shall be made publicly available on the Statewide Committee's Internet website.
- (13) In even numbered years, file a substantive biennial report reviewing and analyzing the data and recommendations collected from the reports of the regional review teams. The biennial report shall include specific recommendations for legislative, systemic, policy, and any other changes to reduce domestic violence and domestic violence related fatalities and near-fatalities. The first report shall be due no later than April 1, 2024, and each subsequent report shall be due no later than April 1 of each even year thereafter. The biennial report shall be made publicly available on the Statewide Committee's Internet website.
- (b) The Statewide Committee may carry out the following duties and responsibilities:

- (1) After a vote by the majority of the voting Statewide Committee members or a decision by the co-chairs, establish one or more subcommittees or task forces to address specific issues regarding domestic violence, domestic violence fatalities and near-fatalities, domestic violence fatality review, or other related issues or subject matters, and may invite nonmembers with expertise on the issue or subject matter to serve on the subcommittee or task force. Each subcommittee or task force shall be chaired by a member of the Statewide Committee.
- (2) Advise the Governor and General Assembly on domestic violence, domestic violence fatalities and near-fatalities, domestic violence fatality review, data, and related topics or policies.
- (3) Engage nonmember stakeholders in reviewing selected recommendations from the regional review teams in accordance with notions of fairness, equity, justice, due process, and practicality.
- (4) Analyze data and identify trends related to domestic violence and domestic violence related fatalities and near-fatalities, and develop mechanisms for collecting, analyzing, and storing data that it collects or that is provided by the regional review teams.
  - (5) Adopt administrative rules in order to implement this Act.
- (6) Subject to the availability of funding and approval by a vote of the majority of the Statewide Committee members, engage with and enter into contracts with a higher education institution or research entity for research, analysis, training, and educational purposes in furtherance of the purposes of this Act. Statewide Committee members or Statewide Committee staff shall not share information with contractors that would disclose the identities of victims, survivors, deceased, offenders, and their family members or by which their identities can be determined by a reasonably diligent inquiry.
- (7) Support the implementation of systemic and community reform recommendations in order to advance the purposes of this Act.
- (8) Adopt notice of funding opportunities, award grants, or enter into contracts with statewide or local organizations that advocate on behalf of survivors.
  - (9) Assign any responsibilities under this Section.
- (10) Engage in any other activities that enable the Statewide Committee, its staff, and the regional review teams to carry out the purposes of this Act.
- Section 45. Regional domestic violence fatality review teams. A regional domestic violence fatality review team may be established within the boundaries of each judicial circuit. Once a review team is established within the boundaries of the judicial circuit, the team may establish one or more subteams to efficiently and effectively carry out the responsibilities of the regional review team and conduct domestic violence fatality review.
- Section 50. Membership of regional domestic violence fatality review teams. Each regional review team shall, at a minimum, include the following members from within the boundaries of the judicial circuit:
  - (1) a State's Attorney or Assistant State's Attorney;
  - (2) a public defender or other criminal defense lawyer;
  - (3) a coroner or medical examiner;
- (4) a Sheriff, Deputy Sheriff, Chief of Police, or other law enforcement officer with experience in domestic violence cases;
- (5) a social services provider whose significant role is to provide services to survivors of domestic violence:
- (6) a social services provider who has significant experience working with domestic violence offenders, if available in the region;
  - (7) a civil legal services lawyer or pro bono lawyer connected with a civil legal services program; and
- (8) at least 2 of the following members: a public health official; a physician licensed by the State who specializes in emergency medicine; an advanced practice registered nurse; a licensed mental health professional such as a psychiatrist, clinical psychologist, licensed clinical professional counselor, or licensed clinical social worker; a circuit judge or associate judge; a clerk of the circuit court or other elected or appointed court official; an administrative law judge; an emergency medical technician, paramedic, or other first responder; a local or regional elected official or State legislator; a representative from the private business sector; a member of the clergy or other representative of the faith community; a public housing authority administrator or manager; an alcohol and substance abuse treatment professional; a probation or parole officer; a child welfare administrator, caseworker, or investigator; a public school administrator, teacher, or school support staff person licensed and endorsed by the Illinois State Board of Education; a

representative of a State university or community college; a social science researcher or data analyst; a survivor or a family member or friend of a survivor or victim; a supervised child visitation or child exchange staff person; or a member of the public at-large who has the education, training, or experience to carry out the purposes of the regional review team.

Section 55. Terms of regional review team members; vacancies.

- (a) Terms of the original regional team members shall be staggered as follows: one-half of the initial members of the review team shall serve 2-year terms, and one-half of the initial members shall serve 3-year terms. The initial terms shall be drawn by lot at the first meeting of the review team. Following the initial terms, each member of the review team shall serve 3-year terms. No member shall serve more than 2 consecutive terms. Length of terms of co-chairs, the secretary, and other officers coincide with regional review team membership terms.
- (b) Vacancies shall be filled by individuals who meet the requirements of Section 50 either by an application process or upon the recommendation of a member of the regional review team, and approved by a vote of the majority of the regional review team members. Vacancies occurring during a term shall be filled to complete the current term. Members whose terms have expired may continue to serve until a new member is appointed. Former members are eligible for reappointment after the expiration of at least 12 months following their last date of service.

Section 60. Regional review team quorum; meetings; compensation.

- (a) All members of the regional review team are voting members. Five members of the regional review team shall constitute a quorum.
- (b) At the first meeting and at subsequent meetings when terms expire, the regional review team shall elect 2 co-chairs and a secretary and may elect any other officers the voting members deem necessary to carry out the duties and responsibilities of the regional review team.
- (c) Each regional review team shall meet at least quarterly on a date and at a time and location determined by the co-chairs. Additional meetings may be convened by the co-chairs upon at least 7 days prior written notice to the regional review team members, or upon the written request by at least 5 regional review team members to the co-chairs. Meetings may be held by virtual meeting format during a public health emergency or disaster proclamation declared by the Governor, or at the discretion of the co-chairs.
- (d) Members of regional review teams are not entitled to compensation, but may receive reimbursement for actual expenses incurred in the performance of their duties, subject to the availability of State or local funds for such purposes.

Section 65. Duties and responsibilities of the regional domestic violence fatality review team.

- (a) Each regional review team shall carry out the following duties and responsibilities:
  - (1) Form a regional review team in accordance with Sections 50 and 55.
- (2) Report the names, professional titles, if applicable, and business contact information of each review team member to the Statewide Committee and inform the Statewide Committee in a timely manner of any changes to the membership of the regional review team.
- (3) Create a secure system of maintaining and storing minutes, correspondence, and confidential information related to the regional review team and the domestic violence fatality reviews.
- (4) Ensure that each member of the regional review team participates in trainings and technical assistance provided by the Statewide Committee and other professionals.
- (5) Meet at least quarterly and maintain minutes of the business conducted by the regional review team at each meeting.
- (6) Establish priorities for reviewing eligible cases that consider, in part, demographic and case type diversity.
- (7) Based upon information available from a variety of sources, consider cases eligible for review in accordance with Section 70.
- (8) Vote by a majority of the regional review team members to review a specific case based upon various factors, including the priorities by the regional review team.
- (9) Invite and coordinate with the specific people designated in Section 50 who were involved in the selected domestic violence-related fatality or near-fatality to participate in the domestic

violence fatality review. Members of the regional review team may also participate directly in the domestic violence fatality review.

- (10) Execute a confidentiality agreement with each member of the regional review team and participant of a domestic violence fatality review in accordance with Section 75.
- (11) Conduct a domestic violence fatality review of at least 2 eligible cases per calendar year, or, if the regional review team is unable to complete at least 2 reviews in a given year, provide an explanation to the Statewide Committee in the regional review team's annual report pursuant to paragraph (12).
- (12) Prepare and submit an annual report to the Statewide Committee on the operations and activities of the regional review team in accordance with guidelines established by the Statewide Committee. The initial report shall be due on March 1 following the formation of the regional review team and subsequent reports shall be submitted no later than March 1 of each year thereafter.
- (13) On odd numbered years, prepare and submit to the Statewide Committee a biennial report based upon the domestic violence fatality reviews of the corresponding time period. The biennial report shall include specific recommendations for legislative, systemic, policy, and any other changes to reduce domestic violence and domestic violence related fatalities and near-fatalities. These recommendations will be reviewed by the Statewide Committee according to Section 40 and will, in part, inform the Statewide Committee's biennial report on even years. Any information that identifies the victims, survivors, deceased, or offenders, or their family members or any information by which their identities can be determined by a reasonably diligent inquiry shall not be disclosed in any domestic violence fatality review biennial report or by any other means. Any narrative of nonidentifying facts will be limited to those essential and indispensable to the explanation of data analysis or a recommendation for reform. Aggregate and nonidentifying data, including demographics, may be included in the biennial report. The first biennial report shall be due no later than April 1, 2023, and each subsequent report shall be due no later than April 1 of each odd year thereafter.
- (b) Each regional review team may carry out the following duties and responsibilities:
- (1) Collect and analyze data from its regional area regarding cases eligible for review that were and were not reviewed by the regional review team for purposes of identifying patterns and making recommendations for community and systemic reforms.
- (2) Subject to the availability of funding and approval by a vote of the majority of the regional review team members, engage with and enter into contracts with a higher education institution or research entity for research, analysis, training, and educational purposes in furtherance of the purposes of this Act. Regional review team members shall not share information with contractors that would disclose the identities of victims, survivors, deceased, offenders, and their family members or by which their identities can be determined by a reasonably diligent inquiry.
- (3) Seek funds to support the operations of the regional review team and the facilitation of domestic violence fatality reviews.
- (4) Support the implementation of systemic and community reform recommendations in order to advance the purposes of this Act.
- (5) Engage in any other activities that enable the regional review team to carry out the purposes of this Act.

Section 70. Case eligible for review by regional review team. A case eligible for review shall include a fatality or near-fatality that occurred within the geographic boundaries of the judicial circuit covered by the regional review team and a qualifying relationship.

- (a) A fatality or near-fatality includes at least one of the following:
  - (1) a homicide, as defined in Article 9 of the Criminal Code of 2012 in which:
    - (A) the offender causes the death of the victim, the deceased, or others; or
    - (B) the survivor causes the death of the offender, the deceased, or others;
  - (2) a suicide or attempt suicide of the offender;
  - (3) a suicide of the victim;
  - (4) a suicide attempt of the survivor;
- (5) a familicide in which the offender causes the death of the victim and other members of the victim's family including, but not limited to, minor or adult children and parents;
  - (6) the near-fatality of a survivor caused by the offender;

- (7) the near-fatality of an offender caused by the survivor; or
- (8) any other case involving domestic violence if a majority of the regional review team vote that a review of the case will advance the purposes of this Act.
- (b) A qualifying relationship between the offender and the victim or survivor shall include instances or a history of domestic violence perpetrated by the offender against the victim or survivor and at least one of the following circumstances:
  - (1) the offender and the victim or survivor:
    - (A) resided together or shared a common dwelling at any time;
    - (B) have or are alleged to have a child in common; or
  - (C) are or were engaged, married, divorced, separated, or had a dating or romantic relationship, regardless of whether they had sexual relations;
  - (2) the offender stalked the victim or survivor as described in Section 12-7.3 of the Criminal Code of 2012;
  - (3) the victim or survivor filed for an order of protection against the offender under the Illinois Domestic Violence Act of 1986 or Section 112A-2.5 of the Code of Criminal Procedure of 1963;
  - (4) the victim or survivor filed for a civil no contact order against the offender under the Civil No Contact Order Act or Section 112A-14.5 of the Code of Criminal Procedure of 1963;
  - (5) the victim or survivor filed for a stalking no contact order against the offender under the Stalking No Contact Order Act or Section 112A-2.5 of the Code of Criminal Procedure of 1963;
  - (6) the offender violated an order of protection, civil no contact order, or stalking no contact order obtained by the victim or survivor;
  - (7) the deceased resided in the same household as, was present at the workplace of, was in the proximity of, or was related by blood or affinity to a victim or survivor;
  - (8) the deceased was a law enforcement officer, emergency medical technician, or other responder to a domestic violence incident between the offender and the victim or survivor; or
  - (9) a relationship between the offender and the victim, survivor, or deceased exists that a majority of the regional review team votes warrants review of the case to advance the purposes of this Act.
  - (c) A case eligible review does not require criminal charges or a conviction.
- (d) Any criminal investigation, civil, criminal, or administrative proceeding, and appeals shall be complete for a case to be eligible for review.
- Section 75. Confidentiality of regional review teams, information, and domestic violence fatality reviews.
- (a) Meetings in which regional review teams are engaged in any activity related to domestic violence fatality review or in which confidential information is shared or disclosed are closed to the public and not subject to Section 2 of the Open Meetings Act.
- (b) Unless otherwise available and lawfully obtained through another source pursuant to an applicable law that allows the disclosure and release of the information, confidential information is not:
  - (1) subject to the Freedom of Information Act;
  - (2) subject to subpoena and discovery under Section 2-402 of the Code of Civil Procedure, Article 115 of the Code of Criminal Procedure of 1963, or Illinois Supreme Court Rule 412,; and
    - (3) admissible as evidence in any civil or criminal proceeding.
  - (c) Confidential information shall not be disclosed, released or shared except as follows:
  - (1) among Statewide Committee members or Statewide Committee staff pursuant to the review of an eligible case;
  - (2) among regional review team members to determine whether a case is eligible for review or whether an eligible case should be reviewed;
  - (3) among regional review team members and participants during a domestic violence fatality review; or
  - (4) a regional review team votes to share confidential information for solely educational or research purposes, consistent with State or federal law, as long as the information disclosed does not include the identities of victims, survivors, deceased, or offenders, or their family members or any information by which their identities can be determined by a reasonably diligent inquiry.
- (d) All Statewide Committee members, Statewide Committee subcommittee members, Statewide Committee staff, all members of each regional review team, and any other person who participates in any

manner in a review of an eligible case by a regional review team shall execute a confidentiality agreement based upon a model confidentiality agreement developed by the Statewide Committee or a document substantially similar to the Statewide Committee's model document that acknowledges and agrees to comply with the responsibility not to disclose or release confidential information. All executed confidentiality agreements shall be maintained by the Statewide Committee and by each regional review team respectively.

(e) Members and staff of the Board, Statewide Committee, and members of a regional review team or participants of a domestic violence fatality review cannot be subject to examination or compelled to disclose or release confidential information in any administrative, civil or criminal proceeding, except for information that is otherwise available and lawfully obtained through another source pursuant to an applicable law that allows the disclosure and release of the information.

# Section 80. Access to records and information.

- (a) Upon the oral or written request by a regional review team, records and oral or written information relevant to the purposes of domestic violence fatality review and to the responsibilities of the regional review team shall be provided free of charge by the following: State and local governmental agencies and officials; medical and dental providers; domestic violence offender and partner abuse intervention service providers; child care providers; and employers. Examples of records and oral or written information that may be requested include, but are not limited to: guardian ad litem reports; parenting evaluations; victim impact statements; mental health evaluations submitted to a court; probation information, presentence interviews, and reports; recommendations made regarding bail and release on own recognizance; child welfare reports and information; Child Advocacy Center reports and information; law enforcement incident reports, dispatch records, statements of victims, witnesses and suspects, supplemental reports, and probable cause statements; 9-1-1 call-taker's reports; correction and post-sentence probation or supervision reports; medical, hospital, and dental treatment records; school records and information; child care records and information; and employer records and information. The records and oral or written information may be provided for purposes of domestic violence fatality review without authorization of the person or persons to whom the records and oral or written information relate.
- (b) The records and oral or written information described in this Section provided to a regional review team or in a domestic violence fatality review become confidential information as defined in this Act. The Statewide Committee, regional review teams, and any other participant in a domestic violence fatality review shall maintain the confidentiality and shall not disclose or release the confidential information received, shared, or obtained.
  - (c) Nothing in this Act shall:
    - (1) limit public access to records or information that are lawfully available; or
  - (2) change the confidentiality and privilege of communications under the Illinois Domestic Violence Act of 1986, Section 8-802.1 of the Code of Civil Procedure, the Mental Health and Developmental Disabilities Code, 42 CFR 2.15, Section 40002(b)(2) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(b)(2)), 45 CFR 1370.4, and 28 CFR 94.115.
- (d) The Statewide Committee or a regional review team may request and obtain information and records from outside the State by any available legal means.

#### Section 85. Storage and destruction of confidential information.

- (a) Following a domestic violence fatality review, participants who brought or provided confidential information may return to their possession the confidential information, shall not disclose or share the confidential information unless otherwise allowed by State or federal law or not otherwise privileged, and may destroy the confidential information unless otherwise prohibited by State or federal law.
- (b) Following a domestic violence fatality review, the co-chairs of the regional review team will store at the place of their employment or virtually on their confidential electronic database or other technology any remaining confidential information and will maintain the confidentiality of the information. One year following the submission of the regional review team's biennial report pursuant to Section 65, the co-chair or a designee shall destroy the confidential information.

Section 90. Penalty for unlawful disclosure of confidential information. Anyone who discloses, receives, makes use of, or knowingly permits the use of any confidential information in violation of this Act commits a Class A misdemeanor.

Section 95. Immunity. If acting in good faith, without malice, and within the protocols established by the Statewide Committee and the regional review team, members of the Statewide Committee and regional review team, and anyone participating in a domestic violence fatality review shall have immunity from administrative, civil, or criminal liability for an act or omission related to the participation in a domestic violence fatality review, notwithstanding Section 90.

Section 900. The Open Meetings Act is amended by changing Section 2 as follows:

(5 ILCS 120/2) (from Ch. 102, par. 42)

(Text of Section before amendment by P.A. 101-652)

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) Meetings of the regional review teams under Section 75 of the Domestic Violence Fatality Review Act.

(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.)

(Text of Section after amendment by P.A. 101-652)

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) Deliberations for decisions of the Illinois Law Enforcement Training Standards Board, the Certification Review Panel, and the Illinois State Police Merit Board regarding certification and decertification.
- (38) Meetings of the regional review teams under Section 75 of the Domestic Violence Fatality Review Act.
- (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; 101-652, eff. 1-1-22.)

Section 905. The Freedom of Information Act is amended by changing Section 7.5 as follows: (5 ILCS 140/7.5)

- Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:
  - (a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.
  - (b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.
  - (c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.
  - (d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.
  - (e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.
  - (f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.
  - (g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.
  - (h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.
  - (i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.
  - (j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.
  - (k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.
  - (1) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.
  - (m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.
  - (n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.
  - (o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.
  - (p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.
    - (q) Information prohibited from being disclosed by the Personnel Record Review Act.
    - (r) Information prohibited from being disclosed by the Illinois School Student Records Act.
  - (s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.
  - (t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange.

The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

- (u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).
- (v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.
- (w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.
- (x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.
- (y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.
- (z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.
  - (aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.
  - (bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.
- (cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.
- (dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.
- (ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act
- (ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.
- (gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.
  - (hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.
- (ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.
- (jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.
  - (kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.
- (II) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.
- (mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.
- (nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.
- (oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.
- (pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.
- (qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.
  - (rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.
- (ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.

- (tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.
- (uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.
- (vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.
  - (ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.
- (xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.
- (yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.
- (zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act. (aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.
- (bbb) Information prohibited from being disclosed under subsection (d) of Section 35 of the Domestic Violence Fatality Review Act.

(Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18; 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff. 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517, eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19; 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff. 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; 101-649, eff. 7-7-20.)

Section 995. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

## AMENDMENT NO. 2 TO SENATE BILL 685

AMENDMENT NO.  $\underline{2}$ . Amend Senate Bill 685, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Domestic Violence Fatality Review Act.

Section 5. Definitions. As used in this Act:

"Board" means the Illinois Criminal Justice Information Authority Board.

"Case eligible for review" means the case based upon a qualifying relationship that the regional review teams can review under Section 70.

"Confidential information" means:

- (1) oral, written, digital, or electronic original or copied information, records, documents, photographs, images, exhibits, or communications (i) obtained by the Board, the Statewide Committee, or a regional review team from a public body for the purpose of addressing whether a case should be reviewed or for review of an eligible case under this Act while in the possession of the Board, Statewide Committee, or regional review team or (ii) in the possession of, provided to, obtained by, shared with, discussed by, created by, or maintained by the Board, the Statewide Committee, or a regional review team for the purpose of addressing whether a case should be reviewed or for review of an eligible case;
- (2) any information that may be in the possession of the Board, Statewide Committee, or a regional review team that discloses the identities of victims, survivors, deceased, or offenders, or their family members, or by which their identities can be determined by a reasonably diligent inquiry; and
- (3) any discussions, deliberations, minutes, notes, records, or opinions of the members of the Board, Statewide Committee, or a regional review team with regard to a case eligible for review to determine whether the case should be reviewed or a review of an eligible case. Confidential

information does not mean nonidentifying or aggregate data information or analysis of data, and recommendations for community and systemic reform.

"Deceased" means anyone who died in connection with the actions of the offender, other than the victim, survivor, or offender.

"Domestic violence" means abuse as it is defined in Section 103 of the Illinois Domestic Violence Act of 1986 and paragraph (1) of subsection (b) of Section 112A-3 of the Code of Criminal Procedure of 1963.

"Domestic violence fatality review" means the deliberative process of multiagency and multidisciplinary teams that select eligible cases of domestic violence related fatalities and near-fatalities, and trace prior systemic interventions and involvement to:

- (1) examine barriers to safety, justice, self-determination, and equity;
- (2) identify systemic and community gaps and consider alternate and more effective systemic responses; and
- (3) develop recommendations for greater coordinated and improved community and systemic response and prevention initiatives to domestic violence in order to reduce the occurrence, frequency, and severity of domestic violence and prevent fatalities and near-fatalities.

"Familicide" means the killing of a family, including one or both parents and any children, by a family member.

"Fatality" means death caused by suicide or homicide.

"Near-fatality" means a death that nearly occurred by means of suicide or homicide, or an injury that could have resulted in death.

"Offender" means the person who inflicted domestic violence upon the victim and caused the victim's death, or the person who inflicted domestic violence upon a survivor. "Offender" includes a person who is deceased or alive, and is not required to have been the subject of a criminal investigation or prosecution.

"Regional domestic violence fatality review team" or "regional review team" means a multiagency and multidisciplinary team that selects and reviews eligible cases in accordance with Section 45.

"Statewide Committee" means the Ad Hoc Statewide Domestic Violence Fatality Review Committee of the Illinois Criminal Justice Information Authority Board.

"Survivor" means a person who experienced domestic violence and is alive.

"Victim" means the person who experienced domestic violence and is deceased, including by means of homicide or suicide.

Section 10. Findings. The General Assembly finds and declares the following:

- (a) Over 10,000,000 people in the United States experience physical domestic violence by a current or former partner each year.
- (b) According to the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, domestic violence accounts for 15% of all violent crime in the United States, and in this State, 42% of women and 26% of men have been harmed by an intimate partner in their lifetime.
- (c) According to the U.S. Department of Justice, nationwide approximately 1 in 4 women and nearly 1 in 7 men experience severe physical violence resulting from domestic violence by an intimate partner at some point in their lifetime.
- (d) The Illinois Criminal Justice Information Authority found that while the actual number of domestic violence incidents are underreported, in this State over 100,000 domestic violence offenses were reported to law enforcement each year between 2005 and 2017. Between 400,000 and nearly 600,000 orders of protection were filed each year between 2005 and 2017.
- (e) From 2001 to 2018, State domestic violence agencies served nearly 800,000 adults and children, at an average of 57,684 clients per year, according to the Illinois Criminal Justice Information Authority.
- (f) Domestic violence related homicides account for nearly 1 in 5 murders in the United States. According to the National Coalition Against Domestic Violence, female homicide victims are substantially more likely than male homicide victims to have been killed by an intimate partner. One in 3 female murder victims are killed by intimate partners. About 4% of male homicide victims were killed by an intimate partner. Nationwide, 72% of all homicide-suicides involved an intimate partner of which 94% of the murdered victims are women.
- (g) The Illinois Criminal Justice Information Authority found that 15% of all homicides in this State are connected to domestic violence, such that at least 130 domestic violence related homicides occurred in this State during 2019. The Illinois Coalition Against Domestic Violence found that domestic violence

fatalities occurred across at least 26 counties and included at least 7 children between July 2019 and June 2020.

- (h) The Illinois Criminal Justice Information Authority found that the estimated financial impact of domestic violence homicides reported in this State during 2019 would total nearly \$1.2 billion.
  - (i) Nearly all familicides involve a history of domestic violence.
- (j) Effective responses to domestic violence and domestic violence related fatalities involve governmental, social services, and other systems in the community. A coordinated and consistent approach among community and system points of intervention are important to fostering the safety, stability, well-being and healing of survivors, and facilitating meaningful engagement with and sustainable accountability for offenders.
- (k) Domestic violence transcends boundaries of race, religion, ethnicity, sexual orientation, gender identity, disability, culture, socioeconomic status, and geography.
- (I) Domestic violence related fatalities and near-fatalities are experienced and responded to differently in historically marginalized communities. The communities and systems that victims, survivors, and offenders engage with in historically marginalized communities are typically those with power imbalances often rooted in systemic racism and oppression. Women of color, in particular, face additional barriers and gaps in accessing systemic and community responses aimed at reducing domestic violence related fatalities and near-fatalities.
- (m) Over 200 domestic violence fatality review teams exist across the United States. Those teams are engaged in systems reform in order to improve the response to domestic violence and reduce and prevent domestic violence related fatalities and near-fatalities.
- (n) Domestic violence related fatalities and near-fatalities can be prevented, and the use of regional domestic violence fatality review teams under the leadership, guidance, and technical assistance of the Statewide Committee in support of the regional teams is an effort toward such prevention.

Section 15. Purposes. The purposes of this Act are:

- (1) To create the Ad Hoc Statewide Domestic Violence Fatality Review Committee of the Illinois Criminal Justice Information Authority Board to support domestic violence fatality review in this State.
- (2) To establish regional domestic violence fatality review teams that engage in domestic violence fatality review in this State in order to foster systemic reform that aims to:
  - (A) reduce domestic violence and domestic violence related fatalities and near-fatalities in this State;
  - (B) address disparate and discriminatory practices and attitudes in the systems that interact with victims, survivors, and offenders; and
  - (C) reduce the cost on society of domestic violence and domestic violence related fatalities and near-fatalities by:
    - (i) reviewing selected cases eligible for review;
    - (ii) examining how systems have responded to individual experiences;
    - (iii) identifying gaps and barriers to effective and equitable responses that promote safety, stability, well-being, healing, and accountability; and
    - (iv) recommending strategies to improve community and systemic responses to domestic violence in order to foster points of intervention and support that are effective, coordinated, collaborative, consistent, just, and equitable.

Section 20. Ad Hoc Statewide Domestic Violence Fatality Review Committee of the Illinois Criminal Justice Information Authority Board. The Ad Hoc Statewide Domestic Violence Fatality Review Committee of the Illinois Criminal Justice Information Authority Board is hereby created to provide guidance, leadership, technical assistance, research, and other supports to the regional domestic violence fatality review teams in carrying out their responsibilities under this Act, and to serve as a statewide resource for addressing domestic violence related fatalities and near-fatalities as well as other forms of abuse connected to domestic violence.

Section 25. Membership of the Statewide Committee.

(a) The Statewide Committee shall consist of the following voting members and nonvoting ex officio members. The voting membership shall have racial, ethnic, gender, and geographic diversity and include the following:

- (1) Four members of the General Assembly as follows: 2 members of the Senate, one member appointed by the President of the Senate and one member appointed by the Senate Minority Leader; 2 members of the House of Representatives, one member appointed by the Speaker of the House and one member appointed by the House Minority Leader.
  - (2) One member of the Governor's policy leadership team appointed by the Governor.
  - (3) Up to 20 public members designated by the Board Chairperson, including:
  - (A) Four members representing different regional review teams established under this Act, or at-large members in accordance with subparagraph (I) if 4 regional review teams have not yet been established at the time of appointment.
  - (B) Two members representing statewide, regional, or local organizations that advocate on behalf of survivors of domestic violence.
  - (C) Two members who are domestic violence survivors, one of whom may be a family member of a victim of domestic violence-related fatality or near-fatality.
  - (D) Four social services providers representing different geographic areas of the State whose significant purpose is to provide services to survivors of domestic violence.
  - (E) Two social service providers who have significant experience working with domestic violence offenders.
  - (F) One physician licensed by the State whose State practice focuses on emergency medicine.
  - (G) One member of the Illinois Association of Chiefs of Police recommended by the Association Director or President.
  - (H) One member of the Illinois Sheriffs' Association recommended by the Association Director or President.
  - (I) Three at-large members who have substantial expertise and experience in the response to or prevention of domestic violence and domestic violence related fatalities and near-fatalities, or a related skill or expertise.
- (b) The following, or a designee, shall serve as nonvoting ex officio members of the Statewide Committee: the Lieutenant Governor; the Secretary of Human Services; the Director of Public Health; the Attorney General; the Director of the Illinois State Police; the Director of Children and Family Services; the Director of the Illinois Criminal Justice Information Authority; the Director of the Office of the State's Attorney Appellate Prosecutor; the Director of the Office of the State Appellate Defender; and the Director of the Administrative Office of the Illinois Courts.

Section 30. Statewide Committee terms of members; vacancies.

- (a) Terms of the original voting members shall be staggered as follows: one-half shall be designated for 2-year terms and one-half shall be designated for 3-year terms. The length of the initial terms of each original voting member shall be drawn by lot at the first meeting held by the Statewide Committee and shall be recorded as part of the minutes of the meeting. After the initial term, each term shall be for 3 years. Length of terms of co-chairs, the secretary, and other officers coincide with Statewide Committee members' terms.
- (b) The Board Chairperson shall designate members to fill vacancies in accordance with Section 25. A member whose term has expired may serve until a successor is appointed and accepts the appointment.

Section 35. Statewide Committee quorum; meetings; compensation.

- (a) A quorum shall consist of 7 of the voting members of the Statewide Committee.
- (b) The first meeting of the Statewide Committee shall occur by January 15, 2022. At the first meeting and at subsequent meetings when terms expire, the voting members shall elect 2 co-chairs and a secretary from among the voting members and may elect any other officers and other officers the voting members deem necessary to carry out the duties and responsibilities of the Statewide Committee.
- (c) The Statewide Committee shall meet at least quarterly each State Fiscal Year. Additional meetings may be called by the co-chairs, after at least 7 days prior notice to the Statewide Committee members, or upon a written request signed by at least 5 Statewide Committee members to the co-chairs for a meeting request. Meetings may be held by a virtual meeting format during a public health emergency or disaster proclamation declared by the Governor, or at the discretion of the co-chairs.
- (d) The meetings of the Statewide Committee are subject to the Open Meetings Act, except the following shall occur in closed executive sessions not subject to the requirements of the Open Meetings Act:

- (1) discussions about personnel matters, confidential information as defined by Section 5, or cases eligible for review under Section 70; and
  - (2) conducting a domestic violence fatality review.
- (e) The members shall receive no compensation for their service as members of the Statewide Committee, but may receive reimbursement for actual expenses incurred in the performance of their duties, subject to the availability of funds for that purpose.

Section 40. Duties and responsibilities of the Statewide Committee.

- (a) The Statewide Committee shall carry out the following duties and responsibilities:
- (1) Subject to available funds, hire or assign a full-time Program Manager to carry out the duties and responsibilities of the Statewide Committee and the purposes of this Act. The Program Manager may hire additional staff, subject to the availability of funds for that purpose and subject to the approval of the Board. The Statewide Committee and regional review teams can operate without an acting Program Manager.
  - (2) Establish and maintain an Internet website.
- (3) Prepare an annual budget that includes compensation for the Program Manager and staff, and financial reimbursement to regional review team members or teams for actual expenses incurred in the performance of their duties, subject to the availability of funds for that purpose.
- (4) Facilitate the establishment and implementation of regional review teams across the State over 6 years after the effective date of this Act and collaboratively develop regional implementation plans and procedures.
  - (5) Provide training and ongoing technical assistance to regional review teams.
- (6) Conduct, or assist in conducting, regional domestic violence fatality reviews if requested by regional review teams in specific cases.
- (7) Develop model confidentiality agreement, policies, and procedures for the use of regional review teams.
- (8) Develop guidelines for the annual and biennial reports of the Statewide Committee and the regional review teams pursuant to this Section and Section 65.
- (9) Appoint the initial members of each regional review team in accordance with Section 50 or designate a founding member of a regional review team to form the remainder of the regional review team in accordance with Section 50, unless the regional review team has been formed prior to the effective date of this Act or elects to form without the involvement of the Statewide Committee.
- (10) Create a process whereby the Statewide Committee shall annually officially recognize regional review teams that are formed and operated in substantial compliance with the requirements of this Act, and nonrecognize those regional review teams that are substantially out of compliance after reasonable efforts are made by the Statewide Committee to engage the regional review team's co-chairs and other regional stakeholders to facilitate corrective actions to bring the regional review team into substantial compliance. A nonrecognized regional review team no longer has the authority to operate under this Act, however, nonrecognition would not preclude the formation of a new regional review team for the affected region.
- (11) Review, analyze, maintain, and securely store regional review team reports and recommendations submitted by each regional review team as required by Section 65.
- (12) File an annual report with the Governor and the General Assembly on the operations and activities of the Statewide Committee and of the regional review teams. The first report shall be due no later than March 1, 2023, and each subsequent report shall be due no later than March 1 of each year thereafter. The annual report shall be made publicly available on the Statewide Committee's Internet website.
- (13) In even numbered years, file a substantive biennial report reviewing and analyzing the data and recommendations collected from the reports of the regional review teams. The biennial report shall include specific recommendations for legislative, systemic, policy, and any other changes to reduce domestic violence and domestic violence related fatalities and near-fatalities. The first report shall be due no later than April 1, 2024, and each subsequent report shall be due no later than April 1 of each even year thereafter. The biennial report shall be made publicly available on the Statewide Committee's Internet website.
- (b) The Statewide Committee may carry out the following duties and responsibilities:

- (1) After a vote by the majority of the voting Statewide Committee members or a decision by the co-chairs, establish one or more subcommittees or task forces to address specific issues regarding domestic violence, domestic violence fatalities and near-fatalities, domestic violence fatality review, or other related issues or subject matters, and may invite nonmembers with expertise on the issue or subject matter to serve on the subcommittee or task force. Each subcommittee or task force shall be chaired by a member of the Statewide Committee.
- (2) Advise the Governor and General Assembly on domestic violence, domestic violence fatalities and near-fatalities, domestic violence fatality review, data, and related topics or policies.
- (3) Engage nonmember stakeholders in reviewing selected recommendations from the regional review teams in accordance with notions of fairness, equity, justice, due process, and practicality.
- (4) Analyze data and identify trends related to domestic violence and domestic violence related fatalities and near-fatalities, and develop mechanisms for collecting, analyzing, and storing data that it collects or that is provided by the regional review teams.
  - (5) Adopt administrative rules in order to implement this Act.
- (6) Subject to the availability of funding and approval by a vote of the majority of the Statewide Committee members, engage with and enter into contracts with a higher education institution or research entity for research, analysis, training, and educational purposes in furtherance of the purposes of this Act. Statewide Committee members or Statewide Committee staff shall not share information with contractors that would disclose the identities of victims, survivors, deceased, offenders, and their family members or by which their identities can be determined by a reasonably diligent inquiry.
- (7) Support the implementation of systemic and community reform recommendations in order to advance the purposes of this Act.
- (8) Adopt notice of funding opportunities, award grants, or enter into contracts with statewide or local organizations that advocate on behalf of survivors.
  - (9) Assign any responsibilities under this Section.
- (10) Engage in any other activities that enable the Statewide Committee, its staff, and the regional review teams to carry out the purposes of this Act.
- Section 45. Regional domestic violence fatality review teams. A regional domestic violence fatality review team may be established within the boundaries of each judicial circuit. Once a review team is established within the boundaries of the judicial circuit, the team may establish one or more subteams to efficiently and effectively carry out the responsibilities of the regional review team and conduct domestic violence fatality review.
- Section 50. Membership of regional domestic violence fatality review teams. Each regional review team shall, at a minimum, include the following members from within the boundaries of the judicial circuit:
  - (1) a State's Attorney or Assistant State's Attorney;
  - (2) a public defender or other criminal defense lawyer;
  - (3) a coroner or medical examiner;
- (4) a Sheriff, Deputy Sheriff, Chief of Police, or other law enforcement officer with experience in domestic violence cases;
- (5) a social services provider whose significant role is to provide services to survivors of domestic violence:
- (6) a social services provider who has significant experience working with domestic violence offenders, if available in the region;
  - (7) a civil legal services lawyer or pro bono lawyer connected with a civil legal services program; and
- (8) at least 2 of the following members: a public health official; a physician licensed by the State who specializes in emergency medicine; an advanced practice registered nurse; a licensed mental health professional such as a psychiatrist, clinical psychologist, licensed clinical professional counselor, or licensed clinical social worker; a circuit judge or associate judge; a clerk of the circuit court or other elected or appointed court official; an administrative law judge; an emergency medical technician, paramedic, or other first responder; a local or regional elected official or State legislator; a representative from the private business sector; a member of the clergy or other representative of the faith community; a public housing authority administrator or manager; an alcohol and substance abuse treatment professional; a probation or parole officer; a child welfare administrator, caseworker, or investigator; a public school administrator, teacher, or school support staff person licensed and endorsed by the Illinois State Board of Education; a

representative of a State university or community college; a social science researcher or data analyst; a survivor or a family member or friend of a survivor or victim; a supervised child visitation or child exchange staff person; or a member of the public at-large who has the education, training, or experience to carry out the purposes of the regional review team.

Section 55. Terms of regional review team members; vacancies.

- (a) Terms of the original regional team members shall be staggered as follows: one-half of the initial members of the review team shall serve 2-year terms, and one-half of the initial members shall serve 3-year terms. The initial terms shall be drawn by lot at the first meeting of the review team. Following the initial terms, each member of the review team shall serve 3-year terms. No member shall serve more than 2 consecutive terms. Length of terms of co-chairs, the secretary, and other officers coincide with regional review team membership terms.
- (b) Vacancies shall be filled by individuals who meet the requirements of Section 50 either by an application process or upon the recommendation of a member of the regional review team, and approved by a vote of the majority of the regional review team members. Vacancies occurring during a term shall be filled to complete the current term. Members whose terms have expired may continue to serve until a new member is appointed. Former members are eligible for reappointment after the expiration of at least 12 months following their last date of service.

Section 60. Regional review team quorum; meetings; compensation.

- (a) All members of the regional review team are voting members. Five members of the regional review team shall constitute a quorum.
- (b) At the first meeting and at subsequent meetings when terms expire, the regional review team shall elect 2 co-chairs and a secretary and may elect any other officers the voting members deem necessary to carry out the duties and responsibilities of the regional review team.
- (c) Each regional review team shall meet at least quarterly on a date and at a time and location determined by the co-chairs. Additional meetings may be convened by the co-chairs upon at least 7 days prior written notice to the regional review team members, or upon the written request by at least 5 regional review team members to the co-chairs. Meetings may be held by virtual meeting format during a public health emergency or disaster proclamation declared by the Governor, or at the discretion of the co-chairs.
- (d) Members of regional review teams are not entitled to compensation, but may receive reimbursement for actual expenses incurred in the performance of their duties, subject to the availability of State or local funds for such purposes.

Section 65. Duties and responsibilities of the regional domestic violence fatality review team.

- (a) Each regional review team shall carry out the following duties and responsibilities:
  - (1) Form a regional review team in accordance with Sections 50 and 55.
- (2) Report the names, professional titles, if applicable, and business contact information of each review team member to the Statewide Committee and inform the Statewide Committee in a timely manner of any changes to the membership of the regional review team.
- (3) Create a secure system of maintaining and storing minutes, correspondence, and confidential information related to the regional review team and the domestic violence fatality reviews.
- (4) Ensure that each member of the regional review team participates in trainings and technical assistance provided by the Statewide Committee and other professionals.
- (5) Meet at least quarterly and maintain minutes of the business conducted by the regional review team at each meeting.
- (6) Establish priorities for reviewing eligible cases that consider, in part, demographic and case type diversity.
- (7) Based upon information available from a variety of sources, consider cases eligible for review in accordance with Section 70.
- (8) Vote by a majority of the regional review team members to review a specific case based upon various factors, including the priorities by the regional review team.
- (9) Invite and coordinate with the specific people designated in Section 50 who were involved in the selected domestic violence-related fatality or near-fatality to participate in the domestic

violence fatality review. Members of the regional review team may also participate directly in the domestic violence fatality review.

- (10) Execute a confidentiality agreement with each member of the regional review team and participant of a domestic violence fatality review in accordance with Section 75.
- (11) Conduct a domestic violence fatality review of at least 2 eligible cases per calendar year, or, if the regional review team is unable to complete at least 2 reviews in a given year, provide an explanation to the Statewide Committee in the regional review team's annual report pursuant to paragraph (12).
- (12) Prepare and submit an annual report to the Statewide Committee on the operations and activities of the regional review team in accordance with guidelines established by the Statewide Committee. The initial report shall be due on March 1 following the formation of the regional review team and subsequent reports shall be submitted no later than March 1 of each year thereafter.
- (13) On odd numbered years, prepare and submit to the Statewide Committee a biennial report based upon the domestic violence fatality reviews of the corresponding time period. The biennial report shall include specific recommendations for legislative, systemic, policy, and any other changes to reduce domestic violence and domestic violence related fatalities and near-fatalities. These recommendations will be reviewed by the Statewide Committee according to Section 40 and will, in part, inform the Statewide Committee's biennial report on even years. Any information that identifies the victims, survivors, deceased, or offenders, or their family members or any information by which their identities can be determined by a reasonably diligent inquiry shall not be disclosed in any domestic violence fatality review biennial report or by any other means. Any narrative of nonidentifying facts will be limited to those essential and indispensable to the explanation of data analysis or a recommendation for reform. Aggregate and nonidentifying data, including demographics, may be included in the biennial report. The first biennial report shall be due no later than April 1, 2023, and each subsequent report shall be due no later than April 1 of each odd year thereafter.
- (b) Each regional review team may carry out the following duties and responsibilities:
- (1) Collect and analyze data from its regional area regarding cases eligible for review that were and were not reviewed by the regional review team for purposes of identifying patterns and making recommendations for community and systemic reforms.
- (2) Subject to the availability of funding and approval by a vote of the majority of the regional review team members, engage with and enter into contracts with a higher education institution or research entity for research, analysis, training, and educational purposes in furtherance of the purposes of this Act. Regional review team members shall not share information with contractors that would disclose the identities of victims, survivors, deceased, offenders, and their family members or by which their identities can be determined by a reasonably diligent inquiry.
- (3) Seek funds to support the operations of the regional review team and the facilitation of domestic violence fatality reviews.
- (4) Support the implementation of systemic and community reform recommendations in order to advance the purposes of this Act.
- (5) Engage in any other activities that enable the regional review team to carry out the purposes of this Act.

Section 70. Case eligible for review by regional review team. A case eligible for review shall include a fatality or near-fatality that occurred within the geographic boundaries of the judicial circuit covered by the regional review team and a qualifying relationship.

- (a) A fatality or near-fatality includes at least one of the following:
  - (1) a homicide, as defined in Article 9 of the Criminal Code of 2012 in which:
    - (A) the offender causes the death of the victim, the deceased, or others; or
    - (B) the survivor causes the death of the offender, the deceased, or others;
  - (2) a suicide or attempt suicide of the offender;
  - (3) a suicide of the victim;
  - (4) a suicide attempt of the survivor;
- (5) a familicide in which the offender causes the death of the victim and other members of the victim's family including, but not limited to, minor or adult children and parents;
  - (6) the near-fatality of a survivor caused by the offender;

- (7) the near-fatality of an offender caused by the survivor; or
- (8) any other case involving domestic violence if a majority of the regional review team vote that a review of the case will advance the purposes of this Act.
- (b) A qualifying relationship between the offender and the victim or survivor shall include instances or a history of domestic violence perpetrated by the offender against the victim or survivor and at least one of the following circumstances:
  - (1) the offender and the victim or survivor:
    - (A) resided together or shared a common dwelling at any time;
    - (B) have or are alleged to have a child in common; or
  - (C) are or were engaged, married, divorced, separated, or had a dating or romantic relationship, regardless of whether they had sexual relations;
  - (2) the offender stalked the victim or survivor as described in Section 12-7.3 of the Criminal Code of 2012;
  - (3) the victim or survivor filed for an order of protection against the offender under the Illinois Domestic Violence Act of 1986 or Section 112A-2.5 of the Code of Criminal Procedure of 1963;
  - (4) the victim or survivor filed for a civil no contact order against the offender under the Civil No Contact Order Act or Section 112A-14.5 of the Code of Criminal Procedure of 1963;
  - (5) the victim or survivor filed for a stalking no contact order against the offender under the Stalking No Contact Order Act or Section 112A-2.5 of the Code of Criminal Procedure of 1963;
  - (6) the offender violated an order of protection, civil no contact order, or stalking no contact order obtained by the victim or survivor;
  - (7) the deceased resided in the same household as, was present at the workplace of, was in the proximity of, or was related by blood or affinity to a victim or survivor;
  - (8) the deceased was a law enforcement officer, emergency medical technician, or other responder to a domestic violence incident between the offender and the victim or survivor; or
  - (9) a relationship between the offender and the victim, survivor, or deceased exists that a majority of the regional review team votes warrants review of the case to advance the purposes of this Act.
  - (c) A case eligible review does not require criminal charges or a conviction.
- (d) Any criminal investigation, civil, criminal, or administrative proceeding, and appeals shall be complete for a case to be eligible for review.
- Section 75. Confidentiality of regional review teams, information, and domestic violence fatality reviews.
- (a) Meetings in which regional review teams are engaged in a domestic violence fatality review or in which confidential information is shared or disclosed are closed to the public and not subject to Section 2 of the Open Meetings Act.
- (b) Unless otherwise available and lawfully obtained through another source pursuant to an applicable law that allows the disclosure and release of the information, confidential information in the possession of a regional review team is not:
  - (1) subject to disclosure by the Board, Statewide Committee, or a regional review team under the Freedom of Information Act, and this exemption does not extend to other public bodies unless otherwise provided by law;
  - (2) subject to subpoena and discovery under Section 2-402 of the Code of Civil Procedure, Article 115 of the Code of Criminal Procedure of 1963, or Illinois Supreme Court Rule 412,; and
    - (3) admissible as evidence in any civil or criminal proceeding.
- (c) Confidential information in the possession of a regional review team shall not be disclosed, released, or shared except as follows:
  - (1) among Statewide Committee members or Statewide Committee staff pursuant to the review of an eligible case;
  - (2) among regional review team members to determine whether a case is eligible for review or whether an eligible case should be reviewed;
  - (3) among regional review team members and participants during a domestic violence fatality review; or
  - (4) a regional review team votes to share confidential information for solely educational or research purposes, consistent with State or federal law, as long as the information disclosed does not

include the identities of victims, survivors, deceased, or offenders, or their family members or any information by which their identities can be determined by a reasonably diligent inquiry.

- (d) All Statewide Committee members, Statewide Committee subcommittee members, Statewide Committee staff, all members of each regional review team, and any other person who participates in any manner in a review of an eligible case by a regional review team shall execute a confidentiality agreement based upon a model confidentiality agreement developed by the Statewide Committee or a document substantially similar to the Statewide Committee's model document that acknowledges and agrees to comply with the responsibility not to disclose or release confidential information. All executed confidentiality agreements shall be maintained by the Statewide Committee and by each regional review team respectively.
- (e) Members and staff of the Board, Statewide Committee, and members of a regional review team or participants of a domestic violence fatality review cannot be subject to examination or compelled to disclose or release confidential information in any administrative, civil or criminal proceeding, except for information that is otherwise available and lawfully obtained through another source pursuant to an applicable law that allows the disclosure and release of the information.

Section 80. Access to records and information.

- (a) Upon the oral or written request by a regional review team, records and oral or written information relevant to the purposes of domestic violence fatality review and to the responsibilities of the regional review team shall be provided free of charge by the following: State and local governmental agencies and officials; medical and dental providers; domestic violence offender and partner abuse intervention service providers; child care providers; and employers. Examples of records and oral or written information that may be requested include, but are not limited to: guardian ad litem reports; parenting evaluations; victim impact statements; mental health evaluations submitted to a court; probation information, presentence interviews, and reports; recommendations made regarding bail and release on own recognizance; child welfare reports and information; Child Advocacy Center reports and information; law enforcement incident reports, dispatch records, statements of victims, witnesses and suspects, supplemental reports, and probable cause statements; 9-1-1 call-taker's reports; correction and post-sentence probation or supervision reports; medical, hospital, and dental treatment records; school records and information; child care records and information; and employer records and information. The records and oral or written information may be provided for purposes of domestic violence fatality review without authorization of the person or persons to whom the records and oral or written information relate.
- (b) The records and oral or written information described in this Section provided to a regional review team or in a domestic violence fatality review become confidential information as defined in this Act. The Statewide Committee, regional review teams, and any other participant in a domestic violence fatality review shall maintain the confidentiality and shall not disclose or release the confidential information received, shared, or obtained.
  - (c) Nothing in this Act shall:
    - (1) limit public access to records or information that are lawfully available; or
  - (2) change the confidentiality and privilege of communications under the Illinois Domestic Violence Act of 1986, Section 8-802.1 of the Code of Civil Procedure, the Mental Health and Developmental Disabilities Code, 42 CFR 2.15, Section 40002(b)(2) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(b)(2)), 45 CFR 1370.4, and 28 CFR 94.115.
- (d) The Statewide Committee or a regional review team may request and obtain information and records from outside the State by any available legal means.

Section 85. Storage and destruction of confidential information.

- (a) Following a domestic violence fatality review, participants who brought or provided confidential information may return to their possession the confidential information, shall not disclose or share the confidential information unless otherwise allowed by State or federal law or not otherwise privileged, and may destroy the confidential information unless otherwise prohibited by State or federal law. Confidential information subject to immediate destruction shall be destroyed as provided under the State Records Act or Local Records Act.
- (b) Following a domestic violence fatality review, if one of the co-chairs of the regional review team is employed by a public or governmental agency, the co-chair of the regional review team will store at the place of employment or virtually on the confidential electronic database or other technology any remaining confidential information and will maintain the confidentiality of the information. If neither of the co-chairs

of the regional review team are employed by a public or governmental agency, the co-chairs will designate a member of the regional review team employed by a public or governmental agency to store at the place of the member's employment or virtually on the member's confidential electronic database or other technology any remaining confidential information and will maintain the confidentiality of the information. One year following the submission of the regional review team's biennial report pursuant to Section 65, the co-chair or a designee shall destroy the confidential information.

Section 90. Penalty for unlawful disclosure of confidential information. Anyone who discloses, receives, makes use of, or knowingly permits the use of any confidential information in violation of this Act commits a Class A misdemeanor.

Section 95. Immunity. If acting in good faith, without malice, and within the protocols established by the Statewide Committee and the regional review team, members of the Statewide Committee and regional review team, and anyone participating in a domestic violence fatality review shall have immunity from administrative, civil, or criminal liability for an act or omission related to the participation in a domestic violence fatality review, notwithstanding Section 90.

Section 900. The Open Meetings Act is amended by changing Section 2 as follows:

(5 ILCS 120/2) (from Ch. 102, par. 42)

(Text of Section before amendment by P.A. 101-652)

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.
- (38) Meetings of the Ad Hoc Statewide Domestic Violence Fatality Review Committee of the Illinois Criminal Justice Information Authority Board that occur in closed executive session under subsection (d) of Section 35 of the Domestic Violence Fatality Review Act.
- (39) Meetings of the regional review teams under subsection (a) of Section 75 of the Domestic Violence Fatality Review Act.
- (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.)

(Text of Section after amendment by P.A. 101-652)

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) Deliberations for decisions of the Illinois Law Enforcement Training Standards Board, the Certification Review Panel, and the Illinois State Police Merit Board regarding certification and decertification.
- (38) Meetings of the Ad Hoc Statewide Domestic Violence Fatality Review Committee of the Illinois Criminal Justice Information Authority Board that occur in closed executive session under subsection (d) of Section 35 of the Domestic Violence Fatality Review Act.
- (39) Meetings of the regional review teams under subsection (a) of Section 75 of the Domestic Violence Fatality Review Act.
- (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; 101-652, eff. 1-1-22.)

Section 905. The Freedom of Information Act is amended by changing Section 7.5 as follows: (5 ILCS 140/7.5)

(Text of Section before amendment by P.A. 101-652)

- Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:
  - (a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.
  - (b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.
  - (c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.
  - (d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.
  - (e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.
  - (f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.
  - (g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.
  - (h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.
  - (i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.
  - (j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.
  - (k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.
  - (I) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.
  - (m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

- (n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.
- (o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.
- (p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.
  - (q) Information prohibited from being disclosed by the Personnel Record Review Act.
  - (r) Information prohibited from being disclosed by the Illinois School Student Records Act.
- (s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.
- (t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.
- (u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).
- (v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.
- (w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.
- (x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.
- (y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.
- (z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.
  - (aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.
  - (bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.
- (cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.
- (dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.
- (ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.
- (ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.
- (gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.
  - (hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.
- (ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

- (jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.
  - (kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.
- (II) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.
- (mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.
- (nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.
- (oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.
- (pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.
- (qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.
  - (rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.
- (ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.
- (tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.
- (uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.
- (vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.
  - (ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.
- (xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.
- (yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.
- (zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act. (aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.
- (bbb) Information that is exempt from disclosure under subsection (k) of Section 11 of the Equal Pay Act of 2003.
- (ddd) Information prohibited from being disclosed under subsection (b) of Section 75 of the Domestic Violence Fatality Review Act.

(Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18; 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff. 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517, eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19; 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff. 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; 101-649, eff. 7-7-20; 101-656, eff. 3-23-21.)

(Text of Section after amendment by P.A. 101-652)

- Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:
  - (a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.
  - (b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.
  - (c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

- (d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.
- (e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.
- (f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.
- (g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.
- (h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.
- (i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.
- (j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.
- (k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.
- (l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.
- (m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.
- (n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.
- (o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.
- (p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.
  - (q) Information prohibited from being disclosed by the Personnel Record Review Act.
  - (r) Information prohibited from being disclosed by the Illinois School Student Records Act.
- (s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act
- (t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.
- (u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).
- (v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

- (w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.
- (x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.
- (y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.
- (z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.
  - (aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.
  - (bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.
- (cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.
- (dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.
- (ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.
- (ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.
- (gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.
  - (hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.
- (ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.
- (jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.
  - (kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.
- (II) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.
- (mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation  $\operatorname{Act}$ .
- (nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.
- (00) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.
- (pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.
- (qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.
  - (rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.
- (ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.
- (tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.
- (uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.
- (vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.
  - (ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.
- (xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.
- (yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.

- (zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act.
- (aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.
- (bbb) Information that is exempt from disclosure under subsection (k) of Section 11 of the Equal Pay Act of 2003.
- (ccc) (bbb) Information that is prohibited from disclosure by the Illinois Police Training Act and the State Police Act.
- (ddd) Information prohibited from being disclosed under subsection (b) of Section 75 of the Domestic Violence Fatality Review Act.

(Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18; 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff. 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517, eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19; 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff. 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; 101-649, eff. 7-7-20; 101-652, eff. 1-1-22; 101-656, eff. 3-23-21; revised 4-21-21.)

Section 995. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

Under the rules, the foregoing **Senate Bill No. 685**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 700

A bill for AN ACT concerning aging.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 700

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

# AMENDMENT NO. 1 TO SENATE BILL 700

AMENDMENT NO.  $\underline{1}$  . 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 Section 2 as follows:

(320 ILCS 20/2) (from Ch. 23, par. 6602)

Sec. 2. Definitions. As used in this Act, unless the context requires otherwise:

(a) "Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse, neglect, or self-neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse because of health care services provided or not provided by licensed health care professionals.

- (a-5) "Abuser" means a person who abuses, neglects, or financially exploits an eligible adult.
- (a-6) "Adult with disabilities" means a person aged 18 through 59 who resides in a domestic living situation and whose disability as defined in subsection (c-5) impairs his or her ability to seek or obtain protection from abuse, neglect, or exploitation.

- (a-7) "Caregiver" means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living or instrumental activities of daily living.
  - (b) "Department" means the Department on Aging of the State of Illinois.
  - (c) "Director" means the Director of the Department.
- (c-5) "Disability" means a physical or mental disability, including, but not limited to, a developmental disability, an intellectual disability, a mental illness as defined under the Mental Health and Developmental Disabilities Code, or dementia as defined under the Alzheimer's Disease Assistance Act.
- (d) "Domestic living situation" means a residence where the eligible adult at the time of the report lives alone or with his or her family or a caregiver, or others, or other community-based unlicensed facility, but is not:
  - (1) A licensed facility as defined in Section 1-113 of the Nursing Home Care Act;
  - (1.5) A facility licensed under the ID/DD Community Care Act;
  - (1.6) A facility licensed under the MC/DD Act;
  - (1.7) A facility licensed under the Specialized Mental Health Rehabilitation Act of 2013;
  - (2) A "life care facility" as defined in the Life Care Facilities Act;
  - (3) A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;
  - (4) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;
    - (5) A "community living facility" as defined in the Community Living Facilities Licensing Act;
    - (6) (Blank):
  - (7) A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act or a "community residential alternative" as licensed under that Act;
  - (8) An assisted living or shared housing establishment as defined in the Assisted Living and Shared Housing Act; or
    - (9) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.
- (e) "Eligible adult" means either an adult with disabilities aged 18 through 59 or a person aged 60 or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual or who neglects himself or herself. "Eligible adult" also includes an adult who resides in any of the facilities that are excluded from the definition of "domestic living situation" under paragraphs (1) through (9) of subsection (d), if either: (i) the alleged abuse or neglect occurs outside of the facility and not under facility supervision and the alleged abuser is a family member, caregiver, or another person who has a continuing relationship with the adult; or (ii) the alleged financial exploitation is perpetrated by a family member, caregiver, or another person who has a continuing relationship with the adult, but who is not an employee of the facility where the adult resides.
- (f) "Emergency" means a situation in which an eligible adult is living in conditions presenting a risk of death or physical, mental or sexual injury and the provider agency has reason to believe the eligible adult is unable to consent to services which would alleviate that risk.
- (f-1) "Financial exploitation" means the use of an eligible adult's resources by another to the disadvantage of that adult or the profit or advantage of a person other than that adult.
- (f-3) "Insurance adjuster" means any company adjuster, independent adjuster, or public adjuster as defined in paragraph (1) of subsection (f) of Section 1575 of the Illinois Insurance Code.
- (f-4) "Investment advisor" means any person required to register as an investment adviser or investment adviser representative under Section 8 of the Illinois Securities Law of 1953, which for purposes of this Act excludes any bank, trust company, savings bank, or credit union, or their respective employees.
- (f-5) "Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:
  - (1) a professional or professional's delegate while engaged in: (i) social services, (ii) law enforcement, (iii) education, (iv) the care of an eligible adult or eligible adults, or (v) any of the occupations required to be licensed under the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietitian Nutritionist Practice Act, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nurse Practice Act, the Nursing Home Administrators Licensing and

Disciplinary Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act of 1987, the Pharmacy Practice Act, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Respiratory Care Practice Act, the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act, the Illinois Speech-Language Pathology and Audiology Practice Act, the Veterinary Medicine and Surgery Practice Act of 2004, and the Illinois Public Accounting Act;

- (1.5) an employee of an entity providing developmental disabilities services or service coordination funded by the Department of Human Services;
- (2) an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;
- (3) an administrator, employee, or person providing services in or through an unlicensed community based facility;
- (4) any religious practitioner who provides treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, except as to information received in any confession or sacred communication enjoined by the discipline of the religious denomination to be held confidential;
- (5) field personnel of the Department of Healthcare and Family Services, Department of Public Health, and Department of Human Services, and any county or municipal health department;
- (6) personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, excluding the State Long Term Care Ombudsman and all representatives of the State Long Term Care Ombudsman Program; and the Office of State Long Term Care Ombudsman;
- (7) any employee of the State of Illinois not otherwise specified herein who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults;
  - (8) a person who performs the duties of a coroner or medical examiner; or
  - (9) a person who performs the duties of a paramedic or an emergency medical technician; -
  - (10) a person who performs the duties of an investment advisor; or
  - (11) a person who performs the duties of an insurance adjuster.
- (g) "Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or health care. This subsection does not create any new affirmative duty to provide support to eligible adults. Nothing in this Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.
- (h) "Provider agency" means any public or nonprofit agency in a planning and service area that is selected by the Department or appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, neglect, or financial exploitation. A provider agency is also referenced as a "designated agency" in this Act.
- (i) "Regional administrative agency" means any public or nonprofit agency in a planning and service area that provides regional oversight and performs functions as set forth in subsection (b) of Section 3 of this Act. The Department shall designate an Area Agency on Aging as the regional administrative agency or, in the event the Area Agency on Aging in that planning and service area is deemed by the Department to be unwilling or unable to provide those functions, the Department may serve as the regional administrative agency or designate another qualified entity to serve as the regional administrative agency; any such designation shall be subject to terms set forth by the Department.
- (i-5) "Self-neglect" means a condition that is the result of an eligible adult's inability, due to physical or mental impairments, or both, or a diminished capacity, to perform essential self-care tasks that substantially threaten his or her own health, including: providing essential food, clothing, shelter, and health care; and obtaining goods and services necessary to maintain physical health, mental health, emotional well-being, and general safety. The term includes compulsive hoarding, which is characterized by the acquisition and retention of large quantities of items and materials that produce an extensively cluttered living space, which significantly impairs the performance of essential self-care tasks or otherwise substantially threatens life or safety.

- (j) "Substantiated case" means a reported case of alleged or suspected abuse, neglect, financial exploitation, or self-neglect in which a provider agency, after assessment, determines that there is reason to believe abuse, neglect, or financial exploitation has occurred.
- (k) "Verified" means a determination that there is "clear and convincing evidence" that the specific injury or harm alleged was the result of abuse, neglect, or financial exploitation. (Source: P.A. 99-180, eff. 7-29-15; 100-641, eff. 1-1-19.)

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

Under the rules, the foregoing **Senate Bill No. 700**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 812

A bill for AN ACT concerning education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 812

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

# AMENDMENT NO. 1 TO SENATE BILL 812

AMENDMENT NO.  $\underline{1}$  . 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:

"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) No later than December 1, 2023 and each December 1st annually thereafter, the State Board of Education must make available on its website the following information for each school district as of October 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; and
    - (C) those actively employed by a special education joint agreement providing services to students in the school district.
  - (2) The total number of students enrolled in the school district and, of that total, the number of students with 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 December 1, 2022 and each December 1st annually thereafter, each school district must report to the State Board of Education the information with regard to the school district as of October 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 December 1, 2022 and each December 1st annually thereafter, the school district must report to the State Board of Education the

information with regard to the school district as of October 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.".

Under the rules, the foregoing **Senate Bill No. 812**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

# SENATE BILL NO. 817

A bill for AN ACT concerning education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 817

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

## AMENDMENT NO. 1 TO SENATE BILL 817

AMENDMENT NO.  $\underline{1}$  . Amend Senate Bill 817 on page 1, immediately below line 3, by inserting the following:

"Section 1. This Act may be referred to as the Jett Hawkins Law.".

Under the rules, the foregoing **Senate Bill No. 817**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

## SENATE BILL NO. 921

A bill for AN ACT concerning government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 921

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

# AMENDMENT NO. 1 TO SENATE BILL 921

AMENDMENT NO. <u>1</u>. Amend Senate Bill 921 on page 2, on lines 8 and 9, by replacing "the Illinois Emergency Operations Plan" with "State and local emergency plans"; and

on page 4, on lines 7 and 8, by replacing "the Illinois Emergency Operations Plan" with "State and local emergency plans"; and

on page 4, on lines 24 and 25, by replacing "emergency plans or updating existing emergency plans for the State" with "State and local emergency plans or updating existing State and local emergency plans".

Under the rules, the foregoing **Senate Bill No. 921**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 922

A bill for AN ACT concerning government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 922

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

## AMENDMENT NO. 1 TO SENATE BILL 922

AMENDMENT NO.  $\underline{1}$  . 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.)

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. 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.)".

Under the rules, the foregoing **Senate Bill No. 922**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1056

A bill for AN ACT concerning public employee benefits.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1056

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

## AMENDMENT NO. 1 TO SENATE BILL 1056

AMENDMENT NO.  $\underline{1}$ . 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 <u>annuities; conditions</u> <del>annuities Conditions</del>. 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.

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(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.
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(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.)

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(40 ILCS 5/15-135) (from Ch. 108 1/2, par. 15-135)
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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, 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 <u>Tier 1 regular</u> employees with 8 or more years of service or for <u>Tier 2 regular employees</u>, an annuity computed pursuant to subparagraphs a or b of this subparagraph 1, whichever is the higher, and for employees with less than 8 <u>or 10</u> years of service, <u>respectively</u>, 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  $\frac{1}{2}$  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 \(\frac{1/2}{20\%}\) 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.)

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 <u>least monthly</u> 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 <u>Board</u> 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 Section 15-159 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 (e) 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.)

## 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(1)(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(1)(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(1)(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(1)(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(1)(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(1)(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(1)(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.
- (I) 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.
- (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 75.

Section 75-5. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.5 as follows:

(5 ILCS 375/6.5)

Sec. 6.5. Health benefits for TRS benefit recipients and TRS dependent beneficiaries.

- (a) Purpose. It is the purpose of this amendatory Act of 1995 to transfer the administration of the program of health benefits established for benefit recipients and their dependent beneficiaries under Article 16 of the Illinois Pension Code to the Department of Central Management Services.
- (b) Transition provisions. The Board of Trustees of the Teachers' Retirement System shall continue to administer the health benefit program established under Article 16 of the Illinois Pension Code through December 31, 1995. Beginning January 1, 1996, the Department of Central Management Services shall be responsible for administering a program of health benefits for TRS benefit recipients and TRS dependent beneficiaries under this Section. The Department of Central Management Services and the Teachers' Retirement System shall cooperate in this endeavor and shall coordinate their activities so as to ensure a smooth transition and uninterrupted health benefit coverage.
- (c) Eligibility. All persons who were enrolled in the Article 16 program at the time of the transfer shall be eligible to participate in the program established under this Section without any interruption or delay in coverage or limitation as to pre-existing medical conditions. Eligibility to participate shall be determined by the Teachers' Retirement System. Eligibility information shall be communicated to the Department of Central Management Services in a format acceptable to the Department.

Eligible TRS benefit recipients may enroll or re-enroll in the program of health benefits established under this Section during any applicable annual open enrollment period and as otherwise permitted by the Department of Central Management Services. A TRS benefit recipient shall not be deemed ineligible to participate solely by reason of the TRS benefit recipient having made a previous election to disenroll or otherwise not participate in the program of health benefits.

A TRS dependent beneficiary who is a child age 19 or over and mentally or physically disabled does not become ineligible to participate by reason of (i) becoming ineligible to be claimed as a dependent for Illinois or federal income tax purposes or (ii) receiving earned income, so long as those earnings are insufficient for the child to be fully self-sufficient.

(d) Coverage. The level of health benefits provided under this Section shall be similar to the level of benefits provided by the program previously established under Article 16 of the Illinois Pension Code.

Group life insurance benefits are not included in the benefits to be provided to TRS benefit recipients and TRS dependent beneficiaries under this Act.

The program of health benefits under this Section may include any or all of the benefit limitations, including but not limited to a reduction in benefits based on eligibility for federal Medicare benefits, that are provided under subsection (a) of Section 6 of this Act for other health benefit programs under this Act.

(e) Insurance rates and premiums. The Director shall determine the insurance rates and premiums for TRS benefit recipients and TRS dependent beneficiaries, and shall present to the Teachers' Retirement System of the State of Illinois, by April 15 of each calendar year, the rate-setting methodology (including but not limited to utilization levels and costs) used to determine the amount of the health care premiums.

For Fiscal Year 1996, the premium shall be equal to the premium actually charged in Fiscal Year 1995; in subsequent years, the premium shall never be lower than the premium charged in Fiscal Year 1995.

For Fiscal Year 2003, the premium shall not exceed 110% of the premium actually charged in Fiscal Year 2002.

For Fiscal Year 2004, the premium shall not exceed 112% of the premium actually charged in Fiscal Year 2003.

For Fiscal Year 2005, the premium shall not exceed a weighted average of 106.6% of the premium actually charged in Fiscal Year 2004.

For Fiscal Year 2006, the premium shall not exceed a weighted average of 109.1% of the premium actually charged in Fiscal Year 2005.

For Fiscal Year 2007, the premium shall not exceed a weighted average of 103.9% of the premium actually charged in Fiscal Year 2006.

For Fiscal Year 2008 and thereafter, the premium in each fiscal year shall not exceed 105% of the premium actually charged in the previous fiscal year.

Rates and premiums may be based in part on age and eligibility for federal medicare coverage. However, the cost of participation for a TRS dependent beneficiary who is an unmarried child age 19 or over and mentally or physically disabled shall not exceed the cost for a TRS dependent beneficiary who is an unmarried child under age 19 and participates in the same major medical or managed care program.

The cost of health benefits under the program shall be paid as follows:

- (1) For a TRS benefit recipient selecting a managed care program, up to 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund. Effective with Fiscal Year 2007 and thereafter, for a TRS benefit recipient selecting a managed care program, 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund.
- (2) For a TRS benefit recipient selecting the major medical coverage program, up to 50% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is accessible, as determined by the Teachers' Retirement System. Effective with Fiscal Year 2007 and thereafter, for a TRS benefit recipient selecting the major medical coverage program, 50% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is accessible, as determined by the Department of Central Management Services.
- (3) For a TRS benefit recipient selecting the major medical coverage program, up to 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is not accessible, as determined by the Teachers' Retirement System. Effective with Fiscal Year 2007 and thereafter, for a TRS benefit recipient selecting the major medical coverage program, 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is not accessible, as determined by the Department of Central Management Services.
- (3.1) For a TRS dependent beneficiary who is Medicare primary and enrolled in a managed care plan, or the major medical coverage program if a managed care plan is not available, 25% of the total insurance rate shall be paid from the Teacher Health Security Fund as determined by the Department of Central Management Services. For the purpose of this item (3.1), the term "TRS dependent beneficiary who is Medicare primary" means a TRS dependent beneficiary who is participating in Medicare Parts A and B.
- (4) Except as otherwise provided in item (3.1), the balance of the rate of insurance, including the entire premium of any coverage for TRS dependent beneficiaries that has been elected, shall be paid by deductions authorized by the TRS benefit recipient to be withheld from his or her monthly annuity or benefit payment from the Teachers' Retirement System; except that (i) if the balance of the cost of coverage exceeds the amount of the monthly annuity or benefit payment, the difference shall be paid directly to the Teachers' Retirement System by the TRS benefit recipient, and (ii) all or part of the balance of the cost of coverage may, at the school board's option, be paid to the Teachers' Retirement System by the school board of the school district from which the TRS benefit recipient retired, in accordance with Section 10-22.3b of the School Code. The Teachers' Retirement System shall promptly deposit all moneys withheld by or paid to it under this subdivision (e)(4) into the Teacher Health Insurance Security Fund. These moneys shall not be considered assets of the Retirement System.
- (5) If, for any month beginning on or after January 1, 2013, a TRS benefit recipient or TRS dependent beneficiary was enrolled in Medicare Parts A and B and such Medicare coverage was primary to coverage under this Section but payment for coverage under this Section was made at a rate greater than the Medicare primary rate published by the Department of Central Management Services, the TRS benefit recipient or TRS dependent beneficiary shall be eligible for a refund equal to the difference between the amount paid by the TRS benefit recipient or TRS dependent beneficiary and the published Medicare primary rate. To receive a refund pursuant to this subsection, the TRS benefit recipient or TRS dependent beneficiary must provide documentation to the Department of Central Management Services evidencing the TRS benefit recipient's or TRS dependent beneficiary during the applicable time period. If in any ease an error is made in billing a TRS benefit recipient under this Section, the Department shall identify the error and refund the overpaid amount as soon as practicable. A TRS benefit recipient who has overpaid under this Section shall be entitled to a refund of overpayments for up to 7 years of past payments.
- (f) Financing. Beginning July 1, 1995, all revenues arising from the administration of the health benefit programs established under Article 16 of the Illinois Pension Code or this Section shall be deposited into the Teacher Health Insurance Security Fund, which is hereby created as a nonappropriated trust fund to be held outside the State Treasury, with the State Treasurer as custodian. Any interest earned on moneys in the Teacher Health Insurance Security Fund shall be deposited into the Fund.

Moneys in the Teacher Health Insurance Security Fund shall be used only to pay the costs of the health benefit program established under this Section, including associated administrative costs, and the costs associated with the health benefit program established under Article 16 of the Illinois Pension Code, as authorized in this Section. Beginning July 1, 1995, the Department of Central Management Services may make expenditures from the Teacher Health Insurance Security Fund for those costs.

After other funds authorized for the payment of the costs of the health benefit program established under Article 16 of the Illinois Pension Code are exhausted and until January 1, 1996 (or such later date as may be agreed upon by the Director of Central Management Services and the Secretary of the Teachers' Retirement System), the Secretary of the Teachers' Retirement System may make expenditures from the Teacher Health Insurance Security Fund as necessary to pay up to 75% of the cost of providing health coverage to eligible benefit recipients (as defined in Sections 16-153.1 and 16-153.3 of the Illinois Pension Code) who are enrolled in the Article 16 health benefit program and to facilitate the transfer of administration of the health benefit program to the Department of Central Management Services.

The Department of Central Management Services, or any successor agency designated to procure healthcare contracts pursuant to this Act, is authorized to establish funds, separate accounts provided by any bank or banks as defined by the Illinois Banking Act, or separate accounts provided by any savings and loan association or associations as defined by the Illinois Savings and Loan Act of 1985 to be held by the Director, outside the State treasury, for the purpose of receiving the transfer of moneys from the Teacher Health Insurance Security Fund. The Department may promulgate rules further defining the methodology for the transfers. Any interest earned by moneys in the funds or accounts shall inure to the Teacher Health Insurance Security Fund. The transferred moneys, and interest accrued thereon, shall be used exclusively for transfers to administrative service organizations or their financial institutions for payments of claims to claimants and providers under the self-insurance health plan. The transferred moneys, and interest accrued thereon, shall not be used for any other purpose including, but not limited to, reimbursement of administration fees due the administrative service organization pursuant to its contract or contracts with the Department.

- (g) Contract for benefits. The Director shall by contract, self-insurance, or otherwise make available the program of health benefits for TRS benefit recipients and their TRS dependent beneficiaries that is provided for in this Section. The contract or other arrangement for the provision of these health benefits shall be on terms deemed by the Director to be in the best interest of the State of Illinois and the TRS benefit recipients based on, but not limited to, such criteria as administrative cost, service capabilities of the carrier or other contractor, and the costs of the benefits.
- (g-5) Committee. A Teacher Retirement Insurance Program Committee shall be established, to consist of 10 persons appointed by the Governor.

The Committee shall convene at least 4 times each year, and shall consider and make recommendations on issues affecting the program of health benefits provided under this Section. Recommendations of the Committee shall be based on a consensus of the members of the Committee.

If the Teacher Health Insurance Security Fund experiences a deficit balance based upon the contribution and subsidy rates established in this Section and Section 6.6 for Fiscal Year 2008 or thereafter, the Committee shall make recommendations for adjustments to the funding sources established under these Sections

In addition, the Committee shall identify proposed solutions to the funding shortfalls that are affecting the Teacher Health Insurance Security Fund, and it shall report those solutions to the Governor and the General Assembly within 6 months after August 15, 2011 (the effective date of Public Act 97-386).

(h) Continuation of program. It is the intention of the General Assembly that the program of health benefits provided under this Section be maintained on an ongoing, affordable basis.

The program of health benefits provided under this Section may be amended by the State and is not intended to be a pension or retirement benefit subject to protection under Article XIII, Section 5 of the Illinois Constitution.

(i) Repeal. (Blank). (Source: P.A. 100-1017, eff. 8-21-18; 101-483, eff. 1-1-20.)

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, 55, and 75 take effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 1056**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1089

A bill for AN ACT concerning regulation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1089

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

#### AMENDMENT NO. 1 TO SENATE BILL 1089

AMENDMENT NO. 1 . Amend Senate Bill 1089 on page 1, line 5, after "22.38," by inserting "22.44,"; and

on page 41, by replacing lines 10 through 24 with the following:

"For the disposal of solid waste from general construction or demolition debris recovery facilities as defined in subsection (a-1) of Section 3.160, the total fee, tax, or surcharge imposed by all units of local government under this subsection (j) upon the solid waste disposal facility shall not exceed 50% of the applicable amount set forth above. A unit of local government, as defined in the Local Solid Waste Disposal Act, in which a general construction or demolition debris recovery facility is located may establish a fee, tax, or surcharge on the general construction or demolition debris recovery facility with regard to the permanent disposal of solid waste by the general construction or demolition debris recovery facility at a solid waste disposal facility, provided that such fee, tax, or surcharge shall not exceed 50% of the applicable amount set forth above, based on the total amount of solid waste transported from the general construction or demolition debris recovery facility for disposal at solid waste disposal facilities, and the unit of local government and fee shall be subject to all other requirements of this subsection (j)."; and

on page 44, by replacing lines 11 through 13 with the following:

"renders at least 50% of the waste reusable; the exemption set forth in this paragraph (3) of this subsection (k) shall not apply to general construction or demolition debris recovery facilities as defined in subsection (a-1) of Section 3.160;"; and

on page 45, by replacing lines 17 through 21 with the following:

"(0.5) Ensure that no less than 40% of the total general construction or demolition debris received at the facility on a rolling 12-month average basis is recyclable general construction or demolition debris as defined in subsection (c). The percentage in this paragraph (0.5) of subsection (b) shall be calculated by weight."; and

on page 51, by replacing lines 14 through 16 with the following:

"otherwise, incinerated or, burned, (ii) buried, or otherwise used as fill material, including, but not limited to, the use of any clean construction or demolition debris fraction of general construction or demolition debris as fill material under subsection (b) of Section 3.160 or at a clean construction or demolition debris fill operation under Section 22.51, or (iii) disposed of at a landfill (ii) general construction or"; and

on page 52, line 2, by replacing "and" with "and"; and

by replacing line 22 on page 53 through line 5 on page 54 with the following:

"(k) No person shall cause or allow the deposit or other placement of any general construction or demolition debris that is received at a general construction or demolition debris recovery facility, including any clean construction or demolition debris fraction, into or on any land or water. However, any clean construction or demolition debris fraction may be used as fill or road construction material at a clean construction or demolition debris fill operation under Section 22.51 and any rules or regulations adopted thereunder if the clean construction or demolition debris is separated and managed separately from other general construction or demolition debris and otherwise meets the requirements applicable to clean construction or demolition debris at a clean construction or demolition debris fill operation."; and

by replacing line 16 on page 54 through line 3 on page 55 with the following:

"(n) No later than one year after the effective date of this amendatory Act of the 102nd General Assembly, the Agency shall propose to the Board, and no later than one year after receipt of the Agency's proposal, the Board shall adopt, rules for the permitting of general construction or demolition debris recovery facilities. Such rules shall include, but not be limited to: requirements for material receipt, handling, storage, and transfer; improvements to best management practices for identifying, testing for, and removing drywall containing gypsum; recordkeeping; reporting; limiting or prohibiting sulfur in wallboard used or disposed of at landfills; and requirements for the separation and separate management of any clean construction or demolition debris that will be transported to a clean construction or demolition debris fill operation."; and

on page 55, immediately below line 6, by inserting the following:

"(415 ILCS 5/22.44)

Sec. 22.44. Subtitle D management fees.

- (a) There is created within the State treasury a special fund to be known as the "Subtitle D Management Fund" constituted from the fees collected by the State under this Section.
- (b) The Agency shall assess and collect a fee in the amount set forth in this subsection from the owner or operator of each sanitary landfill permitted or required to be permitted by the Agency to dispose of solid waste if the sanitary landfill is located off the site where the waste was produced and if the sanitary landfill is owned, controlled, and operated by a person other than the generator of the waste. The Agency shall deposit all fees collected under this subsection into the Subtitle D Management Fund. If a site is contiguous to one or more landfills owned or operated by the same person, the volumes permanently disposed of by each landfill shall be combined for purposes of determining the fee under this subsection.
  - (1) If more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall either pay a fee of 10.1 cents per cubic yard or, alternatively, the owner or operator may weigh the quantity of the solid waste permanently disposed of with a device for which certification has been obtained under the Weights and Measures Act and pay a fee of 22 cents per ton of waste permanently disposed of.
  - (2) If more than 100,000 cubic yards, but not more than 150,000 cubic yards, of non-hazardous waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of \$7,020.
  - (3) If more than 50,000 cubic yards, but not more than 100,000 cubic yards, of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of \$3,120.
  - (4) If more than 10,000 cubic yards, but not more than 50,000 cubic yards, of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of \$975.
  - (5) If not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of \$210.
  - (c) The fee under subsection (b) shall not apply to any of the following:
    - (1) Hazardous waste.
    - (2) Pollution control waste.
  - (3) Waste from recycling, reclamation, or reuse processes that have been approved by the Agency as being designed to remove any contaminant from wastes so as to render the wastes reusable,

provided that the process renders at least 50% of the waste reusable. However, the exemption set forth in this paragraph (3) of this subsection (c) shall not apply to general construction or demolition debris recovery facilities as defined in subsection (a-1) of Section 3.160.

- (4) Non-hazardous solid waste that is received at a sanitary landfill and composted or recycled through a process permitted by the Agency.
- (5) Any landfill that is permitted by the Agency to receive only demolition or construction debris or landscape waste.
- (d) The Agency shall establish rules relating to the collection of the fees authorized by this Section. These rules shall include, but not be limited to the following:
  - (1) Necessary records identifying the quantities of solid waste received or disposed.
  - (2) The form and submission of reports to accompany the payment of fees to the Agency.
  - (3) The time and manner of payment of fees to the Agency, which payments shall not be more often than quarterly.
  - (4) Procedures setting forth criteria establishing when an owner or operator may measure by weight or volume during any given quarter or other fee payment period.
- (e) Fees collected under this Section shall be in addition to any other fees collected under any other Section.
  - (f) The Agency shall not refund any fee paid to it under this Section.
- (g) Pursuant to appropriation, all moneys in the Subtitle D Management Fund shall be used by the Agency to administer the United States Environmental Protection Agency's Subtitle D Program provided in Sections 4004 and 4010 of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580) as it relates to a municipal solid waste landfill program in Illinois and to fund a delegation of inspecting, investigating, and enforcement functions, within the municipality only, pursuant to subsection (r) of Section 4 of this Act to a municipality having a population of more than 1,000,000 inhabitants. The Agency shall execute a delegation agreement pursuant to subsection (r) of Section 4 of this Act with a municipality having a population of more than 1,000,000 inhabitants within 90 days of September 13, 1993 and shall on an annual basis distribute from the Subtitle D Management Fund to that municipality no less than \$150,000. Pursuant to appropriation, moneys in the Subtitle D Management Fund may also be used by the Agency for activities conducted under Section 22.15a of this Act.

(Source: P.A. 93-32, eff. 7-1-03; 94-272, eff. 7-19-05.)".

Under the rules, the foregoing **Senate Bill No. 1089**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1539

A bill for AN ACT concerning finance.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1539

House Amendment No. 2 to SENATE BILL NO. 1539

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

### AMENDMENT NO. 1 TO SENATE BILL 1539

AMENDMENT NO.  $\underline{1}$ . Amend Senate Bill 1539 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Health Facilities Planning Act is amended by adding Section 3.6 as follows: (20 ILCS 3960/3.6 new)

Sec. 3.6. Facilities maintained or operated by a State agency.

(a) Except for the requirements set forth in subsection (b), any construction, modification, establishment, or change in categories of service of a health care facility funded through an appropriation from the General Assembly and maintained or operated by a State agency is not subject to the requirements

of this Act. A State agency is subject to this Act when the State agency discontinues a health care facility or category of service.

(b) A State agency must notify the Board in writing of any appropriation by the General Assembly for the construction, modification, establishment or change in categories of service, excluding discontinuations of a health care facility or categories of service, maintained or operated by the State. The State agency must include with the written notification the following information: (i) the estimated service capacity of the health care facility; (ii) the location of the project or the intended location if not identified by law; and (iii) the date the health care facility is estimated to be opened. The State agency must also notify the Board in writing when the facility has been licensed by the Department of Public Health or any other licensing body. The State agency shall submit to the Board, on behalf of the health care facility, any annual facility questionnaires as provided under Section 13 of this Act or any requests for information by the Board.

Section 10. The Illinois Procurement Code is amended by changing Section 1-35 and by adding Section 20-170 as follows:

(30 ILCS 500/1-35)

(Section scheduled to be repealed on July 17, 2021)

Sec. 1-35. Application to Quincy Veterans' Home. This Code does not apply to any procurements related to the renovation, restoration, rehabilitation, or rebuilding of the Quincy Veterans' Home under the Quincy Veterans' Home Rehabilitation and Rebuilding Act, provided that the process shall be conducted in a manner substantially in accordance with the requirements of the following Sections of this the Illinois Procurement Code: 20-160, 25-60, 30-22, 50-5, 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35, 50-36, 50-37, 50-38, and 50-50; however, for Section 50-35, compliance shall apply only to contracts or subcontracts over \$100,000.

This Section is repealed 5 3 years after becoming law. The repeal of this Section shall not apply to contracts for procurements under the Quincy Veterans' Home Rehabilitation and Rebuilding Act executed prior to the repeal date.

(Source: P.A. 100-610, eff. 7-17-18; revised 4-25-19.)

(30 ILCS 500/20-170 new)

Sec. 20-170. Quincy Veterans' Home rehabilitation and rebuilding contracts. Notwithstanding any provision of law to the contrary, any contract for procurements entered into under the Quincy Veterans' Home Rehabilitation and Rebuilding Act and executed prior to the repeal of that Act shall continue in full force and effect after the repeal of that Act and until as otherwise dictated by the terms of the contract.

Section 15. The Quincy Veterans' Home Rehabilitation and Rebuilding Act is amended by changing Section 65 as follows:

(330 ILCS 21/65)

(Section scheduled to be repealed on July 17, 2023)

Sec. 65. Repealer. This Act is repealed 5 years after becoming law. The repeal of this Act shall not apply to contracts for procurements under this Act executed prior to the repeal date.

(Source: P.A. 100-610, eff. 7-17-18.)

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

# AMENDMENT NO. 2 TO SENATE BILL 1539

AMENDMENT NO. 2 . Amend Senate Bill 1539, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, by replacing line 6 on page 1 through line 16 on page 2 with the following:

"(20 ILCS 3960/3.6 new)

Sec. 3.6. Facilities maintained or operated by a State agency.

(a) For the purposes of this Section, "Department" means the Department of Veterans' Affairs.

(b) Except for the requirements set forth in subsection (c), any construction, modification, establishment, or change in categories of service of a health care facility funded through an appropriation from the General Assembly and maintained or operated by the Department is not subject to requirements of this Act. The Department is subject to this Act when the Department discontinues a health care facility or category of service.

- (c) The Department must notify the Board in writing of any appropriation by the General Assembly for the construction, modification, establishment or change in categories of service, excluding discontinuation of a health care facility or categories of service, maintained or operated by the Department of Veterans' Affairs. The Department Veterans' Affairs must include with the written notification the following information: (i) the estimated service capacity of the health care facility; (ii) the location of the project or the intended location if not identified by law; and (iii) the date the health care facility is estimated to be opened. The Department must also notify the Board in writing when the facility has been licensed by the Department of Public Health or any other licensing body. The Department shall submit to the Board, on behalf of the health care facility, any annual facility questionnaires as defined in Section 13 of this Act or any requests for information by the Board.
- (d) This Section is repealed 5 years after the effective date of this amendatory Act of the 102nd General Assembly.".

Under the rules, the foregoing **Senate Bill No. 1539**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1646

A bill for AN ACT concerning public employee benefits.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 1646

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

#### AMENDMENT NO. 2 TO SENATE BILL 1646

AMENDMENT NO. 2 . Amend Senate Bill 1646 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 16-127 and 16-158 as follows:

(40 ILCS 5/16-127) (from Ch. 108 1/2, par. 16-127)

Sec. 16-127. Computation of creditable service.

- (a) Each member shall receive regular credit for all service as a teacher from the date membership begins, for which satisfactory evidence is supplied and all contributions have been paid.
- (b) The following periods of service shall earn optional credit and each member shall receive credit for all such service for which satisfactory evidence is supplied and all contributions have been paid as of the date specified:
  - (1) Prior service as a teacher.
  - (2) Service in a capacity essentially similar or equivalent to that of a teacher, in the public common schools in school districts in this State not included within the provisions of this System, or of any other State, territory, dependency or possession of the United States, or in schools operated by or under the auspices of the United States, or under the auspices of any agency or department of any other State, and service during any period of professional speech correction or special education experience for a public agency within this State or any other State, territory, dependency or possession of the United States, and service prior to February 1, 1951 as a recreation worker for the Illinois Department of Public Safety, for a period not exceeding the lesser of 2/5 of the total creditable service of the member or 10 years. The maximum service of 10 years which is allowable under this paragraph shall be reduced by the service credit which is validated by other retirement systems under paragraph (i) of Section 15-113 and paragraph 1 of Section 17-133. Credit granted under this paragraph may not be used in determination of a retirement annuity or disability benefits unless the member has at least 5 years of creditable service earned subsequent to this employment with one or more of the following systems: Teachers' Retirement System of the State of Illinois, State Universities Retirement System, and the Public School Teachers' Pension and Retirement Fund of Chicago. Whenever such service

credit exceeds the maximum allowed for all purposes of this Article, the first service rendered in point of time shall be considered. The changes to this subdivision (b)(2) made by Public Act 86-272 shall apply not only to persons who on or after its effective date (August 23, 1989) are in service as a teacher under the System, but also to persons whose status as such a teacher terminated prior to such effective date, whether or not such person is an annuitant on that date.

(3) Any periods immediately following teaching service, under this System or under Article 17, (or immediately following service prior to February 1, 1951 as a recreation worker for the Illinois Department of Public Safety) spent in active service with the military forces of the United States; periods spent in educational programs that prepare for return to teaching sponsored by the federal government following such active military service; if a teacher returns to teaching service within one calendar year after discharge or after the completion of the educational program, a further period, not exceeding one calendar year, between time spent in military service or in such educational programs and the return to employment as a teacher under this System; and a period of up to 2 years of active military service not immediately following employment as a teacher.

The changes to this Section and Section 16-128 relating to military service made by P.A. 87-794 shall apply not only to persons who on or after its effective date are in service as a teacher under the System, but also to persons whose status as a teacher terminated prior to that date, whether or not the person is an annuitant on that date. In the case of an annuitant who applies for credit allowable under this Section for a period of military service that did not immediately follow employment, and who has made the required contributions for such credit, the annuity shall be recalculated to include the additional service credit, with the increase taking effect on the date the System received written notification of the annuitant's intent to purchase the credit, if payment of all the required contributions is made within 60 days of such notice, or else on the first annuity payment date following the date of payment of the required contributions. In calculating the automatic annual increase for an annuity that has been recalculated under this Section, the increase attributable to the additional service allowable under P.A. 87-794 shall be included in the calculation of automatic annual increases accruing after the effective date of the recalculation.

Credit for military service shall be determined as follows: if entry occurs during the months of July, August, or September and the member was a teacher at the end of the immediately preceding school term, credit shall be granted from July 1 of the year in which he or she entered service; if entry occurs during the school term and the teacher was in teaching service at the beginning of the school term, credit shall be granted from July 1 of such year. In all other cases where credit for military service is allowed, credit shall be granted from the date of entry into the service.

The total period of military service for which credit is granted shall not exceed 5 years for any member unless the service: (A) is validated before July 1, 1964, and (B) does not extend beyond July 1, 1963. Credit for military service shall be granted under this Section only if not more than 5 years of the military service for which credit is granted under this Section is used by the member to qualify for a military retirement allotment from any branch of the armed forces of the United States. The changes to this subdivision (b)(3) made by Public Act 86-272 shall apply not only to persons who on or after its effective date (August 23, 1989) are in service as a teacher under the System, but also to persons whose status as such a teacher terminated prior to such effective date, whether or not such person is an annuitant on that date.

- (4) Any periods served as a member of the General Assembly.
- (5)(i) Any periods for which a teacher, as defined in Section 16-106, is granted a leave of absence, provided he or she returns to teaching service creditable under this System or the State Universities Retirement System following the leave; (ii) periods during which a teacher is involuntarily laid off from teaching, provided he or she returns to teaching following the lay-off; (iii) periods prior to July 1, 1983 during which a teacher ceased covered employment due to pregnancy, provided that the teacher returned to teaching service creditable under this System or the State Universities Retirement System following the pregnancy and submits evidence satisfactory to the Board documenting that the employment ceased due to pregnancy; and (iv) periods prior to July 1, 1983 during which a teacher ceased covered employment for the purpose of adopting an infant under 3 years of age or caring for a newly adopted infant under 3 years of age, provided that the teacher returned to teaching service creditable under this System or the State Universities Retirement System following the adoption and submits evidence satisfactory to the Board documenting that the employment ceased for the purpose of adopting an infant under 3 years of age or caring for a newly

adopted infant under 3 years of age. However, total credit under this paragraph (5) may not exceed 3 years.

Any qualified member or annuitant may apply for credit under item (iii) or (iv) of this paragraph (5) without regard to whether service was terminated before the effective date of this amendatory Act of 1997. In the case of an annuitant who establishes credit under item (iii) or (iv), the annuity shall be recalculated to include the additional service credit. The increase in annuity shall take effect on the date the System receives written notification of the annuitant's intent to purchase the credit, if the required evidence is submitted and the required contribution paid within 60 days of that notification, otherwise on the first annuity payment date following the System's receipt of the required evidence and contribution. The increase in an annuity recalculated under this provision shall be included in the calculation of automatic annual increases in the annuity accruing after the effective date of the recalculation.

Optional credit may be purchased under this subsection (b)(5) for periods during which a teacher has been granted a leave of absence pursuant to Section 24-13 of the School Code. A teacher whose service under this Article terminated prior to the effective date of P.A. 86-1488 shall be eligible to purchase such optional credit. If a teacher who purchases this optional credit is already receiving a retirement annuity under this Article, the annuity shall be recalculated as if the annuitant had applied for the leave of absence credit at the time of retirement. The difference between the entitled annuity and the actual annuity shall be credited to the purchase of the optional credit. The remainder of the purchase cost of the optional credit shall be paid on or before April 1, 1992.

The change in this paragraph made by Public Act 86-273 shall be applicable to teachers who retire after June 1, 1989, as well as to teachers who are in service on that date.

(6) Any days of unused and uncompensated accumulated sick leave earned by a teacher. The service credit granted under this paragraph shall be the ratio of the number of unused and uncompensated accumulated sick leave days to 170 days, subject to a maximum of 2 years of service credit. Prior to the member's retirement, each former employer shall certify to the System the number of unused and uncompensated accumulated sick leave days credited to the member at the time of termination of service. The period of unused sick leave shall not be considered in determining the effective date of retirement. A member is not required to make contributions in order to obtain service credit for unused sick leave.

Credit for sick leave shall, at retirement, be granted by the System for any retiring regional or assistant regional superintendent of schools at the rate of 6 days per year of creditable service or portion thereof established while serving as such superintendent or assistant superintendent.

- (7) Periods prior to February 1, 1987 served as an employee of the Illinois Mathematics and Science Academy for which credit has not been terminated under Section 15-113.9 of this Code.
  - (8) Service as a substitute teacher for work performed prior to July 1, 1990.
  - (9) Service as a part-time teacher for work performed prior to July 1, 1990.
- (10) Up to 2 years of employment with Southern Illinois University Carbondale from September 1, 1959 to August 31, 1961, or with Governors State University from September 1, 1972 to August 31, 1974, for which the teacher has no credit under Article 15. To receive credit under this item (10), a teacher must apply in writing to the Board and pay the required contributions before May 1, 1993 and have at least 12 years of service credit under this Article.
- (b-1) A member may establish optional credit for up to 2 years of service as a teacher or administrator employed by a private school recognized by the Illinois State Board of Education, provided that the teacher (i) was certified under the law governing the certification of teachers at the time the service was rendered, (ii) applies in writing on or before June 30, 2023 on or after August 1, 2009 and on or before August 1, 2012, (iii) supplies satisfactory evidence of the employment, (iv) completes at least 10 years of contributing service as a teacher as defined in Section 16-106, and (v) pays the contribution required in subsection (d-5) of Section 16-128. The member may apply for credit under this subsection and pay the required contribution before completing the 10 years of contributing service required under item (iv), but the credit may not be used until the item (iv) contributing service requirement has been met.
- (c) The service credits specified in this Section shall be granted only if: (1) such service credits are not used for credit in any other statutory tax-supported public employee retirement system other than the federal Social Security program; and (2) the member makes the required contributions as specified in Section 16-128. Except as provided in subsection (b-1) of this Section, the service credit shall be effective as of the date the required contributions are completed.

Any service credits granted under this Section shall terminate upon cessation of membership for any cause.

Credit may not be granted under this Section covering any period for which an age retirement or disability retirement allowance has been paid.

Credit may not be granted under this Section for service as an employee of 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.)

(40 ILCS 5/16-158) (from Ch. 108 1/2, par. 16-158)

Sec. 16-158. Contributions by State and other employing units.

(a) The State shall make contributions to the System by means of appropriations from the Common School Fund and other State funds of amounts which, together with other employer contributions, employee contributions, investment income, and other income, will be sufficient to meet the cost of maintaining and administering the System on a 90% funded basis in accordance with actuarial recommendations.

The Board shall determine the amount of State contributions required for each fiscal year on the basis of the actuarial tables and other assumptions adopted by the Board and the recommendations of the actuary, using the formula in subsection (b-3).

(a-1) Annually, on or before November 15 until November 15, 2011, the Board shall certify to the Governor the amount of the required State contribution for the coming fiscal year. The certification under this subsection (a-1) shall include a copy of the actuarial recommendations upon which it is based and shall specifically identify the System's projected State normal cost for that fiscal year.

On or before May 1, 2004, the Board shall recalculate and recertify to the Governor the amount of the required State contribution to the System for State fiscal year 2005, taking into account the amounts appropriated to and received by the System under subsection (d) of Section 7.2 of the General Obligation Bond Act.

On or before July 1, 2005, the Board shall recalculate and recertify to the Governor the amount of the required State contribution to the System for State fiscal year 2006, taking into account the changes in required State contributions made by Public Act 94-4.

On or before April 1, 2011, the Board shall recalculate and recertify to the Governor the amount of the required State contribution to the System for State fiscal year 2011, applying the changes made by Public Act 96-889 to the System's assets and liabilities as of June 30, 2009 as though Public Act 96-889 was approved on that date.

- (a-5) On or before November 1 of each year, beginning November 1, 2012, the Board shall submit to the State Actuary, the Governor, and the General Assembly a proposed certification of the amount of the required State contribution to the System for the next fiscal year, along with all of the actuarial assumptions, calculations, and data upon which that proposed certification is based. On or before January 1 of each year, beginning January 1, 2013, the State Actuary shall issue a preliminary report concerning the proposed certification and identifying, if necessary, recommended changes in actuarial assumptions that the Board must consider before finalizing its certification of the required State contributions. On or before January 15, 2013 and each January 15 thereafter, the Board shall certify to the Governor and the General Assembly the amount of the required State contribution for the next fiscal year. The Board's certification must note any deviations from the State Actuary's recommended changes, the reason or reasons for not following the State Actuary's recommended changes, and the fiscal impact of not following the State Actuary's recommended changes on the required State contribution.
- (a-10) By November 1, 2017, the Board shall recalculate and recertify to the State Actuary, the Governor, and the General Assembly the amount of the State contribution to the System for State fiscal year 2018, taking into account the changes in required State contributions made by Public Act 100-23. The State Actuary shall review the assumptions and valuations underlying the Board's revised certification and issue a preliminary report concerning the proposed recertification and identifying, if necessary, recommended changes in actuarial assumptions that the Board must consider before finalizing its certification of the required State contributions. The Board's final certification must note any deviations from the State Actuary's recommended changes, the reason or reasons for not following the State Actuary's recommended changes on the required State contribution.
- (a-15) On or after June 15, 2019, but no later than June 30, 2019, the Board shall recalculate and recertify to the Governor and the General Assembly the amount of the State contribution to the System for State fiscal year 2019, taking into account the changes in required State contributions made by Public Act

100-587. The recalculation shall be made using assumptions adopted by the Board for the original fiscal year 2019 certification. The monthly voucher for the 12th month of fiscal year 2019 shall be paid by the Comptroller after the recertification required pursuant to this subsection is submitted to the Governor, Comptroller, and General Assembly. The recertification submitted to the General Assembly shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate in electronic form only, in the manner that the Clerk and the Secretary shall direct.

- (b) Through State fiscal year 1995, the State contributions shall be paid to the System in accordance with Section 18-7 of the School Code.
- (b-1) Beginning in State fiscal year 1996, on the 15th day of each month, or as soon thereafter as may be practicable, the Board shall submit vouchers for payment of State contributions to the System, in a total monthly amount of one-twelfth of the required annual State contribution certified under subsection (a-1). From March 5, 2004 (the effective date of Public Act 93-665) through June 30, 2004, the Board shall not submit vouchers for the remainder of fiscal year 2004 in excess of the fiscal year 2004 certified contribution amount determined under this Section after taking into consideration the transfer to the System under subsection (a) of Section 6z-61 of the State Finance Act. These vouchers shall be paid by the State Comptroller and Treasurer by warrants drawn on the funds appropriated to the System for that fiscal year.

If in any month the amount remaining unexpended from all other appropriations to the System for the applicable fiscal year (including the appropriations to the System under Section 8.12 of the State Finance Act and Section 1 of the State Pension Funds Continuing Appropriation Act) is less than the amount lawfully vouchered under this subsection, the difference shall be paid from the Common School Fund under the continuing appropriation authority provided in Section 1.1 of the State Pension Funds Continuing Appropriation Act.

- (b-2) Allocations from the Common School Fund apportioned to school districts not coming under this System shall not be diminished or affected by the provisions of this Article.
- (b-3) For State fiscal years 2012 through 2045, the minimum contribution to the System to be made by the State for each fiscal year shall be an amount determined by the System to be sufficient to bring the total assets of the System up to 90% of the total actuarial liabilities of the System by the end of State fiscal year 2045. In making these determinations, the required State contribution shall be calculated each year as a level percentage of payroll over the years remaining to and including fiscal year 2045 and shall be determined under the projected unit credit actuarial cost method.

For each of State fiscal years 2018, 2019, and 2020, the State shall make an additional contribution to the System equal to 2% of the total payroll of each employee who is deemed to have elected the benefits under Section 1-161 or who has made the election under subsection (c) of Section 1-161.

A change in an actuarial or investment assumption that increases or decreases the required State contribution and first applies in State fiscal year 2018 or thereafter shall be implemented in equal annual amounts over a 5-year period beginning in the State fiscal year in which the actuarial change first applies to the required State contribution.

A change in an actuarial or investment assumption that increases or decreases the required State contribution and first applied to the State contribution in fiscal year 2014, 2015, 2016, or 2017 shall be implemented:

- (i) as already applied in State fiscal years before 2018; and
- (ii) in the portion of the 5-year period beginning in the State fiscal year in which the actuarial change first applied that occurs in State fiscal year 2018 or thereafter, by calculating the change in equal annual amounts over that 5-year period and then implementing it at the resulting annual rate in each of the remaining fiscal years in that 5-year period.

For State fiscal years 1996 through 2005, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments so that by State fiscal year 2011, the State is contributing at the rate required under this Section; except that in the following specified State fiscal years, the State contribution to the System shall not be less than the following indicated percentages of the applicable employee payroll, even if the indicated percentage will produce a State contribution in excess of the amount otherwise required under this subsection and subsection (a), and notwithstanding any contrary certification made under subsection (a-1) before May 27, 1998 (the effective date of Public Act 90-582): 10.02% in FY 1999; 10.77% in FY 2000; 11.47% in FY 2001; 12.16% in FY 2002; 12.86% in FY 2003; and 13.56% in FY 2004.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2006 is \$534,627,700.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2007 is \$738,014,500.

For each of State fiscal years 2008 through 2009, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments from the required State contribution for State fiscal year 2007, so that by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2010 is \$2,089,268,000 and shall be made from the proceeds of bonds sold in fiscal year 2010 pursuant to Section 7.2 of the General Obligation Bond Act, less (i) the pro rata share of bond sale expenses determined by the System's share of total bond proceeds, (ii) any amounts received from the Common School Fund in fiscal year 2010, and (iii) any reduction in bond proceeds due to the issuance of discounted bonds, if applicable.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2011 is the amount recertified by the System on or before April 1, 2011 pursuant to subsection (a-1) of this Section and shall be made from the proceeds of bonds sold in fiscal year 2011 pursuant to Section 7.2 of the General Obligation Bond Act, less (i) the pro rata share of bond sale expenses determined by the System's share of total bond proceeds, (ii) any amounts received from the Common School Fund in fiscal year 2011, and (iii) any reduction in bond proceeds due to the issuance of discounted bonds, if applicable. This amount shall include, in addition to the amount certified by the System, an amount necessary to meet employer contributions required by the State as an employer under paragraph (e) of this Section, which may also be used by the System for contributions required by paragraph (a) of Section 16-127.

Beginning in State fiscal year 2046, the minimum State contribution for each fiscal year shall be the amount needed to maintain the total assets of the System at 90% of the total actuarial liabilities of the System.

Amounts received by the System pursuant to Section 25 of the Budget Stabilization Act or Section 8.12 of the State Finance Act in any fiscal year do not reduce and do not constitute payment of any portion of the minimum State contribution required under this Article in that fiscal year. Such amounts shall not reduce, and shall not be included in the calculation of, the required State contributions under this Article in any future year until the System has reached a funding ratio of at least 90%. A reference in this Article to the "required State contribution" or any substantially similar term does not include or apply to any amounts payable to the System under Section 25 of the Budget Stabilization Act.

Notwithstanding any other provision of this Section, the required State contribution for State fiscal year 2005 and for fiscal year 2008 and each fiscal year thereafter, as calculated under this Section and certified under subsection (a-1), shall not exceed an amount equal to (i) the amount of the required State contribution that would have been calculated under this Section for that fiscal year if the System had not received any payments under subsection (d) of Section 7.2 of the General Obligation Bond Act, minus (ii) the portion of the State's total debt service payments for that fiscal year on the bonds issued in fiscal year 2003 for the purposes of that Section 7.2, as determined and certified by the Comptroller, that is the same as the System's portion of the total moneys distributed under subsection (d) of Section 7.2 of the General Obligation Bond Act. In determining this maximum for State fiscal years 2008 through 2010, however, the amount referred to in item (i) shall be increased, as a percentage of the applicable employee payroll, in equal increments calculated from the sum of the required State contribution for State fiscal year 2007 plus the applicable portion of the State's total debt service payments for fiscal year 2007 on the bonds issued in fiscal year 2003 for the purposes of Section 7.2 of the General Obligation Bond Act, so that, by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

- (b-4) Beginning in fiscal year 2018, each employer under this Article shall pay to the System a required contribution determined as a percentage of projected payroll and sufficient to produce an annual amount equal to:
  - (i) for each of fiscal years 2018, 2019, and 2020, the defined benefit normal cost of the defined benefit plan, less the employee contribution, for each employee of that employer who has elected or who is deemed to have elected the benefits under Section 1-161 or who has made the election under subsection (b) of Section 1-161; for fiscal year 2021 and each fiscal year thereafter, the defined benefit normal cost of the defined benefit plan, less the employee contribution, plus 2%, for each employee of that employer who has elected or who is deemed to have elected the benefits under Section 1-161 or who has made the election under subsection (b) of Section 1-161; plus

(ii) the amount required for that fiscal year to amortize any unfunded actuarial accrued liability associated with the present value of liabilities attributable to the employer's account under Section 16-158.3, determined as a level percentage of payroll over a 30-year rolling amortization period.

In determining contributions required under item (i) of this subsection, the System shall determine an aggregate rate for all employers, expressed as a percentage of projected payroll.

In determining the contributions required under item (ii) of this subsection, the amount shall be computed by the System on the basis of the actuarial assumptions and tables used in the most recent actuarial valuation of the System that is available at the time of the computation.

The contributions required under this subsection (b-4) shall be paid by an employer concurrently with that employer's payroll payment period. The State, as the actual employer of an employee, shall make the required contributions under this subsection.

(c) Payment of the required State contributions and of all pensions, retirement annuities, death benefits, refunds, and other benefits granted under or assumed by this System, and all expenses in connection with the administration and operation thereof, are obligations of the State.

If members are paid from special trust or federal funds which are administered by the employing unit, whether school district or other unit, the employing unit shall pay to the System from such funds the full accruing retirement costs based upon that service, which, beginning July 1, 2017, shall be at a rate, expressed as a percentage of salary, equal to the total employer's normal cost, expressed as a percentage of payroll, as determined by the System. Employer contributions, based on salary paid to members from federal funds, may be forwarded by the distributing agency of the State of Illinois to the System prior to allocation, in an amount determined in accordance with guidelines established by such agency and the System. Any contribution for fiscal year 2015 collected as a result of the change made by Public Act 98-674 shall be considered a State contribution under subsection (b-3) of this Section.

(d) Effective July 1, 1986, any employer of a teacher as defined in paragraph (8) of Section 16-106 shall pay the employer's normal cost of benefits based upon the teacher's service, in addition to employee contributions, as determined by the System. Such employer contributions shall be forwarded monthly in accordance with guidelines established by the System.

However, with respect to benefits granted under Section 16-133.4 or 16-133.5 to a teacher as defined in paragraph (8) of Section 16-106, the employer's contribution shall be 12% (rather than 20%) of the member's highest annual salary rate for each year of creditable service granted, and the employer shall also pay the required employee contribution on behalf of the teacher. For the purposes of Sections 16-133.4 and 16-133.5, a teacher as defined in paragraph (8) of Section 16-106 who is serving in that capacity while on leave of absence from another employer under this Article shall not be considered an employee of the employer from which the teacher is on leave.

- (e) Beginning July 1, 1998, every employer of a teacher shall pay to the System an employer contribution computed as follows:
  - (1) Beginning July 1, 1998 through June 30, 1999, the employer contribution shall be equal to 0.3% of each teacher's salary.
  - (2) Beginning July 1, 1999 and thereafter, the employer contribution shall be equal to 0.58% of each teacher's salary.

The school district or other employing unit may pay these employer contributions out of any source of funding available for that purpose and shall forward the contributions to the System on the schedule established for the payment of member contributions.

These employer contributions are intended to offset a portion of the cost to the System of the increases in retirement benefits resulting from Public Act 90-582.

Each employer of teachers is entitled to a credit against the contributions required under this subsection (e) with respect to salaries paid to teachers for the period January 1, 2002 through June 30, 2003, equal to the amount paid by that employer under subsection (a-5) of Section 6.6 of the State Employees Group Insurance Act of 1971 with respect to salaries paid to teachers for that period.

The additional 1% employee contribution required under Section 16-152 by Public Act 90-582 is the responsibility of the teacher and not the teacher's employer, unless the employer agrees, through collective bargaining or otherwise, to make the contribution on behalf of the teacher.

If an employer is required by a contract in effect on May 1, 1998 between the employer and an employee organization to pay, on behalf of all its full-time employees covered by this Article, all mandatory employee contributions required under this Article, then the employer shall be excused from paying the employer contribution required under this subsection (e) for the balance of the term of that contract. The

employer and the employee organization shall jointly certify to the System the existence of the contractual requirement, in such form as the System may prescribe. This exclusion shall cease upon the termination, extension, or renewal of the contract at any time after May 1, 1998.

(f) If June 4, 2018 (Public Act 100 587) the amount of a teacher's salary for any school year used to determine final average salary exceeds the member's annual full-time salary rate with the same employer for the previous school year by more than 6%, the teacher's employer shall pay to the System, in addition to all other payments required under this Section and in accordance with guidelines established by the System, the present value of the increase in benefits resulting from the portion of the increase in salary that is in excess of 6%. This present value shall be computed by the System on the basis of the actuarial assumptions and tables used in the most recent actuarial valuation of the System that is available at the time of the computation. If a teacher's salary for the 2005-2006 school year is used to determine final average salary under this subsection (f), then the changes made to this subsection (f) by Public Act 94-1057 shall apply in calculating whether the increase in his or her salary is in excess of 6%. For the purposes of this Section, change in employment under Section 10-21.12 of the School Code on or after June 1, 2005 shall constitute a change in employer. The System may require the employer to provide any pertinent information or documentation. The changes made to this subsection (f) by Public Act 94-1111 apply without regard to whether the teacher was in service on or after its effective date.

Whenever it determines that a payment is or may be required under this subsection, the System shall calculate the amount of the payment and bill the employer for that amount. The bill shall specify the calculations used to determine the amount due. If the employer disputes the amount of the bill, it may, within 30 days after receipt of the bill, apply to the System in writing for a recalculation. The application must specify in detail the grounds of the dispute and, if the employer asserts that the calculation is subject to subsection (g), (g-5), or (h) of this Section, must include an affidavit setting forth and attesting to all facts within the employer's knowledge that are pertinent to the applicability of that subsection. Upon receiving a timely application for recalculation, the System shall review the application and, if appropriate, recalculate the amount due.

The employer contributions required under this subsection (f) may be paid in the form of a lump sum within 90 days after receipt of the bill. If the employer contributions are not paid within 90 days after receipt of the bill, then interest will be charged at a rate equal to the System's annual actuarially assumed rate of return on investment compounded annually from the 91st day after receipt of the bill. Payments must be concluded within 3 years after the employer's receipt of the bill.

## (f-1) (Blank). June 4, 2018 (Public Act 100-587)

(g) This subsection (g) applies only to payments made or salary increases given on or after June 1, 2005 but before July 1, 2011. The changes made by Public Act 94-1057 shall not require the System to refund any payments received before July 31, 2006 (the effective date of Public Act 94-1057).

When assessing payment for any amount due under subsection (f), the System shall exclude salary increases paid to teachers under contracts or collective bargaining agreements entered into, amended, or renewed before June 1, 2005.

When assessing payment for any amount due under subsection (f), the System shall exclude salary increases paid to a teacher at a time when the teacher is 10 or more years from retirement eligibility under Section 16-132 or 16-133.2.

When assessing payment for any amount due under subsection (f), the System shall exclude salary increases resulting from overload work, including summer school, when the school district has certified to the System, and the System has approved the certification, that (i) the overload work is for the sole purpose of classroom instruction in excess of the standard number of classes for a full-time teacher in a school district during a school year and (ii) the salary increases are equal to or less than the rate of pay for classroom instruction computed on the teacher's current salary and work schedule.

When assessing payment for any amount due under subsection (f), the System shall exclude a salary increase resulting from a promotion (i) for which the employee is required to hold a certificate or supervisory endorsement issued by the State Teacher Certification Board that is a different certification or supervisory endorsement than is required for the teacher's previous position and (ii) to a position that has existed and been filled by a member for no less than one complete academic year and the salary increase from the promotion is an increase that results in an amount no greater than the lesser of the average salary paid for other similar positions in the district requiring the same certification or the amount stipulated in the collective bargaining agreement for a similar position requiring the same certification.

When assessing payment for any amount due under subsection (f), the System shall exclude any payment to the teacher from the State of Illinois or the State Board of Education over which the employer does not have discretion, notwithstanding that the payment is included in the computation of final average salary.

- (g-5) When assessing payment for any amount due under subsection (f), the System shall exclude salary increases resulting from teaching summer school on or after May 1, 2021 and before September 15, 2022.
- (h) When assessing payment for any amount due under subsection (f), the System shall exclude any salary increase described in subsection (g) of this Section given on or after July 1, 2011 but before July 1, 2014 under a contract or collective bargaining agreement entered into, amended, or renewed on or after June 1, 2005 but before July 1, 2011. Notwithstanding any other provision of this Section, any payments made or salary increases given after June 30, 2014 shall be used in assessing payment for any amount due under subsection (f) of this Section.
- (i) The System shall prepare a report and file copies of the report with the Governor and the General Assembly by January 1, 2007 that contains all of the following information:
  - (1) The number of recalculations required by the changes made to this Section by Public Act 94-1057 for each employer.
  - (2) The dollar amount by which each employer's contribution to the System was changed due to recalculations required by Public Act 94-1057.
  - (3) The total amount the System received from each employer as a result of the changes made to this Section by Public Act 94-4.
  - (4) The increase in the required State contribution resulting from the changes made to this Section by Public Act 94-1057.

(i-5) For school years beginning on or after July 1, 2017, if the amount of a participant's salary for any school year exceeds the amount of the salary set for the Governor, the participant's employer shall pay to the System, in addition to all other payments required under this Section and in accordance with guidelines established by the System, an amount determined by the System to be equal to the employer normal cost, as established by the System and expressed as a total percentage of payroll, multiplied by the amount of salary in excess of the amount of the salary set for the Governor. This amount shall be computed by the System on the basis of the actuarial assumptions and tables used in the most recent actuarial valuation of the System that is available at the time of the computation. The System may require the employer to provide any pertinent information or documentation.

Whenever it determines that a payment is or may be required under this subsection, the System shall calculate the amount of the payment and bill the employer for that amount. The bill shall specify the calculations used to determine the amount due. If the employer disputes the amount of the bill, it may, within 30 days after receipt of the bill, apply to the System in writing for a recalculation. The application must specify in detail the grounds of the dispute. Upon receiving a timely application for recalculation, the System shall review the application and, if appropriate, recalculate the amount due.

The employer contributions required under this subsection may be paid in the form of a lump sum within 90 days after receipt of the bill. If the employer contributions are not paid within 90 days after receipt of the bill, then interest will be charged at a rate equal to the System's annual actuarially assumed rate of return on investment compounded annually from the 91st day after receipt of the bill. Payments must be concluded within 3 years after the employer's receipt of the bill.

(j) For purposes of determining the required State contribution to the System, the value of the System's assets shall be equal to the actuarial value of the System's assets, which shall be calculated as follows:

As of June 30, 2008, the actuarial value of the System's assets shall be equal to the market value of the assets as of that date. In determining the actuarial value of the System's assets for fiscal years after June 30, 2008, any actuarial gains or losses from investment return incurred in a fiscal year shall be recognized in equal annual amounts over the 5-year period following that fiscal year.

(k) For purposes of determining the required State contribution to the system for a particular year, the actuarial value of assets shall be assumed to earn a rate of return equal to the system's actuarially assumed rate of return.

(Source: P.A. 100-23, eff. 7-6-17; 100-340, eff. 8-25-17; 100-587, eff. 6-4-18; 100-624, eff. 7-20-18; 100-863, eff. 8-14-18; 101-10, eff. 6-5-19; 101-81, eff. 7-12-19; revised 8-13-19.)

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

Under the rules, the foregoing **Senate Bill No. 1646**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

## SENATE BILL NO. 1861

A bill for AN ACT concerning criminal law.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 1861

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

#### AMENDMENT NO. 2 TO SENATE BILL 1861

AMENDMENT NO. 2 . Amend Senate Bill 1861 by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Section 5-8-1.1 as follows: (730 ILCS 5/5-8-1.1) (from Ch. 38, par. 1005-8-1.1)

Sec. 5-8-1.1. Impact program incarceration.

(a) The Department may establish and operate an impact incarceration program for eligible offenders. If the court finds under Section 5-4-1 that an offender sentenced to a term of imprisonment for a felony may meet the eligibility requirements of the Department, the court may in its sentencing order approve the offender for placement in the impact incarceration program conditioned upon his acceptance in the program by the Department. Notwithstanding the sentencing provisions of this Code, the sentencing order also shall provide that if the Department accepts the offender in the program and determines that the offender has successfully completed the impact incarceration program, the sentence shall be reduced to time considered served upon certification to the court by the Department that the offender has successfully completed the program. In the event the offender is not accepted for placement in the impact incarceration program or the offender does not successfully complete the program, his term of imprisonment shall be as set forth by the court in its sentencing order.

- (b) In order to be eligible to participate in the impact incarecration program, the committed person shall meet all of the following requirements:
  - (1) The person must be not less than 17 years of age nor more than 35 years of age.
  - (2) The person has not previously participated in <u>an</u> the impact incarceration program and has not previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.
  - (3) The person has not been convicted of a Class X felony, first or second degree murder, armed violence, aggravated kidnapping, criminal sexual assault, aggravated criminal sexual abuse or a subsequent conviction for criminal sexual abuse, forcible detention, residential arson, place of worship arson, or arson and has not been convicted previously of any of those offenses.
    - (4) The person has been sentenced to a term of imprisonment of 8 years or less.
    - (5) The person must be physically able to participate in strenuous physical activities or labor.
  - (6) The person must not have any mental disorder or disability that would prevent participation in the impact incarecration program.
  - (7) The person has consented in writing to participation in the impact incarceration program and to the terms and conditions thereof.
  - (8) The person was recommended and approved for placement in the impact incarceration program in the court's sentencing order.

The Department may also consider, among other matters, whether the committed person has any outstanding detainers or warrants, whether the committed person has a history of escaping or absconding, whether participation in the impact incarceration program may pose a risk to the safety or security of any person and whether space is available.

- (c) The impact incarceration program shall include, among other matters, community service activities, cognitive behavioral programming, life skills, reentry planning, mandatory physical training and labor, military formation and drills, regimented activities, uniformity of dress and appearance, education and counseling, including drug counseling where appropriate.
- (d) Privileges including visitation, commissary, receipt and retention of property and publications and access to television, radio and a library may be suspended or restricted, notwithstanding provisions to the contrary in this Code.
- (e) Committed persons participating in the impact incarceration program shall adhere to all Department rules and all requirements of the program. Committed persons shall be informed of rules of behavior and conduct. Disciplinary procedures required by this Code or by Department rule are not applicable except in those instances in which the Department seeks to revoke good time.
- (f) Participation in the impact incarceration program shall be for a period of one year to eighteen months 120 to 180 days. The period of time a committed person shall serve in the impact incarceration program shall not be reduced by the accumulation of good time.
- (g) The committed person shall serve a term of mandatory supervised release as set forth in subsection (d) of Section 5-8-1.
- (h) A committed person may be removed from the program for a violation of the terms or conditions of the program or in the event he is for any reason unable to participate. The Department shall promulgate rules and regulations governing conduct which could result in removal from the program, extend the period of time a committed person must serve in the program, or in a determination that the committed person has not successfully completed the program. A committed person shall not have the time required to successfully complete the program extended beyond the maximum 18 month period of participation identified in paragraph (f). Committed persons shall have access to such rules, which shall provide that a committed person shall receive notice and have the opportunity to appear before and address one or more hearing officers. A committed person may be transferred to any of the Department's facilities prior to the hearing.
  - (i) The Department may terminate the impact incarceration program at any time.
- (j) The Department shall report to the Governor and the General Assembly on or before September 30th of each year on the impact incarceration program, including the composition of the program by the offenders, by county of commitment, sentence, age, offense and race.
- (k) The Department of Corrections shall consider the affirmative action plan approved by the Department of Human Rights in hiring staff at the impact incarceration facilities.
- (I) The Department of Corrections shall advocate for the impact program. The Department may identify candidates for participation in the program that were not previously recommended and formally submit the names to the State's Attorney of the committing county.

  (Source: P.A. 97-800, eff. 7-13-12.)".

Under the rules, the foregoing **Senate Bill No. 1861**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1905

A bill for AN ACT concerning employment.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1905

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

# AMENDMENT NO. 1 TO SENATE BILL 1905

AMENDMENT NO.  $\underline{1}$  . Amend Senate Bill 1905 by replacing everything after the enacting clause with the following:

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

Section 5. Definitions. As used in this Act.

"Employee" means any individual permitted to work by an employer.

"Employer" means an individual, partnership, corporation, association, business, trust, person, or entity for whom employees are gainfully employed in Illinois and includes the State of Illinois, any State officer, department or agency, any unit of local government, and any school district.

Section 10. Required disclosures.

- (a) An employer that provides group health insurance coverage to its employees shall, upon hire, annually thereafter, and upon request from an employee, provide all employees eligible for the coverage a written list of the covered benefits included in the group health insurance coverage in a format that easily compares those covered benefits with the essential health insurance benefits required of individual health insurance coverage regulated by the State of Illinois.
- (b) The Department of Insurance shall provide information outlining the essential health insurance benefits of individual health insurance coverage regulated by the State of Illinois, which an employer may use to inform eligible employees of benefits included or not included in their health insurance coverage.
- (c) An employer may comply with the requirements of subsection (a) by providing the required information by email to its employees or providing the information on a website that an employee is able to regularly access.

Section 15. Enforcement. It is the duty of the Department of Labor to enforce the provisions of this Act.

The Department of Labor has the power to conduct inspections in connection with the administration and enforcement of this Act. Upon request of the Department of Labor, the employer shall demonstrate that each employee received the information required by Section 10 and maintain records of providing such information for one year. Upon finding of a violation, the Department of Labor shall issue a notice to show cause giving the employer 30 days to comply.

If the employer does not comply within 30 days, the Department may impose a penalty as provided for in this Act. The Department shall conduct hearings in accordance with the Illinois Administrative Procedure Act upon written complaint of a violation of the Act made by an investigator of the Department or any interested person. After the hearing, if supported by the evidence, the Department may determine the amount of any civil penalty allowed by the Act.

Section 20. Review under Administrative Review Law. Any party to a proceeding under this Act may apply for and obtain judicial review of an order of the Department entered under this Act in accordance with the provisions of the Administrative Review Law, and the Department in proceedings under the Act may obtain an order from the court for the enforcement of its order.

Section 25. Penalties.

- (a) The Department may impose civil penalties as follows:
- (1) For an employer with fewer than 4 employees: a penalty not to exceed \$500 for a first offense; a penalty not to exceed \$1,000 for a second offense; and a penalty not to exceed \$3,000 for a third or subsequent offense.
- (2) For an employer with 4 or more employees: a penalty not to exceed \$1,000 for a first offense; a penalty not to exceed \$3,000 for a second offense; and a penalty not to exceed \$5,000 for a third or subsequent offense.
- (b) The appropriateness of the penalty to the size of the employer, the good faith efforts made by the employer to comply, and the gravity of the violation shall be considered in determining the amount of the civil penalty.
- (c) The amount of the penalty, when finally determined, may be recovered in a civil action brought by the Director of Labor in any circuit court. In this litigation, the Director of Labor shall be represented by the Attorney General.
- (d) Any administrative determination by the Department as to the amount of each penalty shall be final unless reviewed as provided in Section 20 of this Act.

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

Under the rules, the foregoing **Senate Bill No. 1905**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

#### SENATE BILL NO. 1920

A bill for AN ACT concerning safety.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 1920

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

#### AMENDMENT NO. 2 TO SENATE BILL 1920

AMENDMENT NO.  $\underline{2}$  . Amend Senate Bill 1920 on page 1, line 12, by replacing "of" with "about"; and

on page 1, by replacing lines 15 through 17 with the following:

"(1) The notice must be provided, where applicable, in both physical and online form in a newspaper of general circulation within 25 miles of where the coal-fueled power plant is located. The notice must also be posted in physical form in 3 prominent public places and, where applicable, posted on a relevant municipal website."; and

on page 2, line 16, by replacing "municipality" with "city in the State of Illinois that is".

Under the rules, the foregoing **Senate Bill No. 1920**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2109

A bill for AN ACT concerning education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2109

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

## AMENDMENT NO. 1 TO SENATE BILL 2109

AMENDMENT NO.  $\underline{1}$ . Amend Senate Bill 2109 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 10-16a and 10-22.39 as follows:

(105 ILCS 5/10-16a)

Sec. 10-16a. School board member's leadership training.

- (a) This Section applies to all school board members serving pursuant to Section 10-10 of this Code who have been elected after the effective date of this amendatory Act of the 97th General Assembly or appointed to fill a vacancy of at least one year's duration after the effective date of this amendatory Act of the 97th General Assembly.
- (b) Every voting member of a school board of a school district elected or appointed for a term beginning after the effective date of this amendatory Act of the 97th General Assembly, within a year after the effective date of this amendatory Act of the 97th General Assembly or the first year of his or her first

term, shall complete a minimum of 4 hours of professional development leadership training covering topics in education and labor law, financial oversight and accountability, and fiduciary responsibilities of a school board member, and, beginning with the 2023-2024 school year, trauma-informed practices for students and staff. The school district shall maintain on its Internet website, if any, the names of all voting members of the school board who have successfully completed the training.

- (b-5) The training regarding trauma-informed practices for students and staff required by this Section must include information that is relevant to and within the scope of the duties of a school board member. Such information may include, but is not limited to:
  - (1) the recognition of and care for trauma in students and staff;
  - (2) the relationship between staff wellness and student learning;
  - (3) the effect of trauma on student behavior and learning;
  - (4) the prevalence of trauma among students, including the prevalence of trauma among student populations at higher risk of experiencing trauma;
  - (5) the effects of implicit or explicit bias on recognizing trauma among various student groups in connection with race, ethnicity, gender identity, sexual orientation, socio-economic status, and other relevant factors; and
    - (6) effective district and school practices that are shown to:
    - (A) prevent and mitigate the negative effect of trauma on student behavior and learning; and
      - (B) support the emotional wellness of staff.
- (c) The training on financial oversight, accountability, and fiduciary responsibilities, and, beginning with the 2023-24 school year, trauma-informed practices for students and staff may be provided by an association established under this Code for the purpose of training school board members or by other qualified providers approved by the State Board of Education, in consultation with an association so established.
- (d) The State Board of Education may adopt rules that are necessary for the administration of the provisions of this Section.

(Source: P.A. 97-8, eff. 6-13-11.)

(105 ILCS 5/10-22.39)

Sec. 10-22.39. In-service training programs.

- (a) To conduct in-service training programs for teachers.
- (b) In addition to other topics at in-service training programs, at least once every 2 years, licensed school personnel and administrators who work with pupils in kindergarten through grade 12 shall be trained to identify the warning signs of mental illness, trauma, and suicidal behavior in youth and shall be taught appropriate intervention and referral techniques. A school district may utilize the Illinois Mental Health First Aid training program, established under the Illinois Mental Health First Aid Training Act and administered by certified instructors trained by a national association recognized as an authority in behavioral health, to provide the training and meet the requirements under this subsection. If licensed school personnel or an administrator obtains mental health first aid training outside of an in-service training program, he or she may present a certificate of successful completion of the training to the school district to satisfy the requirements of this subsection.

Training regarding the implementation of trauma-informed practices satisfies the requirements of this subsection (b).

A course of instruction as described in this subsection (b) may provide information that is relevant to and within the scope of the duties of licensed school personnel or school administrators. Such information may include, but is not limited to:

- (1) the recognition of and care for trauma in students and staff;
- (2) the relationship between educator wellness and student learning;
- (3) the effect of trauma on student behavior and learning;
- (4) the prevalence of trauma among students, including the prevalence of trauma among student populations at higher risk of experiencing trauma;
- (5) the effects of implicit or explicit bias on recognizing trauma among various student groups in connection with race, ethnicity, gender identity, sexual orientation, socio-economic status, and other relevant factors; and
  - (6) effective district practices that are shown to:

(A) prevent and mitigate the negative effect of trauma on student behavior and learning;

and

# (B) support the emotional wellness of staff.

- (c) School guidance counselors, nurses, teachers and other school personnel who work with pupils may be trained to have a basic knowledge of matters relating to acquired immunodeficiency syndrome (AIDS), including the nature of the disease, its causes and effects, the means of detecting it and preventing its transmission, and the availability of appropriate sources of counseling and referral, and any other information that may be appropriate considering the age and grade level of such pupils. The School Board shall supervise such training. The State Board of Education and the Department of Public Health shall jointly develop standards for such training.
  - (d) In this subsection (d):

"Domestic violence" means abuse by a family or household member, as "abuse" and "family or household members" are defined in Section 103 of the Illinois Domestic Violence Act of 1986.

"Sexual violence" means sexual assault, abuse, or stalking of an adult or minor child proscribed in the Criminal Code of 1961 or the Criminal Code of 2012 in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14, 12-14.1, 12-15, and 12-16, including sexual violence committed by perpetrators who are strangers to the victim and sexual violence committed by perpetrators who are known or related by blood or marriage to the victim.

At least once every 2 years, an in-service training program for school personnel who work with pupils, including, but not limited to, school and school district administrators, teachers, school guidance counselors, school social workers, school counselors, school psychologists, and school nurses, must be conducted by persons with expertise in domestic and sexual violence and the needs of expectant and parenting youth and shall include training concerning (i) communicating with and listening to youth victims of domestic or sexual violence and expectant and parenting youth, (ii) connecting youth victims of domestic or sexual violence and expectant and parenting youth to appropriate in-school services and other agencies, programs, and services as needed, and (iii) implementing the school district's policies, procedures, and protocols with regard to such youth, including confidentiality. At a minimum, school personnel must be trained to understand, provide information and referrals, and address issues pertaining to youth who are parents, expectant parents, or victims of domestic or sexual violence.

- (e) At least every 2 years, an in-service training program for school personnel who work with pupils must be conducted by persons with expertise in anaphylactic reactions and management.
- (f) At least once every 2 years, a school board shall conduct in-service training on educator ethics, teacher-student conduct, and school employee-student conduct for all personnel. (Source: P.A. 100-903, eff. 1-1-19; 101-350, eff. 1-1-20.)

Section 99. Effective date. This Act takes effect January 1, 2023.".

Under the rules, the foregoing **Senate Bill No. 2109**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2137

A bill for AN ACT concerning regulation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 2137

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

### AMENDMENT NO. 2 TO SENATE BILL 2137

AMENDMENT NO. 2 . Amend Senate Bill 2137 by replacing everything after the enacting clause with the following:

"Section 1. Findings.

- (1) The General Assembly finds that contact with family, friends, and clergy is an integral part of the quality of life for nursing home residents. Social isolation has long been a trigger for declining mental and physical health. While the digital revolution creates a new approach for community connectedness, the State of Illinois stands firmly in agreement with the body of research that shows in-person interactions is the preferable and more impactful avenue for family, friends, and clergy to connect with and support nursing home residents and supports virtual visitation programs as a supplement to in-person interactions. Furthermore, the State of Illinois looks to government payor sources and integrated entities of the health care system, including Medicaid managed care organizations, as key stakeholders in providing the adequate resources for residents to digitally connect with loved ones near and far.
- (2) The General Assembly further finds that use of electronic devices to make and maintain contact with nursing home residents is a new approach and as such must be approached with care to ensure the protection of nursing home residents from those who would seek to harm or defraud them using this new technology.

Section 5. The Nursing Home Care Act is amended by adding Section 3-102.3 as follows:

(210 ILCS 45/3-102.3 new)

Sec. 3-102.3. Religious and recreational activities; social isolation.

(a) In this Section:

"Assistive and supportive technology and devices" means computers, video conferencing equipment, distance based communication technology, or other technological equipment, accessories, or electronic licenses as may be necessary to ensure that residents are able to engage in face-to-face, verbal-based, or auditory-based contact, communication, religious activity, or recreational activity with other facility residents and with family members, friends, loved ones, caregivers, and other external support systems, through electronic means, in accordance with the provisions of paragraphs (2) and (3) of subsection (c).

"Religious and recreational activities" includes any religious, social, or recreational activity that is consistent with a resident's preferences and choosing, regardless of whether the activity is coordinated, offered, provided, or sponsored by facility staff or by an outside activities provider.

"Resident's representative" has the same meaning as provided in Section 1-123.

"Social isolation" means a state of isolation wherein a resident of a long-term care facility is unable to engage in social interactions and religious and recreational activities with other facility residents or with family members, friends, loved ones, caregivers and external support systems.

"Virtual visitation" means the use of face-to-face, verbal-based, or auditory-based contact through electronic means.

(b) The Department shall:

- (1) require each long-term care facility in the State to adopt and implement written policies, provide for the availability of assistive and supportive technology and devices to facility residents, and ensure that appropriate staff are in place to help prevent the social isolation of facility residents; and
- (2) communicate regularly with the Department of Healthcare and Family Services and the Department on Aging regarding intergovernmental cooperation concerning best practices for potential funding for facilities to mitigate the potential for racial disparities as an unintended consequence of this Act.

The virtual visitation policies shall not be interpreted as a substitute for in-person visitation, but shall be wholly in addition to existing in-person visitation policies.

- (c) The social isolation prevention policies adopted by each long-term care facility pursuant to subsection (b) shall be consistent with rights and privileges guaranteed to residents and constraints provided under Sections 2-108, 2-109, and 2-110 and shall include the following:
  - (1) authorization and inclusion of specific protocols and procedures to encourage and enable residents of the facility to engage in in-person contact, communication, religious activity, and recreational activity with other facility residents and with family members, friends, loved ones, caregivers, and other external support systems, except when prohibited, restricted, or limited by federal or State statute, rule, regulation, executive order, or guidance;
  - (2) authorization and inclusion of specific protocols and procedures to encourage and enable residents to engage in face-to-face, verbal-based, or auditory-based contact, communication, religious activity, and recreational activity with other facility residents and with family members, friends, loved ones, caregivers, and other external support systems through the use of electronic or virtual means and

- methods, including, but not limited to, computer technology, the Internet, social media, videoconferencing, videophone, and other innovative technological means or methods, whenever the resident is subject to restrictions that limit his or her ability to engage in in-person contact, communication, religious activity, or recreational activity as authorized by paragraph (1) and when the technology requested is not being used by other residents in the event of a limited number of items of technology in a facility;
- (3) a mechanism for residents of the facility or the residents' representatives to request access to assistive and supportive technology and devices as may be necessary to facilitate the residents' engagement in face-to-face, verbal-based, or auditory-based contact, communication, religious activity, and recreational activity with other residents, family members, friends, and other external support systems, through electronic means, as provided by paragraph (2);
  - (4) specific administrative policies, procedures, and protocols governing:
  - (A) the acquisition, maintenance, and replacement of assistive and supportive technology and devices;
  - (B) the use of environmental barriers and other controls when the assistive and supportive technology and devices acquired pursuant to subparagraph (A) are in use, especially in cases where the assistive and supportive technology and devices are likely to become contaminated with bodily substances, are touched frequently, or are difficult to clean; and
  - (C) the regular cleaning of the assistive and supportive technology and devices acquired pursuant to subparagraph (A) and any environmental barriers or other physical controls used in association therewith;
- (5) a requirement that (i) upon admission and (ii) at the request of a resident or the resident's representative, appropriate staff shall develop and update an individualized virtual visitation schedule while taking into account the individual's requests and preferences with respect to the residents' participation in social interactions and religious and recreational activities;
- (6) a requirement that appropriate staff, upon the request of a resident or the resident's family members, guardian, or representative, shall develop an individualized virtual visitation schedule for the resident, which shall:
  - (A) address the need for a virtual visitation schedule and establish a virtual visitation schedule if deemed to be appropriate;
  - (B) identify the assessed needs and preferences of the resident and any preferences specified by the resident's representative, unless a preference specified by the resident conflicts with a preference specified by the resident's representative, in which case the resident's preference shall take priority;
  - (C) document the long-term care facility's defined virtual hours of visitation and inform the resident and the resident's representative that virtual visitation pursuant to paragraph (2) of subsection (c) will adhere to the defined visitation hours;
  - (D) describe the location within the facility and assistive and supportive technology and devices to be used in virtual visitation; and
  - (E) describe the respective responsibilities of staff, visitors, and the resident when engaging in virtual visitation pursuant to the individualized visitation plan;
- (7) a requirement (i) upon admission and (ii) at the request of the resident or the resident's representative, to provide notification to the resident and the resident's representative that they have the right to request of facility staff the creation and review of a resident's individualized virtual visitation schedule;
- (8) a requirement (i) upon admission and (ii) at the request of the resident or resident's representative, to provide, in writing to the resident or resident's representative, virtual visitation hours, how to schedule a virtual visitation, and how to request assistive and supportive technology and devices;
- (9) specific policies, protocols, and procedures governing a resident's requisition, use, and return of assistive and supportive technology and devices maintained pursuant to subparagraph (A) of paragraph (4), and require appropriate staff to communicate those policies, protocols, and procedures to residents; and
- (10) the designation of at least one member of the therapeutic recreation or activities department, or, if the facility does not have such a department, the designation of at least one senior staff member, as determined by facility management, to train other appropriate facility employees,

including, but not limited to, activities professionals and volunteers, social workers, occupational therapists, and therapy assistants, to provide direct assistance to residents upon request and on an as-needed basis, as necessary to ensure that each resident is able to successfully access and use, for the purposes specified in paragraphs (2) and (3) of this subsection, the assistive and supportive technology and devices acquired pursuant to subparagraph (A) of paragraph (4).

- (d) A long-term care facility may apply to the Department for civil monetary penalty fund grants for assistive and supportive technology and devices and may request other available federal and State funds.
- (e) The Department shall determine whether a long-term care facility is in compliance with the provisions of this Section and the policies, protocols, and procedures adopted pursuant to this Section in accordance with the Nursing Home Care Act for surveys and inspections.

In addition to any other applicable penalties provided by law, a long-term care facility that fails to comply with the provisions of this Section or properly implement the policies, protocols, and procedures adopted pursuant to subsection (b) shall be liable to pay an administrative penalty as a Type "C" violation, the amount of which shall be determined in accordance with a schedule established by the Department by rule. The schedule shall provide for an enhanced administrative penalty in the case of a repeat or ongoing violation. Implementation of an administrative penalty as a Type "C" violation under this subsection shall not be imposed prior to January 1, 2023.

- (f) Whenever a complaint received by the Office of State Long Term Care Ombudsman discloses evidence that a long-term care facility has failed to comply with the provisions of this Section or to properly implement the policies, protocols, and procedures adopted pursuant to subsection (b), the Office of State Long Term Care Ombudsman shall refer the matter to the Department.
- (g) This Section does not impact, limit, or constrict a resident's right to or usage of his or her personal property or electronic monitoring under Section 2-115.
- (h) Specific protocols and procedures shall be developed to ensure that the quantity of assistive and supportive technology and devices maintained on-site at the facility remains sufficient, at all times, to meet the assessed social and activity needs and preferences of each facility resident. Residents' family members or caregivers should be considered, as appropriate, in the assessment and reassessment.
- (i) Within 60 days after the effective date of this amendatory Act of the 102nd General Assembly, the Department shall file rules necessary to implement the provisions of this Section. The rules shall include, but need not be limited to, minimum standards for the social isolation prevention policies to be adopted pursuant to subsection (b), a penalty schedule to be used pursuant to subsection (e), and policies regarding a long-term care facility's Internet access and subsequent Internet barriers in relation to a resident's virtual visitation plan pursuant to paragraph (2) of subsection (c).
- (j) The Department's rules under subsection (i) shall take into account Internet bandwidth limitations outside of the control of a long-term care facility.
- (k) Nothing in this Section shall be interpreted to mean that addressing the issues of social isolation shall take precedence over providing for the health and safety of the residents.

Section 10. The Illinois Administrative Procedure Act is amended by adding Section 5-45.8 as follows:

(5 ILCS 100/5-45.8 new)

Sec. 5-45.8. Emergency rulemaking; Nursing Home Care Act. To provide for the expeditious and timely implementation of this amendatory Act of the 102nd General Assembly, emergency rules implementing Section 3-102.3 of the Nursing Home Care Act may be adopted in accordance with Section 5-45 by the Department of Public Health. The adoption of emergency rules authorized by Section 5-45 and this Section is deemed to be necessary for the public interest, safety, and welfare.

This Section is repealed on January 1, 2027.

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

Under the rules, the foregoing **Senate Bill No. 2137**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2172

A bill for AN ACT concerning government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 2172

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

## AMENDMENT NO. 2 TO SENATE BILL 2172

AMENDMENT NO. 2 . Amend Senate Bill 2172 by replacing everything after the enacting clause with the following:

"Section 5. The Pharmacy Practice Act is amended by changing Sections 9.5 and 17.1 as follows: (225 ILCS 85/9.5)

(Section scheduled to be repealed on January 1, 2023)

Sec. 9.5. Registered certified pharmacy technician.

- (a) An individual licensed as a registered pharmacy technician under this Act may be licensed as a registered certified pharmacy technician, if he or she meets all of the following requirements:
  - (1) He or she has submitted a written application in the form and manner prescribed by the Department.
    - (2) He or she has attained the age of 18.
    - (3) He or she is of good moral character, as determined by the Department.
  - (4) Beginning on January 1, 2024 2022, a new pharmacy technician is required to have (i) graduated from a pharmacy technician training program that meets the requirements set forth in subsection (a) of Section 17.1 of this Act or (ii) obtained documentation from the pharmacist-in-charge of the pharmacy where the applicant is employed verifying that he or she has successfully completed a standardized nationally accredited education and training program, and has successfully completed an objective assessment mechanism prepared in accordance with rules established by the Department.
  - (5) He or she has successfully passed an examination accredited by the National Commission for Certifying Agencies, as approved and required by the Board or by rule.
    - (6) He or she has paid the required licensure fees.
- (b) No pharmacist whose license has been denied, revoked, suspended, or restricted for disciplinary purposes may be eligible to be registered as a certified pharmacy technician unless authorized by order of the Department as a condition of restoration from revocation, suspension, or restriction.
- (c) The Department may, by rule, establish any additional requirements for licensure under this Section.
- (d) A person who is not a licensed registered pharmacy technician and meets the requirements of this Section may be licensed as a registered certified pharmacy technician without first being licensed as a registered pharmacy technician.
- (e) As a condition for the renewal of a license as a registered certified pharmacy technician, the licensee shall provide evidence to the Department of completion of a total of 20 hours of continuing pharmacy education during the 24 months preceding the expiration date of the certificate as established by rule. One hour of continuing pharmacy education must be in the subject of pharmacy law. One hour of continuing pharmacy education must be in the subject of patient safety. The continuing education shall be approved by the Accreditation Council on Pharmacy Education.

The Department may establish by rule a means for the verification of completion of the continuing education required by this subsection (e). This verification may be accomplished through audits of records maintained by licensees, by requiring the filing of continuing education certificates with the Department or a qualified organization selected by the Department to maintain such records, or by other means established by the Department.

Rules developed under this subsection (e) may provide for a reasonable annual fee, not to exceed \$20, to fund the cost of such recordkeeping. The Department may, by rule, further provide an orderly process for the restoration of a license that has not been renewed due to the failure to meet the continuing pharmacy education requirements of this subsection (e). The Department may waive the requirements of continuing

pharmacy education, in whole or in part, in cases of extreme hardship as defined by rule of the Department. The waivers may be granted for not more than one of any 2 consecutive renewal periods.

(Source: P.A. 100-497, eff. 9-8-17; 101-621, eff. 1-1-20.)

(225 ILCS 85/17.1)

(Section scheduled to be repealed on January 1, 2023)

Sec. 17.1. Registered pharmacy technician training.

- (a) It shall be the joint responsibility of a pharmacy and its pharmacist in charge to have trained all of its registered pharmacy technicians or obtain proof of prior training in all of the following practice areas as they apply to Illinois law and relate to the specific practice site and job responsibilities:
  - (1) The duties and responsibilities of the technicians and pharmacists.
  - (2) Tasks and technical skills, policies, and procedures.
  - (3) Compounding, packaging, labeling, and storage.
  - (4) Pharmaceutical and medical terminology.
  - (5) Record keeping requirements.
    - (6) The ability to perform and apply arithmetic calculations.

Beginning January 1, 2024 2022, it shall also be the joint responsibility of a pharmacy and its pharmacist in charge to ensure that all new pharmacy technicians are educated and trained using a standard nationally accredited education and training program, such as those accredited by the Accreditation Council for Pharmacy Education (ACPE)/the American Society of Health-System Pharmacists (ASHP) or other board approved education and training programs. The pharmacist in charge is not required to provide the required education to the pharmacy technician, but the pharmacist in charge must ensure that the pharmacy technician has presented proof that he or she completed a standard nationally accredited or board approved education and training program.

(b) Within 2 years of initial licensure as a pharmacy technician and within 6 months before beginning any new duties and responsibilities of a registered pharmacy technician, it shall be the joint responsibility of the pharmacy and the pharmacist in charge to train the registered pharmacy technician or obtain proof of prior training in the areas listed in subsection (a) of this Section as they relate to the practice site or to document that the pharmacy technician is making appropriate progress.

- (c) All pharmacies shall maintain an up-to-date training program policies and procedures manual describing the duties and responsibilities of a registered pharmacy technician and registered certified pharmacy technician.
- (d) All pharmacies shall create and maintain retrievable records of training or proof of training as required in this Section.

(Source: P.A. 100-497, eff. 9-8-17; 101-621, eff. 1-1-20.)

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

Under the rules, the foregoing  $Senate\ Bill\ No.\ 2172$ , with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2235

A bill for AN ACT concerning transportation.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2235

House Amendment No. 2 to SENATE BILL NO. 2235

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

### AMENDMENT NO. 1 TO SENATE BILL 2235

AMENDMENT NO.  $\underline{1}$ . Amend Senate Bill 2235 by replacing everything after the enacting clause with the following:

"Section 5. The Toll Highway Act is amended by changing Section 19.1 as follows:

(605 ILCS 10/19.1)

Sec. 19.1. Confidentiality of personally identifiable information obtained through electronic toll collection system.

(a) For purposes of this Section:

"Electronic toll collection system" is a system where a transponder, camera-based vehicle identification system, or other electronic medium is used to deduct payment of a toll from a subscriber's account or to establish an obligation to pay a toll.

"Electronic toll collection system user" means any natural person who subscribes to an electronic toll collection system or any natural person who uses a tolled transportation facility that employs the Authority's electronic toll collection system.

"Personally identifiable information" means any information that identifies or describes an electronic toll collection system user, including but not limited to travel pattern data, address, telephone number, e-mail address, license plate number, photograph, bank account information, or credit card number.

- (b) Except as otherwise provided in this Section, the Authority may not sell or otherwise provide to any person or entity personally identifiable information of any electronic toll collection system user that the Authority obtains through the operation of its electronic toll collection system.
- (c) The Authority may, within practical business and cost constraints, store personally identifiable information of an electronic toll collection system user only if the information is required to perform account functions such as billing, account settlement, or toll violation enforcement activities.
- (d) By no later than December 31, 2011, the Authority shall establish a privacy policy regarding the collection and use of personally identifiable information. Upon its adoption, the policy shall be posted on the Authority's website and a copy shall be included with each transponder transmitted to a user. The policy shall include but need not be limited to the following:
  - (1) A description of the types of personally identifiable information collected by the Authority.
  - (2) The categories of third-party persons or entities with whom the Authority may share personally identifiable information and for what purposes that information is shared.
  - (3) The process by which the Authority notifies electronic toll collection system users of material changes to its privacy policy.
  - (4) The process by which an electronic toll collection system user may review and request changes to any of his or her personally identifiable information.
    - (5) The effective date of the privacy policy.
  - (e) This Section does not prohibit the Authority from:
  - (1) providing aggregated traveler information derived from collective data relating to a group or category of electronic toll collection system users from which personally identifiable information has been removed:
  - (2) sharing data with another transportation agency or third-party vendor to comply with interoperability specifications and standards regarding electronic toll collection devices and technologies, provided that the other transportation agency or third-party vendor may not use personally identifiable information obtained under this Section for a purpose other than described in this Section;
  - (3) performing financial, legal and accounting functions such as billing, account settlement, toll violation enforcement, or other activities required to operate and manage its toll collection system;
  - (4) communicating about products and services offered by itself, a business partner, or another public agency;
  - (5) using personally identifiable information in research projects, provided that appropriate confidentiality restrictions are employed to protect against the unauthorized release of such information;
  - (6) releasing personally identifiable information in response to a <u>search</u> warrant, <u>grand jury</u>, subpoena, or lawful order from a court of competent jurisdiction;
  - (6.5) releasing personally identifiable information in response to a subpoena in a pending civil action or lawful order from a civil court of competent jurisdiction in accordance with the following:

    (i) the Authority must, as soon as practicable but no later than 7 days from its receipt of the subpoena or order, notify the electronic toll collection system user that it has received a subpoena or order that seeks the user's personally identifiable information, and that the user has the right to move to quash

the subpoena or set aside the order in the issuing court; (ii) the Authority may use email to notify the user of this subpoena; and (iii) the Authority may adopt rules to carry out this responsibility;

- (7) releasing personally identifiable information to law enforcement agencies if exigent circumstances make in the case of an emergency when obtaining a warrant or subpoena would be impractical; and
- (8) releasing personally identifiable information to the Authority's Inspector General, the Executive Inspector General, or, at the Authority Inspector General's direction, to law enforcement agencies under paragraphs (5) and (6) of subsection (f) of Section 8.5 of this Act.
- (f) In any agreement allowing another public entity to use the Authority's toll collection system in a transportation facility, the Authority shall require the other public entity to comply with the requirements of this Section.
- (g) Personally identifiable information generated through the Authority's toll collection process that reveals the date, time, location or direction of travel by an electronic toll collection system user shall be exempt from release under the Illinois Freedom of Information Act. The exemption in this subsection shall not apply to information that concerns (i) the public duties of public employees and officials; (ii) whether an electronic toll collection system user has paid tolls; (iii) whether the Authority is enforcing toll violation penalties against electronic toll collection users who do not pay tolls; (iv) accidents or other incidents that occur on highways under the jurisdiction of the Authority; or (v) the obligation, receipt, and use of the funds of the Authority. The exemption in this subsection (g) shall not be a limitation or restriction on other Freedom of Information Act exemptions applicable to personally identifiable information or private information.
- (h) The Authority shall make personally identifiable information of a person available to any State or local agency, inspector general, or law enforcement agency in response to a grand jury subpoena or pursuant to an investigation.
- (i) The Authority shall discard personally identifiable information not required for account maintenance or enforcement within 5 years. The Authority shall make every effort, within practical business and cost constraints, to purge the personal account information of an account that is closed or terminated. In no case shall the Authority maintain personal information more than 5 years after the date an account is closed or terminated unless required by another statute.
- (j) Nothing in this Section precludes compliance with a court order that has been issued or settlement agreement that has been approved on or before January 1, 2022.

(Source: P.A. 97-342, eff. 8-12-11.)

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

#### AMENDMENT NO. 2 TO SENATE BILL 2235

AMENDMENT NO. 2 . Amend Senate Bill 2235, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 4, line 26, directly after "subpoena", by inserting ", and the Authority's email shall constitute proof of notice".

Under the rules, the foregoing **Senate Bill No. 2235**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2244

A bill for AN ACT concerning revenue.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2244

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

#### AMENDMENT NO. 1 TO SENATE BILL 2244

AMENDMENT NO. <u>1</u>. Amend Senate Bill 2244 by replacing everything after the enacting clause with the following:

"Section 5. The Senior Citizens Real Estate Tax Deferral Act is amended by changing Sections 2 and 3 as follows:

(320 ILCS 30/2) (from Ch. 67 1/2, par. 452)

Sec. 2. Definitions. As used in this Act:

- (a) "Taxpayer" means an individual whose household income for the year is no greater than: (i) \$40,000 through tax year 2005; (ii) \$50,000 for tax years 2006 through 2011; and (iii) \$55,000 for tax years year 2012 through 2021; (iv) \$65,000 for tax years 2022 through 2025; and (v) \$55,000 for tax year 2026 and thereafter.
- (b) "Tax deferred property" means the property upon which real estate taxes are deferred under this Act.
- (c) "Homestead" means the land and buildings thereon, including a condominium or a dwelling unit in a multidwelling building that is owned and operated as a cooperative, occupied by the taxpayer as his residence or which are temporarily unoccupied by the taxpayer because such taxpayer is temporarily residing, for not more than 1 year, in a licensed facility as defined in Section 1-113 of the Nursing Home Care Act.
- (d) "Real estate taxes" or "taxes" means the taxes on real property for which the taxpayer would be liable under the Property Tax Code, including special service area taxes, and special assessments on benefited real property for which the taxpayer would be liable to a unit of local government.
  - (e) "Department" means the Department of Revenue.
- (f) "Qualifying property" means a homestead which (a) the taxpayer or the taxpayer and his spouse own in fee simple or are purchasing in fee simple under a recorded instrument of sale, (b) is not income-producing property, (c) is not subject to a lien for unpaid real estate taxes when a claim under this Act is filed, and (d) is not held in trust, other than an Illinois land trust with the taxpayer identified as the sole beneficiary, if the taxpayer is filing for the program for the first time effective as of the January 1, 2011 assessment year or tax year 2012 and thereafter.
- (g) "Equity interest" means the current assessed valuation of the qualified property times the fraction necessary to convert that figure to full market value minus any outstanding debts or liens on that property. In the case of qualifying property not having a separate assessed valuation, the appraised value as determined by a qualified real estate appraiser shall be used instead of the current assessed valuation.
- (h) "Household income" has the meaning ascribed to that term in the Senior Citizens and Persons with Disabilities Property Tax Relief Act.
- (i) "Collector" means the county collector or, if the taxes to be deferred are special assessments, an official designated by a unit of local government to collect special assessments.

  (Source: P.A. 99-143, eff. 7-27-15.)

(320 ILCS 30/3) (from Ch. 67 1/2, par. 453)

Sec. 3. A taxpayer may, on or before March 1 of each year, apply to the county collector of the county where his qualifying property is located, or to the official designated by a unit of local government to collect special assessments on the qualifying property, as the case may be, for a deferral of all or a part of real estate taxes payable during that year for the preceding year in the case of real estate taxes other than special assessments, or for a deferral of any installments payable during that year in the case of special assessments, on all or part of his qualifying property. The application shall be on a form prescribed by the Department and furnished by the collector, (a) showing that the applicant will be 65 years of age or older by June 1 of the year for which a tax deferral is claimed, (b) describing the property and verifying that the property is qualifying property as defined in Section 2, (c) certifying that the taxpayer has owned and occupied as his residence such property or other qualifying property in the State for at least the last 3 years except for any periods during which the taxpayer may have temporarily resided in a nursing or sheltered care home, and (d) specifying whether the deferral is for all or a part of the taxes, and, if for a part, the amount of deferral applied for. As to qualifying property not having a separate assessed valuation, the taxpayer shall also file with the county collector a written appraisal of the property prepared by a qualified real estate appraiser together with a certificate signed by the appraiser stating that he has personally

examined the property and setting forth the value of the land and the value of the buildings thereon occupied by the taxpayer as his residence.

The collector shall grant the tax deferral provided such deferral does not exceed funds available in the Senior Citizens Real Estate Deferred Tax Revolving Fund and provided that the owner or owners of such real property have entered into a tax deferral and recovery agreement with the collector on behalf of the county or other unit of local government, which agreement expressly states:

- (1) That the total amount of taxes deferred under this Act, plus interest, for the year for which a tax deferral is claimed as well as for those previous years for which taxes are not delinquent and for which such deferral has been claimed may not exceed 80% of the taxpayer's equity interest in the property for which taxes are to be deferred and that, if the total deferred taxes plus interest equals 80% of the taxpayer's equity interest in the property, the taxpayer shall thereafter pay the annual interest due on such deferred taxes plus interest so that total deferred taxes plus interest will not exceed such 80% of the taxpayer's equity interest in the property. Effective as of the January 1, 2011 assessment year or tax year 2012 and through the 2021 tax year, and beginning again with the 2026 tax year thereafter, the total amount of any such deferral shall not exceed \$5,000 per taxpayer in each tax year. For the 2022 tax year through the 2025 tax year, the total amount of any such deferral shall not exceed \$7,500 per taxpayer in each tax year.
- (2) That any real estate taxes deferred under this Act and any interest accrued thereon at the rate of 6% per year are a lien on the real estate and improvements thereon until paid. No sale or transfer of such real property may be legally closed and recorded until the taxes which would otherwise have been due on the property, plus accrued interest, have been paid unless the collector certifies in writing that an arrangement for prompt payment of the amount due has been made with his office. The same shall apply if the property is to be made the subject of a contract of sale.
- (3) That upon the death of the taxpayer claiming the deferral the heirs-at-law, assignees or legatees shall have first priority to the real property upon which taxes have been deferred by paying in full the total taxes which would otherwise have been due, plus interest. However, if such heir-at-law, assignee, or legatee is a surviving spouse, the tax deferred status of the property shall be continued during the life of that surviving spouse if the spouse is 55 years of age or older within 6 months of the date of death of the taxpayer and enters into a tax deferral and recovery agreement before the time when deferred taxes become due under this Section. Any additional taxes deferred, plus interest, on the real property under a tax deferral and recovery agreement signed by a surviving spouse shall be added to the taxes and interest which would otherwise have been due, and the payment of which has been postponed during the life of such surviving spouse, in determining the 80% equity requirement provided by this Section.
- (4) That if the taxes due, plus interest, are not paid by the heir-at-law, assignee or legatee or if payment is not postponed during the life of a surviving spouse, the deferred taxes and interest shall be recovered from the estate of the taxpayer within one year of the date of his death. In addition, deferred real estate taxes and any interest accrued thereon are due within 90 days after any tax deferred property ceases to be qualifying property as defined in Section 2.

If payment is not made when required by this Section, foreclosure proceedings may be instituted under the Property Tax Code.

- (5) That any joint owner has given written prior approval for such agreement, which written approval shall be made a part of such agreement.
- (6) That a guardian for a person under legal disability appointed for a taxpayer who otherwise qualifies under this Act may act for the taxpayer in complying with this Act.
- (7) That a taxpayer or his agent has provided to the satisfaction of the collector, sufficient evidence that the qualifying property on which the taxes are to be deferred is insured against fire or casualty loss for at least the total amount of taxes which have been deferred.

If the taxes to be deferred are special assessments, the unit of local government making the assessments shall forward a copy of the agreement entered into pursuant to this Section and the bills for such assessments to the county collector of the county in which the qualifying property is located. (Source: P.A. 97-481, eff. 8-22-11.)

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

Under the rules, the foregoing **Senate Bill No. 2244**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

# SENATE BILL NO. 2270

A bill for AN ACT concerning regulation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2270

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

### AMENDMENT NO. 1 TO SENATE BILL 2270

AMENDMENT NO. 1. Amend Senate Bill 2270 on page 1, line 17, after the period, by inserting "No more than 3 facilities shall be certified in the first 3 years after the effective date of this amendatory Act of the 102nd General Assembly. Prior to the expansion of the number of certified facilities, the Department shall collaborate with stakeholders, including, but not limited to, organizations whose membership consists of congregate long-term care facilities, to evaluate the efficacy of the certification program."

Under the rules, the foregoing **Senate Bill No. 2270**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

#### SENATE BILL NO. 2339

A bill for AN ACT concerning criminal law.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2339

House Amendment No. 2 to SENATE BILL NO. 2339

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

# AMENDMENT NO. 1 TO SENATE BILL 2339

AMENDMENT NO. 1. Amend Senate Bill 2339 on page 1, by replacing line 16, with the following: "defendant, or defendant's attorney, advocate, or victim's attorney (as defined in Section 3 of the Illinois Rights of Crime Victims and Witnesses Act) in any criminal proceeding"; and

on page 2, immediately below line 2, by inserting:

"A court may prohibit such disclosure only after giving notice and a hearing to all affected parties. In determining whether to prohibit disclosure of the minor's identity the court shall consider:

- (1) the best interest of the child; and
- (2) whether such nondisclosure would further a compelling State interest."; and

on page 2, by replacing line 15 through line 24 with the following:

"The copy of the criminal history record information to be provided under this Section shall exclude the identity of the child victim. The superintendent shall be restricted from specifically revealing the identity name of the victim without written consent of the victim or victim's parent or guardian. Nothing in this Article precludes or may be used to preclude a mandated reporter from reporting child abuse or child neglect as required under the Abused and Neglected Child Reporting Act.

A court may prohibit such disclosure only after giving notice and a hearing to all affected parties. In determining whether to prohibit disclosure of the minor's identity the court shall consider:

- (a) the best interest of the child; and
- (b) whether such nondisclosure would further a compelling State interest.".

#### AMENDMENT NO. 2 TO SENATE BILL 2339

AMENDMENT NO. 2 . Amend Senate Bill 2339 on page 1, line 14, after "attorney," by adding "Attorney General, Assistant Attorney General,".

Under the rules, the foregoing **Senate Bill No. 2339**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2340

A bill for AN ACT concerning criminal law.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2340

House Amendment No. 2 to SENATE BILL NO. 2340

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

## **AMENDMENT NO. 1 TO SENATE BILL 2340**

AMENDMENT NO.  $\underline{1}$ . Amend Senate Bill 2340 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Privacy of Adult Victims of Criminal Sexual Offenses Act.

Section 5. Definitions.

"Adult victim" means any person 18 years of age or older.

"Criminal history record information" means:

- (1) chronologically maintained arrest information, including, but not limited to, traditional arrest logs or blotters;
- (2) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;
- (3) court records that are public, and records that are otherwise available under State or local law; or
- (4) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of Section 7 of the Freedom of Information Act.

Section 10. Victim privacy. Notwithstanding any other law to the contrary, inspection and copying of law enforcement records maintained by any law enforcement agency or all circuit court records maintained by any circuit clerk relating to any investigation or proceeding pertaining to a criminal sexual offense, by any person, except a judge, State's Attorney, Assistant State's Attorney, psychologist, psychiatrist, social worker, doctor, parole agent, aftercare specialist, probation officer, defendant's attorney, advocate, or victim's attorney (as defined in Section 3 of the Illinois Rights of Crime Victims and Witnesses Act) in any criminal proceeding or investigation related thereto shall be restricted to exclude the identity of any adult victim of such criminal sexual offense or alleged criminal sexual offense unless a court order is issued authorizing the removal of such restriction as provided under this Section of a particular case record or particular records of cases maintained by any circuit court clerk.

A court may for the adult victim's protection and for good cause shown, prohibit any person or agency present in court from further disclosing the adult victim's identity. A court may prohibit such disclosure only after giving notice and a hearing to all affected parties. In determining whether to prohibit disclosure of the adult victim's identity the court shall consider:

- (1) the best interest of the adult victim; and
- (2) whether such nondisclosure would further a compelling State interest.

Section 15. Criminal sexual offense and school districts. When a criminal sexual offense is committed or alleged to have been committed by a school district employee or any individual contractually employed by a school district, a copy of the criminal history record information relating to the investigation of the offense or alleged offense shall be transmitted to the superintendent of schools of the district immediately upon request or if the law enforcement agency knows that a school district employee or any individual contractually employed by a school district has committed or is alleged to have committed a criminal sexual offense, the superintendent of schools of the district shall be immediately provided a copy of the criminal history record information. The copy of the criminal history record information that is to be provided under this Section shall exclude the identity of the adult victim. The superintendent shall be restricted from revealing the identity of the adult victim."

## AMENDMENT NO. 2 TO SENATE BILL 2340

AMENDMENT NO. 2 . Amend Senate Bill 2340, AS AMENDED, with reference to page and line numbers in House Amendment No. 1, on page 2, line 11, after "Assistant State's Attorney," by adding "Attorney General, Assistant Attorney General,".

Under the rules, the foregoing **Senate Bill No. 2340**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2370 A bill for AN ACT concerning courts.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 2370

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

## AMENDMENT NO. 2 TO SENATE BILL 2370

AMENDMENT NO. 2 . Amend Senate Bill 2370 by replacing everything after the enacting clause with the following:

"Section 5. Findings.

The General Assembly finds that an adequate continuum of care is necessary to better address the needs of juveniles within the court system.

The General Assembly finds that the unique partnership of State and local services is needed to provide the right placements, and the right services for justice-involved juveniles.

The General Assembly finds that providing juveniles that are youth in care of the State and in the care or recently in the care of the Department of Children and Family Services, should be receiving a continuum of care and services, even when the juvenile unfortunately becomes involved with the juvenile justice system.

Therefore, the General Assembly recommends that juveniles that are youth in care of the State and in the care or recently in the care of the Department of Children and Family Services shall not have their services interrupted or be left unnecessarily in juvenile detention centers.

Section 10. The Juvenile Court Act of 1987 is amended by changing Section 5-501 as follows: (705 ILCS 405/5-501)

Sec. 5-501. Detention or shelter care hearing. At the appearance of the minor before the court at the detention or shelter care hearing, the court shall receive all relevant information and evidence, including affidavits concerning the allegations made in the petition. Evidence used by the court in its findings or stated in or offered in connection with this Section may be by way of proffer based on reliable information offered by the State or minor. All evidence shall be admissible if it is relevant and reliable regardless of whether it would be admissible under the rules of evidence applicable at a trial. No hearing may be held unless the

minor is represented by counsel and no hearing shall be held until the minor has had adequate opportunity to consult with counsel.

- (1) If the court finds that there is not probable cause to believe that the minor is a delinquent minor it shall release the minor and dismiss the petition.
- (2) If the court finds that there is probable cause to believe that the minor is a delinquent minor, the minor, his or her parent, guardian, custodian and other persons able to give relevant testimony may be examined before the court. The court may also consider any evidence by way of proffer based upon reliable information offered by the State or the minor. All evidence, including affidavits, shall be admissible if it is relevant and reliable regardless of whether it would be admissible under the rules of evidence applicable at trial. After such evidence is presented, the court may enter an order that the minor shall be released upon the request of a parent, guardian or legal custodian if the parent, guardian or custodian appears to take custody.

If the court finds that it is a matter of immediate and urgent necessity for the protection of the minor or of the person or property of another that the minor be detained or placed in a shelter care facility or that he or she is likely to flee the jurisdiction of the court, the court may prescribe detention or shelter care and order that the minor be kept in a suitable place designated by the court or in a shelter care facility designated by the Department of Children and Family Services or a licensed child welfare agency; otherwise it shall release the minor from custody. If the court prescribes shelter care, then in placing the minor, the Department or other agency shall, to the extent compatible with the court's order, comply with Section 7 of the Children and Family Services Act. In making the determination of the existence of immediate and urgent necessity, the court shall consider among other matters: (a) the nature and seriousness of the alleged offense; (b) the minor's record of delinquency offenses, including whether the minor has delinquency cases pending; (c) the minor's record of willful failure to appear following the issuance of a summons or warrant; (d) the availability of non-custodial alternatives, including the presence of a parent, guardian or other responsible relative able and willing to provide supervision and care for the minor and to assure his or her compliance with a summons. If the minor is ordered placed in a shelter care facility of a licensed child welfare agency, the court shall, upon request of the agency, appoint the appropriate agency executive temporary custodian of the minor and the court may enter such other orders related to the temporary custody of the minor as it deems fit and proper.

If the Court prescribes detention, and the minor is a youth in care of the Department of Children and Family Services, a hearing shall be held every 14 days to determine whether there is an urgent and immediate necessity to detain the minor for the protection of the person or property of another. If urgent and immediate necessity is not found on the basis of the protection of the person or property of another, the minor shall be released to the custody of the Department of Children and Family Services. If the Court prescribes detention based on the minor being likely to flee the jurisdiction, and the minor is a youth in care of the Department of Children and Family Services, a hearing shall be held every 7 days for status on the location of shelter care placement by the Department of Children and Family Services. Detention shall not be used as a shelter care placement for minors in the custody or guardianship of the Department of Children and Family Services.

The order together with the court's findings of fact in support of the order shall be entered of record in the court.

Once the court finds that it is a matter of immediate and urgent necessity for the protection of the minor that the minor be placed in a shelter care facility, the minor shall not be returned to the parent, custodian or guardian until the court finds that the placement is no longer necessary for the protection of the minor.

- (3) Only when there is reasonable cause to believe that the minor taken into custody is a delinquent minor may the minor be kept or detained in a facility authorized for juvenile detention. This Section shall in no way be construed to limit subsection (4).
- (4) Minors 12 years of age or older must be kept separate from confined adults and may not at any time be kept in the same cell, room or yard with confined adults. This paragraph (4):
  - (a) shall only apply to confinement pending an adjudicatory hearing and shall not exceed 40 hours, excluding Saturdays, Sundays, and court designated holidays. To accept or hold minors during this time period, county jails shall comply with all monitoring standards adopted by the Department of Corrections and training standards approved by the Illinois Law Enforcement Training Standards Board.
  - (b) To accept or hold minors, 12 years of age or older, after the time period prescribed in clause (a) of subsection (4) of this Section but not exceeding 7 days including Saturdays, Sundays, and

holidays, pending an adjudicatory hearing, county jails shall comply with all temporary detention standards adopted by the Department of Corrections and training standards approved by the Illinois Law Enforcement Training Standards Board.

- (c) To accept or hold minors 12 years of age or older, after the time period prescribed in clause (a) and (b), of this subsection county jails shall comply with all county juvenile detention standards adopted by the Department of Juvenile Justice.
- (5) If the minor is not brought before a judicial officer within the time period as specified in Section 5-415 the minor must immediately be released from custody.
- (6) If neither the parent, guardian or legal custodian appears within 24 hours to take custody of a minor released from detention or shelter care, then the clerk of the court shall set the matter for rehearing not later than 7 days after the original order and shall issue a summons directed to the parent, guardian or legal custodian to appear. At the same time the probation department shall prepare a report on the minor. If a parent, guardian or legal custodian does not appear at such rehearing, the judge may enter an order prescribing that the minor be kept in a suitable place designated by the Department of Human Services or a licensed child welfare agency. The time during which a minor is in custody after being released upon the request of a parent, guardian or legal custodian shall be considered as time spent in detention for purposes of scheduling the trial.
- (7) Any party, including the State, the temporary custodian, an agency providing services to the minor or family under a service plan pursuant to Section 8.2 of the Abused and Neglected Child Reporting Act, foster parent, or any of their representatives, may file a motion to modify or vacate a temporary custody order or vacate a detention or shelter care order on any of the following grounds:
  - (a) It is no longer a matter of immediate and urgent necessity that the minor remain in detention or shelter care: or
  - (b) There is a material change in the circumstances of the natural family from which the minor was removed; or
  - (c) A person, including a parent, relative or legal guardian, is capable of assuming temporary custody of the minor; or
  - (d) Services provided by the Department of Children and Family Services or a child welfare agency or other service provider have been successful in eliminating the need for temporary custody.

The clerk shall set the matter for hearing not later than 14 days after such motion is filed. In the event that the court modifies or vacates a temporary order but does not vacate its finding of probable cause, the court may order that appropriate services be continued or initiated in behalf of the minor and his or her family.

(8) Whenever a petition has been filed under Section 5-520 the court can, at any time prior to trial or sentencing, order that the minor be placed in detention or a shelter care facility after the court conducts a hearing and finds that the conduct and behavior of the minor may endanger the health, person, welfare, or property of himself or others or that the circumstances of his or her home environment may endanger his or her health, person, welfare or property.

(Source: P.A. 98-685, eff. 1-1-15.)

Section 99. Effective date. This Act takes effect January 1, 2023.".

Under the rules, the foregoing **Senate Bill No. 2370**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2665

A bill for AN ACT concerning government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2665

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

#### AMENDMENT NO. 1 TO SENATE BILL 2665

AMENDMENT NO.  $\underline{1}$ . Amend Senate Bill 2665 by replacing line 9 on page 1 through line 7 on page 3 with the following:

- "(b) The Task Force shall consist of 27 members appointed as follows:
  - (1) one member appointed by the President of the Senate;
  - (2) one member appointed by the Speaker of the House of Representatives;
  - (3) one member appointed by the Minority Leader of the Senate;
  - (4) one member appointed by the Minority Leader of the House of Representatives;
  - (5) one representative of the Governor's Office;
  - (6) one representative of the Governor's Office of Management and Budget;
  - (7) one representative of the Lieutenant Governor's Office;
- (8) the Executive Director of the Illinois Housing Development Authority or his or her designee;
  - (9) the Secretary of Human Services or his or her designee;
  - (10) the Director on Aging or his or her designee;
  - (11) the Director of Commerce and Economic Opportunity or his or her designee;
  - (12) the Director of Children and Family Services or his or her designee;
  - (13) the Director of Public Health or his or her designee;
  - (14) the Director of Healthcare and Family Services or his or her designee;
  - (15) the Director of Human Rights or his or her designee;
  - (16) the Director of Employment Security or his or her designee;
  - (17) the Director of Juvenile Justice or his or her designee;
  - (18) the Director of Corrections or his or her designee;
- (19) the Executive Director of the Illinois Criminal Justice Information Authority or his or her designee;
  - (20) the Chairman of the State Board of Education or his or her designee;
  - (21) the Chairman of the Board of Higher Education or his or her designee;
  - (22) the Chairman of the Illinois Community College Board or his or her designee; and
- (23) five representatives from organizations offering aid or services to immigrants, appointed by the Governor.".

Under the rules, the foregoing **Senate Bill No. 2665**, with House Amendment No. 1, was referred to the Secretary's Desk.

At the hour of 5:28 o'clock p.m., the Chair announced that the Senate stands at recess subject to the call of the Chair

### AFTER RECESS

At the hour of 8:20 o'clock p.m., the Senate resumed consideration of business. Senator Lightford, presiding.

#### REPORTS FROM STANDING COMMITTEES

Senator Bennett, Chair of the Committee on Higher Education, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to House Bill 2878

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

#### MESSAGES FROM THE HOUSE

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

#### SENATE BILL NO. 1138

A bill for AN ACT concerning revenue.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1138

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

## AMENDMENT NO. 1 TO SENATE BILL 1138

AMENDMENT NO.  $\underline{1}$ . Amend Senate Bill 1138 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 18-185 as follows:

(35 ILCS 200/18-185)

Sec. 18-185. Short title; definitions. This Division 5 may be cited as the Property Tax Extension Limitation Law. As used in this Division 5:

"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.

"Extension limitation" means (a) the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate of increase approved by voters under Section 18-205.

"Affected county" means a county of 3,000,000 or more inhabitants or a county contiguous to a county of 3,000,000 or more inhabitants.

"Taxing district" has the same meaning provided in Section 1-150, except as otherwise provided in this Section. For the 1991 through 1994 levy years only, "taxing district" includes only each non-home rule taxing district having the majority of its 1990 equalized assessed value within any county or counties contiguous to a county with 3,000,000 or more inhabitants. Beginning with the 1995 levy year, "taxing district" includes only each non-home rule taxing district subject to this Law before the 1995 levy year and each non-home rule taxing district not subject to this Law before the 1995 levy year having the majority of its 1994 equalized assessed value in an affected county or counties. Beginning with the levy year in which this Law becomes applicable to a taxing district as provided in Section 18-213, "taxing district" also includes those taxing districts made subject to this Law as provided in Section 18-213.

"Aggregate extension" for taxing districts to which this Law applied before the 1995 levy year means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before October 1, 1991; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before October 1, 1991; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after October 1, 1991 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before October 1, 1991 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before October 1, 1991, to pay for the building project; (g) made for payments due under installment contracts entered into before October 1, 1991; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), (e), and (h) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made by a school district that participates in the Special Education District of Lake County, created by special education joint agreement under Section 10-22.31 of the School Code, for payment of the school district's share of the amounts required to be contributed by the Special Education District of Lake County to the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code; the amount of any extension under this item (k) shall be certified by the school district to the county clerk; (l) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (m) made for temporary relocation loan repayment purposes pursuant to Sections 2-3.77 and 17-2.2d of the School Code; (n) made for payment of principal and interest on any bonds issued under the authority of Section 17-2.2d of the School Code; (o) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; and (p) made for road purposes in the first year after a township assumes the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of a road district abolished under the provisions of Section 6-133 of the Illinois Highway Code.

"Aggregate extension" for the taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213) means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 1, 1995; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 1, 1995; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 1, 1995 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 1, 1995 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 1, 1995 to pay for the building project; (g) made for payments due under installment contracts entered into before March 1, 1995; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (h-4) made for stormwater management purposes by the Metropolitan Water Reclamation District of Greater Chicago under Section 12 of the Metropolitan Water Reclamation District Act; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum and bonds described in subsection (h) of this definition; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made for payments of principal and interest on bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium or museum projects; (1) made for payments of principal and interest on bonds authorized by Public Act 87-1191 or 93-601 and (i) issued pursuant to Section 21.2 of the Cook County Forest Preserve District Act, (ii) issued under Section 42 of the Cook County Forest Preserve District Act for zoological park projects, or (iii) issued under Section 44.1 of the Cook County Forest Preserve District Act for botanical gardens projects; (m) made pursuant to Section 34-53.5 of the School Code, whether levied annually or not; (n) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (o) made by the Chicago Park District for recreational programs for persons with disabilities under subsection (c) of Section 7.06 of the Chicago Park District Act; (p) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; (q) made by Ford Heights School District 169 under Section 17-9.02 of the School Code; and (r) made for the purpose of making employer contributions to the Public School Teachers' Pension and Retirement Fund of Chicago under Section 34-53 of the School Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the taxing district is held for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the date on which the referendum making this Law applicable to the taxing district is held to pay for the building project; (g) made for payments due under installment contracts entered into before the date on which the referendum making this Law applicable to the taxing district is held; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (1) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; and (m) made for the taxing district to pay interest or principal on general obligation bonds issued pursuant to Section 19-3.10 of the School Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with paragraph (2) of subsection (e) of Section 18-213 means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 7, 1997 (the effective date of Public Act 89-718) this amendatory Act of 1997; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 7, 1997 (the effective date of Public Act 89-718) this amendatory Act of 1997; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 7, 1997 (the effective date of Public Act 89-718) this amendatory Act of 4997 if the bonds were approved by referendum after March 7, 1997 (the effective date of Public Act 89-718) this amendatory Act of 1997; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 7, 1997 (the effective date of Public Act 89-718) this amendatory Act of 1997 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 7, 1997 (the effective date of Public Act 89-718) this amendatory Act of 1997 to pay for the building project; (g) made for payments due under installment contracts entered into before March 7, 1997 (the effective date of Public Act 89-718) this amendatory Act of 1997; (h) made for payments of principal and interest on limited bonds, as defined in

Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Debt service extension base" means an amount equal to that portion of the extension for a taxing district for the 1994 levy year, or for those taxing districts subject to this Law in accordance with Section 18-213, except for those subject to paragraph (2) of subsection (e) of Section 18-213, for the levy year in which the referendum making this Law applicable to the taxing district is held, or for those taxing districts subject to this Law in accordance with paragraph (2) of subsection (e) of Section 18-213 for the 1996 levy year, constituting an extension for payment of principal and interest on bonds issued by the taxing district without referendum, but not including excluded non-referendum bonds. For park districts (i) that were first subject to this Law in 1991 or 1995 and (ii) whose extension for the 1994 levy year for the payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds) was less than 51% of the amount for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds), "debt service extension base" means an amount equal to that portion of the extension for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds). A debt service extension base established or increased at any time pursuant to any provision of this Law, except Section 18-212, shall be increased each year commencing with the later of (i) the 2009 levy year or (ii) the first levy year in which this Law becomes applicable to the taxing district, by the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year. The debt service extension base may be established or increased as provided under Section 18-212. "Excluded non-referendum bonds" means (i) bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium and museum projects; (ii) bonds issued under Section 15 of the Local Government Debt Reform Act; or (iii) refunding obligations issued to refund or to continue to refund obligations initially issued pursuant to referendum.

"Special purpose extensions" include, but are not limited to, extensions for levies made on an annual basis for unemployment and workers' compensation, self-insurance, contributions to pension plans, and extensions made pursuant to Section 6-601 of the Illinois Highway Code for a road district's permanent road fund whether levied annually or not. The extension for a special service area is not included in the aggregate extension.

"Aggregate extension base" means the taxing district's last preceding aggregate extension as adjusted under Sections 18-135, 18-215, 18-230, and 18-206. An adjustment under Section 18-135 shall be made for the 2007 levy year and all subsequent levy years whenever one or more counties within which a taxing district is located (i) used estimated valuations or rates when extending taxes in the taxing district for the last preceding levy year that resulted in the over or under extension of taxes, or (ii) increased or decreased the tax extension for the last preceding levy year as required by Section 18-135(c). Whenever an adjustment is required under Section 18-135, the aggregate extension base of the taxing district shall be equal to the amount that the aggregate extension of the taxing district would have been for the last preceding levy year if either or both (i) actual, rather than estimated, valuations or rates had been used to calculate the extension of taxes for the last levy year, or (ii) the tax extension for the last preceding levy year had not been adjusted as required by subsection (c) of Section 18-135.

Notwithstanding any other provision of law, for levy year 2012, the aggregate extension base for West Northfield School District No. 31 in Cook County shall be \$12,654,592.

Notwithstanding any other provision of law, for levy year 2022, the aggregate extension base of a home equity assurance program that levied at least \$1,000,000 in property taxes in levy year 2019 or 2020

under the Home Equity Assurance Act shall be the amount that the program's aggregate extension base for levy year 2021 would have been if the program had levied a property tax for levy year 2021.

"Levy year" has the same meaning as "year" under Section 1-155.

"New property" means (i) the assessed value, after final board of review or board of appeals action, of new improvements or additions to existing improvements on any parcel of real property that increase the assessed value of that real property during the levy year multiplied by the equalization factor issued by the Department under Section 17-30, (ii) the assessed value, after final board of review or board of appeals action, of real property not exempt from real estate taxation, which real property was exempt from real estate taxation for any portion of the immediately preceding levy year, multiplied by the equalization factor issued by the Department under Section 17-30, including the assessed value, upon final stabilization of occupancy after new construction is complete, of any real property located within the boundaries of an otherwise or previously exempt military reservation that is intended for residential use and owned by or leased to a private corporation or other entity, (iii) in counties that classify in accordance with Section 4 of Article IX of the Illinois Constitution, an incentive property's additional assessed value resulting from a scheduled increase in the level of assessment as applied to the first year final board of review market value, and (iv) any increase in assessed value due to oil or gas production from an oil or gas well required to be permitted under the Hydraulic Fracturing Regulatory Act that was not produced in or accounted for during the previous levy year. In addition, the county clerk in a county containing a population of 3,000,000 or more shall include in the 1997 recovered tax increment value for any school district, any recovered tax increment value that was applicable to the 1995 tax year calculations.

"Qualified airport authority" means an airport authority organized under the Airport Authorities Act and located in a county bordering on the State of Wisconsin and having a population in excess of 200,000 and not greater than 500,000.

"Recovered tax increment value" means, except as otherwise provided in this paragraph, the amount of the current year's equalized assessed value, in the first year after a municipality terminates the designation of an area as a redevelopment project area previously established under the Tax Increment Allocation Redevelopment Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, previously established under the Economic Development Project Area Tax Increment Act of 1995, or previously established under the Economic Development Area Tax Increment Allocation Act, of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Redevelopment Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, by an amount equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. In the first year after a municipality removes a taxable lot, block, tract, or parcel of real property from a redevelopment project area established under the Tax Increment Allocation Redevelopment Development Act in the Illinois Municipal Code, the Industrial Jobs Recovery Law in the Illinois Municipal Code, or the Economic Development Area Tax Increment Allocation Act, "recovered tax increment value" means the amount of the current year's equalized assessed value of each taxable lot, block, tract, or parcel of real property removed from the redevelopment project area over and above the initial equalized assessed value of that real property before removal from the redevelopment project area.

Except as otherwise provided in this Section, "limiting rate" means a fraction the numerator of which is the last preceding aggregate extension base times an amount equal to one plus the extension limitation defined in this Section and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. For those taxing districts that reduced their aggregate extension for the last preceding levy year, except for school districts that reduced their extension for educational purposes pursuant to Section 18-206, the highest aggregate extension in any of the last 3 preceding levy years shall be used for the purpose of computing the limiting rate. The denominator shall not include new property or the recovered tax increment value. If a new

rate, a rate decrease, or a limiting rate increase has been approved at an election held after March 21, 2006, then (i) the otherwise applicable limiting rate shall be increased by the amount of the new rate or shall be reduced by the amount of the rate decrease, as the case may be, or (ii) in the case of a limiting rate increase, the limiting rate shall be equal to the rate set forth in the proposition approved by the voters for each of the years specified in the proposition, after which the limiting rate of the taxing district shall be calculated as otherwise provided. In the case of a taxing district that obtained referendum approval for an increased limiting rate on March 20, 2012, the limiting rate for tax year 2012 shall be the rate that generates the approximate total amount of taxes extendable for that tax year, as set forth in the proposition approved by the voters; this rate shall be the final rate applied by the county clerk for the aggregate of all capped funds of the district for tax year 2012.

(Source: P.A. 99-143, eff. 7-27-15; 99-521, eff. 6-1-17; 100-465, eff. 8-31-17; revised 8-12-19.)

Section 10. The Home Equity Assurance Act is amended by adding Section 4.3 as follows: (65 ILCS 95/4.3 new)

Sec. 4.3. Tax levies for levy year 2021.

(a) Notwithstanding any other provision of law, the governing commission of a home equity assurance program that levied at least \$1,000,000 in property taxes in levy year 2019 or 2020 may not levy any property tax in levy year 2021.

(b) This Section is repealed January 1, 2025.

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

Under the rules, the foregoing **Senate Bill No. 1138**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1833

A bill for AN ACT concerning State government.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 1833

House Amendment No. 3 to SENATE BILL NO. 1833

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

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

AMENDMENT NO. 2 . 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 605-1057 as follows:

(20 ILCS 605/605-1057 new)

Sec. 605-1057. 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. Municipalities or 501(c)(3) organizations working on behalf of a certified geographical area should seek to:
  - (1) Promote a distinct historic and cultural community.
  - (2) Encourage economic development and supports entrepreneurship in the geographic area and community.
  - (3) Encourage the preservation and development of historic and culturally significant structures, traditions, and languages.
    - (4) Foster local cultural development and education.
  - (5) Provide a focal point for celebrating and strengthening the unique cultural identity of the community.

- (6) Promote 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 by collaborating with all relevant offices and grantees of the Department to help them identify and achieve their goals for cultural preservation, including, but not limited to, promotional support of State-designated cultural districts and support for small businesses looking to access resources;
  - (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 shall reflect the diversity of the State of Illinois, including geographic, racial, and ethnic diversity. The advisory committee must include:
    - (A) a representative of the Department of Commerce and Economic Opportunity 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) two members of the House of Representatives appointed by the Speaker of the House of Representatives;
      - (E) two members of the Senate appointed by the President of the Senate; and
    - (F) 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 (f). 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; and
  - (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.
  - (d) Each applicant shall be encouraged by the Department to:
  - (1) have development plans that include and prioritize the preservation of local businesses and retention of existing residents and businesses; and
  - (2) have an education framework in place informed with a vision of food justice, social justice, community sustainability, and social equity.
- (e) The Department shall award no more than 5 State-designated cultural districts every year. At no point shall the total amount of State-designated cultural districts be more than 15, unless otherwise directed by the Director of the Department of Commerce and Economic Opportunity in consultation with the advisory committee.
- (f) 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. Any State-designated cultural district that fails to file a report for 2 consecutive years shall lose its status.
  - (g) This Section is repealed on July 1, 2031.".

#### AMENDMENT NO. 3 TO SENATE BILL 1833

AMENDMENT NO. 3 . Amend Senate Bill 1833, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, on page 3, by replacing lines 18 through 22 with the following:

"(D) two members of the House of Representatives appointed one each by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives;

(E) two members of the Senate appointed one each by the President of the Senate and the Minority Leader of the Senate; and".

Under the rules, the foregoing **Senate Bill No. 1833**, with House Amendments numbered 2 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

#### SENATE BILL NO. 1847

A bill for AN ACT concerning human rights.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1847

House Amendment No. 2 to SENATE BILL NO. 1847

House Amendment No. 4 to SENATE BILL NO. 1847

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

### AMENDMENT NO. 1 TO SENATE BILL 1847

AMENDMENT NO. 1 . Amend Senate Bill 1847 by replacing everything after the enacting clause with the following:

"Section 5. The Freedom of Information Act is amended by changing Section 7.5, as amended by Public Act 101-656, as follows:

(5 ILCS 140/7.5)

- Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:
  - (a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.
  - (b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.
  - (c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.
  - (d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.
  - (e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.
  - (f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.
  - (g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.
  - (h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

- (i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.
- (j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.
- (k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.
- (l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.
- (m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.
- (n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.
- (o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.
- (p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.
  - (q) Information prohibited from being disclosed by the Personnel Record Review Act.
  - (r) Information prohibited from being disclosed by the Illinois School Student Records Act.
- (s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.
- (t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Office due to its administration of the Illinois Health Information Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.
- (u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).
- (v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.
- (w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.
- (x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.
- (y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.
- (z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.
  - (aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.
  - (bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

- (cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.
- (dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.
- (ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.
- (ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.
- (gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.
  - (hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.
- (ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.
- (jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.
  - (kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.
- (II) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.
- (mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.
- (nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.
- (oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.
- (pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.
- (qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.
  - (rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.
- (ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.
- (tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.
- (uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.
- (vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.
  - (ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.
- (xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.
- (yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.
- (zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act. (aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.
- (bbb) Information that is exempt from disclosure under subsection (k) of Section 11 of the Equal Pay Act of 2003.

(Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18; 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff. 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517, eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19; 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff. 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; 101-649, eff. 7-7-20; 101-656, eff. 3-23-21.)

Section 10. The Equal Pay Act of 2003 is amended by changing Sections 11 and 30 as follows:

(820 ILCS 112/11)

- Sec. 11. Equal pay registration certificate requirements; application. For the purposes of this Section 11 only, "business" means any private employer who has more than 100 employees in the State of Illinois, and does not include the State of Illinois or any political subdivision, municipal corporation, or other governmental unit or agency.
- (a) A business must obtain an equal pay registration certificate from the Department or certify in writing that it is exempt.
- (b) Any business subject to the requirements of this Section that is authorized to transact business in this State on March 23, 2021 shall submit an application to obtain an equal pay registration certificate, between March 24, 2022 and March 23, 2024, and must recertify every 2 years thereafter. Any business subject to the requirements of this Section that is authorized to transact business in this State after March 23, 2021 must submit an application to obtain an equal pay registration certificate within 3 years of commencing business operations, but not before January 1, 2024, and must recertify every 2 years thereafter. The Department shall collect contact information from each business subject to this Section. The Department shall assign each business a date by which it must submit an application to obtain an equal pay registration certificate. The business shall recertify every 2 years at a date to be determined by the Department. When a business receives a notice from the Department to recertify for its equal pay registration certificate, if the business has fewer than 100 employees, the business must certify in writing to the Department that it is exempt from this Section. Any new business that is authorized to conduct business in this State, after the effective date of this amendatory Act of the 102nd General Assembly, shall submit its contact information to the Department by January 1 of the following year and shall be assigned a date by which it must submit an application to obtain an equal pay registration certificate. The Department's failure to assign a business a registration date does not exempt the business from compliance with this Section the effective date of this amendatory Act of the 101st General Assembly must obtain an equal pay registration certificate within 3 years after the effective date of this amendatory Act of the 101st General Assembly and must recertify every 2 years thereafter. Any business subject to the requirements of this Section that is authorized to transact business in this State after the effective date of this amendatory Act of the 101st General Assembly must obtain an equal pay registration certificate within 3 years of commencing business operations and must recertify every 2 years thereafter.
  - (c) Application.
  - (1) A business shall apply for an equal pay registration certificate by paying a \$150 filing fee and submitting wage records and an equal pay compliance statement to the Director as follows:
    - (A) Wage Records. Any business that is required to file an annual Employer Information Report EEO-1 with the Equal Employment Opportunity Commission must also submit to the Director a copy of the business' most recently filed Employer Information Report EEO-1. The business shall also compile a list of all employees during the past calendar year, separated by gender and the race and ethnicity categories as reported in the business's most recently filed Employer Information Report EEO-1, and the county in which the employee works, the date the employee started working for the business, any other information the Department deems necessary to determine if pay equity exists among employees, and report the total wages as defined by Section 2 of the Illinois Wage Payment and Collection Act paid to each employee during the past calendar year, rounded to the nearest \$100, to the Director.
    - (B) Equal Pay Compliance Statement. The business must submit a statement signed by a corporate officer, legal counsel, or authorized agent of the business certifying:
      - (i) that the business is in compliance with this Act and other relevant laws, including but not limited to: Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, the Illinois Human Rights Act, and the Equal Wage Act;
      - (ii) that the average compensation for its female and minority employees is not consistently below the average compensation, as determined by rule by the United States Department of Labor, for its male and non-minority employees within each of the major job categories in the Employer Information Report EEO-1 for which an employee is expected to perform work, taking into account factors such as length of service, requirements of specific jobs, experience, skill, effort, responsibility, working conditions of the job, or other mitigating factors; as used in this subparagraph, "minority" has the meaning ascribed to that term in paragraph (1) of subsection (A) of Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act;

- (iii) that the business does not restrict employees of one sex to certain job classifications, and makes retention and promotion decisions without regard to sex;
- (iv) that wage and benefit disparities are corrected when identified to ensure compliance with the Acts cited in item (i);
- (v) how often wages and benefits are evaluated to ensure compliance with this and other relevant Acts; and
- (vi) the approach the business takes in determining what level of wages and benefits to pay its employees, identifying a change in approach if varied by title or classification.
- (C) Filing fee. The business shall pay to the Department a filing fee of \$150. Proceeds an equal pay compliance statement to the Director. Any business that is required to file an annual Employer Information Report EEO 1 with the Equal Employment Opportunity Commission must also submit to the Director a copy of the business's most recently filed Employer Information Report EEO 1 for each county in which the business has a facility or employees. The business shall also compile, from records maintained and available, a list of all employees during the past calendar year, separated by gender and the race and ethnicity categories as reported in the business's most recently filed Employer Information Report EEO 1, and report the total wages as defined by Section 2 of the Illinois Wage Payment and Collection Act paid to each employee during the past calendar year, rounded to the nearest hundred dollar, to the Director. The proceeds from the fees collected under this Section shall be deposited into the Equal Pay Registration Fund, a special fund created in the State treasury. Moneys in the Fund shall be appropriated to the Department for the purposes of this Section. The Director shall issue an equal pay registration certificate to a business that submits to the Director a statement signed by a corporate officer, legal counsel, or authorized agent of the business:
- (2) Receipt of the equal pay compliance application and statement by the Director does not establish compliance with the Acts set forth in item (i) of subparagraph (B) of paragraph (1) of this subsection (c).
  - (A) that the business is in compliance with Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, the Illinois Human Rights Act, the Equal Wage Act, and the Equal Pay Act of 2003;
  - (B) that the average compensation for its female and minority employees is not consistently below the average compensation, as determined by rule by the United States Department of Labor, for its male and non minority employees within each of the major job categories in the Employer Information Report EEO 1 for which an employee is expected to perform work under the contract, taking into account factors such as length of service, requirements of specific jobs, experience, skill, effort, responsibility, working conditions of the job, or other mitigating factors; as used in this subparagraph, "minority" has the meaning ascribed to that term in paragraph (1) of subsection (A) of Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act:
  - (C) that the business does not restrict employees of one sex to certain job classifications and makes retention and promotion decisions without regard to sex;
  - (D) that wage and benefit disparities are corrected when identified to ensure compliance with the Acts cited in subparagraph (A) and with subparagraph (B); and
  - (E) how often wages and benefits are evaluated to ensure compliance with the Acts cited in subparagraph (A) and with subparagraph (B).
- (2) The equal pay compliance statement shall also indicate whether the business, in setting compensation and benefits, utilizes:
  - (A) a market pricing approach;
  - (B) State prevailing wage or union contract requirements;
  - (C) a performance pay system;
  - (D) an internal analysis; or
  - (E) an alternative approach to determine what level of wages and benefits to pay its employees. If the business uses an alternative approach, the business must provide a description of its approach.
- (3) Receipt of the equal pay compliance statement by the Director does not establish compliance with the Acts set forth in subparagraph (A).

- (3) A business that has employees in multiple locations or facilities in Illinois shall submit a single application to the Department regarding all of its operations in Illinois.
- (d) Issuance or rejection of registration certificate. After January 1, 2022, the Director must issue an equal pay registration certificate, or a statement of why the application was rejected, within 45 calendar days of receipt of the application. Applicants shall have the opportunity to cure any deficiencies in its application that led to the rejection, and re-submit the revised application to the Department within 15 calendar days of receiving a rejection. Applicants shall have the ability to appeal rejected applications. An application may be rejected only if it does not comply with the requirements of subsection (c), or the business is otherwise found to be in violation of this Act. The receipt of an application by the Department, or the issuance of a registration certificate by the Department, shall not establish compliance with the Equal Pay Act of 2003 as to all Sections except Section 11. The issuance of a registration certificate shall not be a defense against any Equal Pay Act violation found by the Department, nor a basis for mitigation of damages. The Director must issue an equal pay registration certificate, or a statement of why the application was rejected, within 45 calendar days of receipt of the application. An application may be rejected only if it does not comply with the requirements of subsection (e). The receipt of an application by the Department, or the issuance of a registration certificate by the Department, shall not establish compliance of the Equal Pay Act of 2003 as to all Sections except Section 11. The issuance of a registration certificate shall not be a defense against any Equal Pay Act violation found by the Department, nor a basis for mitigation of damages.
- (e) Revocation of registration certificate. An equal pay registration certificate for a business may be suspended or revoked by the Director when the business fails to make a good faith effort to comply with the Acts identified in item (i) of subparagraph (B) of paragraph (1) of subsection (c), fails to make a good faith effort to comply with this Section, or has multiple violations of this Section or the Acts identified in item (i) of subparagraph (B) of paragraph (1) of subsection (c). Prior to suspending or revoking a registration certificate, the Director must first have sought to conciliate with the business regarding wages and benefits due to employees.

Consistent with Section 25, prior to or in connection with the suspension or revocation of an equal pay registration certificate, the Director, or his or her authorized representative, may interview workers, administer oaths, take or cause to be taken the depositions of witnesses, and require by subpoena the attendance and testimony of witnesses, and the production of all books, records, and other evidence relative to the matter under investigation, hearing or a department-initiated audit. subparagraph (A) of paragraph (I) of subsection (e), fails to make a good faith effort to comply with this Section, or has multiple violations of this Section or the Acts identified in subparagraph (A) of paragraph (1) of subsection (e). Prior to suspending or revoking a registration certificate, the Director must first have sought to conciliate with the business regarding wages and benefits due to employees.

The Director, or his or her authorized representative, may interview workers, administer oaths, take or cause to be taken the depositions of witnesses, and require by subpoena the attendance and testimony of witnesses, and the production of all books, records, and other evidence relative to the matter under investigation or hearing. Such subpoena shall be signed and issued by the Director or his or her authorized representative.

Upon request by the Director or his or her deputies or agents, records shall be copied and submitted for evidence at no cost to the Department. Every employer upon request shall furnish to the Director or his or her authorized representative, on demand, a sworn statement of the accuracy of the records. Any employer who refuses to furnish a sworn statement of the records is in violation of this Act.

In case of failure of any person to comply with any subpoena lawfully issued under this Section or on the refusal of any witness to produce evidence or to testify to any matter regarding which he or she may be lawfully interrogated, it is the duty of any circuit court, upon application of the Director or his or her authorized representative, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued by such court or a refusal to testify therein. The Director may certify to official acts.

Neither the Department nor the Director shall be held liable for good faith errors in issuing, denying, suspending or revoking certificates.

(f) Administrative review. A business may obtain an administrative hearing in accordance with the Illinois Administrative Procedure Act before the suspension or revocation of its certificate or imposition of civil penalties as provided by subsection (i) is effective by filing a written request for hearing within 20 calendar days after service of notice by the Director.

- (1) A business may obtain an administrative hearing in accordance with the Illinois Administrative Procedure Act before the suspension or revocation of its certificate is effective by filing a written request for hearing within 20 calendar days after service of notice by the Director.
- (2) A business may obtain an administrative hearing in accordance with the Illinois Administrative Procedure Act before the contract award entity's abridgement or termination of a contract is effective by filing a written request for a hearing 20 calendar days after service of notice by the contract award entity.
- (g) Technical assistance. The Director must provide technical assistance to any business that requests assistance regarding this Section.
- (h) Audit. The Director may audit the business's compliance with this Section. As part of an audit, upon request, a business must provide the Director the following information with respect to employees expected to perform work under the contract in each of the major job categories in the Employer Information Report EEO 1:
  - (1) number of male employees;
  - (2) number of female employees;
  - (3) average annualized salaries paid to male employees and to female employees, in the manner most consistent with the employer's compensation system, within each major job category;
  - (4) information on performance payments, benefits, or other elements of compensation, in the manner most consistent with the employer's compensation system, if requested by the Director as part of a determination as to whether these elements of compensation are different for male and female employees;
    - (5) average length of service for male and female employees in each major job category; and
  - (6) other information identified by the business or by the Director, as needed, to determine compliance with items specified in paragraph (1) of subsection (c).
  - (h) (i) Access to data.
  - (1) Any individually identifiable information submitted to the Director within or related to an equal pay registration application or otherwise provided by an employer in its equal pay compliance statement under subsection (c) shall be considered confidential information and not subject to disclosure pursuant to the Illinois Freedom of Information Act. As used in this Section, "individually identifiable information" means data submitted pursuant to this Section that is associated with a specific person or business. Aggregate data or reports that are reasonably calculated to prevent the association of any data with any individual business or person are not confidential information. Aggregate data shall include the job category and the average hourly wage by county for each gender, race, and ethnicity category on the registration certificate applications. The Department of Labor may compile aggregate data from registration certificate applications.
  - (2) The Director's decision to issue, not issue, revoke, or suspend an equal pay registration certificate is public information.
  - (3) Notwithstanding this subsection (h), a current employee of a covered business may request data regarding their job classification or title and the pay for that classification.
  - (4) Notwithstanding this subsection (h), the Department may share data and identifiable information with the Department of Human Rights, pursuant to its enforcement of Article 2 of the Illinois Human Rights Act, or the Office of the Attorney General, pursuant to its enforcement of Section 10-104 of the Illinois Human Rights Act.

Data submitted to the Director related to equal pay registration certificates or otherwise provided by an employer in its equal pay compliance statement under subsection (c) are private data on individuals or nonpublic data with respect to persons other than Department employees. The Director's decision to issue, not issue, revoke, or suspend an equal pay registration certificate is public data.

- (i) (j) Penalty. The Department shall impose on any business that does not obtain an equal pay registration certificate as required under this Section, or whose equal pay registration certificate is suspended or revoked after a Department investigation, a civil penalty in an amount equal to 1% of the business's gross profits. Falsification or misrepresentation of information on an application submitted to the Department shall constitute a violation of this Act and the Department may seek to suspend or revoke an equal pay registration certificate or impose civil penalties as provided under subsection (c) of Section 30.
- (k) Whistleblower protection. As used in this subsection, "retaliatory action" means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms and conditions of

employment of any employee of a business that is taken in retaliation for the employee's involvement in a protected activity.

- (1) A business shall not take any retaliatory action against an employee of the business because the employee does any of the following:
  - (A) Discloses or threatens to disclose to a supervisor or to a public body an activity, inaction, policy, or practice implemented by a business that the employee reasonably believes is in violation of a law, rule, or regulation.
  - (B) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by a nursing home administrator.
    - (C) Assists or participates in a proceeding to enforce the provisions of this Act.
- (2) A violation of this subsection (k) may be established only upon a finding that (i) the employee of the business engaged in conduct described in paragraph (1) of this subsection and (ii) this conduct was a contributing factor in the retaliatory action alleged by the employee. There is no violation of this Section, however, if the business demonstrates by clear and convincing evidence that it would have taken the same unfavorable personnel action in the absence of that conduct.
- (3) The employee of the business may be awarded all remedies necessary to make the employee whole and to prevent future violations of this Section. Remedies imposed by the court may include, but are not limited to, all of the following:
  - (A) Reinstatement of the employee to either the same position held before the retaliatory action or to an equivalent position.
    - (B) Two times the amount of back pay.
    - (C) Interest on the back pay.
    - (D) Reinstatement of full fringe benefits and seniority rights.
    - (E) Payment of reasonable costs and attorney's fees.
- (4) Nothing in this Section shall be deemed to diminish the rights, privileges, or remedies of an employee of a business under any other federal or State law, rule, or regulation or under any employment contract.

(Source: P.A. 101-656, eff. 3-23-21.)

(820 ILCS 112/30)

Sec. 30. Violations; fines and penalties.

- (a) If an employee is paid by his or her employer less than the wage to which he or she is entitled in violation of Section 10 or 11 of this Act, the employee may recover in a civil action the entire amount of any underpayment together with interest, compensatory damages if the employee demonstrates that the employer acted with malice or reckless indifference, punitive damages as may be appropriate, injunctive relief as may be appropriate, and the costs and reasonable attorney's fees as may be allowed by the court and as necessary to make the employee whole. At the request of the employee or on a motion of the Director, the Department may make an assignment of the wage claim in trust for the assigning employee and may bring any legal action necessary to collect the claim, and the employer shall be required to pay the costs incurred in collecting the claim. Every such action shall be brought within 5 years from the date of the underpayment. For purposes of this Act, "date of the underpayment" means each time wages are underpaid.
- (a-5) If an employer violates subsection (b), (b-5), (b-10), or (b-20) of Section 10, the employee may recover in a civil action any damages incurred, special damages not to exceed \$10,000, injunctive relief as may be appropriate, and costs and reasonable attorney's fees as may be allowed by the court and as necessary to make the employee whole. If special damages are available, an employee may recover compensatory damages only to the extent such damages exceed the amount of special damages. Such action shall be brought within 5 years from the date of the violation.
- (b) The Director is authorized to supervise the payment of the unpaid wages under subsection (a) or damages under subsection (b), (b-5), (b-10), or (b-20) of Section 10 owing to any employee or employees under this Act and may bring any legal action necessary to recover the amount of unpaid wages, damages, and penalties or to seek injunctive relief, and the employer shall be required to pay the costs. Any sums recovered by the Director on behalf of an employee under this Section shall be paid to the employee or employees affected.
- (c) Employers who violate any provision of this Act or any rule adopted under the Act are subject to a civil penalty for each employee affected as follows:

- (1) An employer with fewer than 4 employees: first offense, a fine not to exceed \$500; second offense, a fine not to exceed \$2,500; third or subsequent offense, a fine not to exceed \$5,000.
- (2) An employer with between 4 and 99 4 or more employees: first offense, a fine not to exceed \$2,500; second offense, a fine not to exceed \$3,000; third or subsequent offense, a fine not to exceed \$5,000.
- (3) An employer with 100 or more employees who violates any Section of this Act except for Section 11 shall be fined up to \$10,000 per employee affected. An employer with 100 or more employees that is a business as defined under Section 11 and commits a violation of Section 11 shall be fined up to \$10,000.

An employer or person who violates subsection (b), (b-5), (b-10), (b-20), or (c) of Section 10 is subject to a civil penalty not to exceed \$5,000 for each violation for each employee affected.

(d) In determining the amount of the penalty, the appropriateness of the penalty to the size of the business of the employer charged and the gravity of the violation shall be considered. The penalty may be recovered in a civil action brought by the Director in any circuit court. (Source: P.A. 101-177, eff. 9-29-19.)

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

## **AMENDMENT NO. 2 TO SENATE BILL 1847**

AMENDMENT NO. 2 . Amend Senate Bill 1847, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 9, line 21, by replacing ", and" with "and is required to file an Annual Employer Information Report EEO-1 with the Equal Employment Opportunity Commission, but ; and"; and

on page 10, line 23, by replacing "is" with "is subject to this Section and"; and

on page 11, line 4, by replacing "Section" with "Section. The failure of the Department to notify a business of its recertification deadline may be a mitigating factor when making a determination of a violation of this Section"; and

on page 13, line 4, by replacing "job" with "job, education or training, job location, use of a collective bargaining agreement"; and

on page 13, line 18, by replacing "evaluated" with "evaluated; and"; and

on page 13, by deleting lines 19 and 20; and

on page 13, by replacing lines 23 and 24 with "pay its employees; acceptable approaches include, but are not limited to, a wage and salary survey."; and

on page 17, line 8, by replacing "15" with "30"; and

on page 18, by replacing line 23 with "production of personnel and compensation information relative"; and

on page 22, line 24, by inserting "anonymized" after "request"; and

on page 22, by replacing line 26 with "classification. No individually identifiable information may be provided to an employee making a request under this paragraph."; and

on page 23, by inserting immediately below line 7 the following:

"(5) If the Executive Inspector General finds that any Department employee has abused his or her position by divulging confidential information received by the Department from any business pursuant to this Act, except in accordance with a proper judicial order or otherwise provided by law, that employee shall be guilty of a violation of the State Officials and Employees Ethics Act. Nothing contained in this Act prevents the Director from divulging information to any person pursuant to a request or authorization made by the business or authorized representative of the business."; and

on Page 28, by inserting immediately below line 1 the following:

"Before any imposition of a penalty under this subsection, an employer with 100 or more employees who violates item (b) of Section 11 and inadvertently fails to file an initial application or recertification shall be provided 30 calendar days by the Department to submit the application or recertification."

#### AMENDMENT NO. 4 TO SENATE BILL 1847

AMENDMENT NO. 4 . Amend Senate Bill 1847, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, on page 2, line 18, by replacing "If the Executive Inspector General finds that any" with the following:

"Any Department employee who willfully and knowingly divulges, except in accordance with a proper judicial order or otherwise provided by law, confidential information received by the Department from any business pursuant to this Act shall be deemed to have violated the State Officials and Employees Ethics Act and be subject to the penalties established under subsections (e) and (f) of Section 50-5 of that Act after investigation and opportunity for hearing before the Executive Ethics Commission in accordance with Section 20-50 of that Act"; and

on page 3, by deleting lines 1 through 9; and

on page 3, line 10, by deleting "representative of the business".

Under the rules, the foregoing **Senate Bill No. 1847**, with House Amendments numbered 1, 2 and 4, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

## SENATE BILL NO. 2088

A bill for AN ACT concerning education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2088

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

## AMENDMENT NO. 1 TO SENATE BILL 2088

AMENDMENT NO.  $\underline{1}$ . Amend Senate Bill 2088 on page 11, immediately below line 17, by inserting the following:

"(31) One member who represents an organization representing regional offices of education.".

Under the rules, the foregoing **Senate Bill No. 2088**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

## SENATE BILL NO. 2093

A bill for AN ACT concerning public employee benefits.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 2093

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

#### AMENDMENT NO. 2 TO SENATE BILL 2093

AMENDMENT NO. 2 . Amend Senate Bill 2093 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 17-105.1, 17-106, and 17-132 and by adding Section 17-134.2 as follows:

(40 ILCS 5/17-105.1)

Sec. 17-105.1. Employer. "Employer": The Board of Education, and a charter school as defined under the provisions of Section 27A-5 of the School Code, and a contract school operating pursuant to an agreement with the Board of Education.

(Source: P.A. 90-566, eff. 1-2-98.)

(40 ILCS 5/17-106) (from Ch. 108 1/2, par. 17-106)

Sec. 17-106. Contributor, member or teacher. "Contributor", "member" or "teacher": All members of the teaching force of the city, including principals, assistant principals, the general superintendent of schools, deputy superintendents of schools, associate superintendents of schools, assistant and district superintendents of schools, members of the Board of Examiners, all other persons whose employment requires a teaching certificate issued under the laws governing the certification of teachers, any educational staff employed in a contract school operating pursuant to an agreement with the Board of Education who is employed in a position requiring certification or licensure under the School Code (excluding all managerial, supervisory, and confidential employees) and is required to or elects to participate pursuant to Section 17-134.2, any educational, administrative, professional, or other staff employed in a charter school operating in compliance with the Charter Schools Law who is certified under the law governing the certification of teachers, and employees of the Board, but excluding persons contributing concurrently to any other public employee pension system in Illinois for the same employment or receiving retirement pensions under another Article of this Code for that same employment, persons employed on an hourly basis (provided that an Employer may not reclassify a non-hourly employee as an hourly employee for the purpose of evading or avoiding its obligations under this Article), and persons receiving pensions from the Fund who are employed temporarily by an Employer and not on an annual basis.

All teachers or staff regardless of their position shall presumptively be participants in the Fund, unless the Employer establishes to the satisfaction of the Board that an individual certified teacher or staff member is not working as a teacher or administrator directly or indirectly with the Charter School. Any certified teacher or staff employed by a corporate or non-profit entity engaged in the administration of a charter school shall presumptively be a participant in the Fund, unless the organization establishes to the satisfaction of the Board that an individual certified teacher or staff member is not working as a teacher or administrator directly or indirectly with the Charter School.

In the case of a person who has been making contributions and otherwise participating in this Fund prior to the effective date of this amendatory Act of the 91st General Assembly, and whose right to participate in the Fund is established or confirmed by this amendatory Act, such prior participation in the Fund, including all contributions previously made and service credits previously earned by the person, are hereby validated.

The changes made to this Section and Section 17-149 by this amendatory Act of the 92nd General Assembly apply without regard to whether the person was in service on or after the effective date of this amendatory Act, notwithstanding Sections 1-103.1 and 17-157.

(Source: P.A. 98-427, eff. 8-16-13.)

(40 ILCS 5/17-132) (from Ch. 108 1/2, par. 17-132)

Sec. 17-132. Payments and certification of salary deductions.

- (a) An Employer shall cause the Fund to receive all members' payroll records and pension contributions within 30 calendar days after each predesignated payday. For purposes of this Section, the predesignated payday shall be determined in accordance with each Employer's payroll schedule for contributions to the Fund.
- (b) An Employer that fails to timely certify and submit payroll records to the Fund is subject to a statutory penalty in the amount of \$100 per day for each day that a required certification and submission is late.

Amounts not received by the 30th calendar day after the predesignated payday shall be deemed delinquent and subject to a penalty consisting of interest, which shall accrue on a monthly basis at the

Fund's then effective actuarial rate of return, and liquidated damages in the amount of \$100 per day, not to exceed 20% of the principal contributions due, which shall be mandatory except for good cause shown and in the discretion of the Board.

An Employer in possession of member contributions deducted from payroll checks is holding Fund assets, and thus becomes a fiduciary over those assets.

- (c) The payroll records shall report (1) all pensionable salary earned in that pay period, exclusive of salaries for overtime, extracurricular activities, or any employment on an optional basis, such as in summer school; (2) adjustments to pensionable salary, exclusive of salaries for overtime, extracurricular activities, or any employment on an optional basis, such as in summer school, made in a pay period for any prior pay periods; (3) pension contributions attributable to pensionable salary earned in the reported pay period or the adjusted pay period as required by subsection (b) of Section 17-131; and (4) any salary paid by an Employer if that salary is compensation for validated service and is exclusive of salary for overtime, extracurricular activities, or any employment on an optional basis, such as in summer school. Payroll records required by item (4) of this paragraph shall identify the number of days of service rendered by the member and whether each day of service represents a partial or whole day of service.
- (d) The appropriate officers of the Employer shall certify and submit the payroll records no later than 30 calendar days after each predesignated payday. The certification shall constitute a confirmation of the accuracy of such deductions according to the provisions of this Article.

Each Charter School and contract school shall designate an administrator as a "Pension Officer". The Pension Officer shall be responsible for certifying all payroll information, including contributions due and certified sick days payable pursuant to Section 17-134, and assuring resolution of reported payroll and contribution deficiencies.

- (e) The Board has the authority to conduct payroll audits of a charter school or contract school to determine the existence of any delinquencies in contributions to the Fund, and such charter school or contract school shall be required to provide such books and records and contribution information as the Board or its authorized representative may require. The Board is also authorized to collect delinquent contributions from charter schools and contract schools and develop procedures for the collection of such delinquencies. Collection procedures may include legal proceedings in the courts of the State of Illinois. Expenses, including reasonable attorneys' fees, incurred in the collection of delinquent contributions may be assessed by the Board against the charter school or contract school.
- (f) The Fund shall provide a conditional grace period for contract schools that show evidence of timely and good faith efforts to submit payroll records and make pension contributions due between January 1, 2022 and April 1, 2022. If payroll records and pension contributions due during that time period are not submitted by April 1, 2022, the statutory penalties, liquidated damages, and interest shall be calculated from the original due date to the submission date of the pension contributions or payroll records, as applicable.

Evidence of timely and good faith efforts shall include, but are not limited to, the following:

- (1) evidence of the contract school's continuing efforts to submit payroll records and make pension contributions, both before and after the date the payroll records and pension contributions were due;
- (2) documented evidence submitted by the contract school of the contract school's continuing efforts to submit payroll records and make pension contributions;
- (3) evidence in the possession of the Fund of the contract school's continuing efforts to submit payroll records and make pension contributions; and
- (4) contact by the contract school with the Fund to seek assistance and notify the Fund of difficulties with submitting the payroll records and making the pension contributions within a period of time determined by the Board after the date the pension contributions and payroll records were due. The Fund may adopt rules to implement the changes made by this amendatory Act of the 102nd

General Assembly.

(Source: P.A. 101-261, eff. 8-9-19.) (40 ILCS 5/17-134.2 new)

Sec. 17-134.2. Employee of a contract school. Any educational staff of a contract school operating pursuant to an agreement with the Board of Education who is employed in a position requiring certification or licensure under the School Code on or after the effective date of this amendatory Act of the 102nd General Assembly (excluding all managerial, supervisory, and confidential employees) shall participate as a member beginning on January 1, 2022, unless the person began employment with the contract school before the effective date of this amendatory Act of the 102nd General Assembly.

Any educational staff employed in a contract school operating pursuant to an agreement with the Board of Education who began employment in a position requiring certification or licensure under the School Code before the effective date of this amendatory Act of the 102nd General Assembly (excluding all managerial, supervisory, and confidential employees) may irrevocably elect, in a manner prescribed by the Board, to participate as a member for service accrued after January 1, 2022 with the contract school, another contract school, a charter school, or the Board of Education. In no event shall a person accrue service for employment with a contract school that occurred before January 1, 2022.

Section 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. Effective date. This Act takes effect July 1, 2021.".

Under the rules, the foregoing **Senate Bill No. 2093**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 60

A bill for AN ACT concerning State government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 60

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

## AMENDMENT NO. 1 TO SENATE BILL 60

AMENDMENT NO.  $\underline{1}$ . Amend Senate Bill 60 by replacing line 13 on page 8 through line 20 on page 9 with the following:

"(105 ILCS 5/18-4.4) (from Ch. 122, par. 18-4.4)

Sec. 18-4.4. Tax Equivalent Grants. When any State institution is located in a school district in which the State owns 45% or more of the total land area of the district, the State Superintendent of Education shall annually direct the State Comptroller to pay the amount of the tax-equivalent grants provided in this Section, and the State Comptroller shall draw his warrant upon the State Treasurer for the payment of the grants. For fiscal year 1995 and each fiscal year thereafter, the grant shall equal 0.5% of the equalized assessed valuation of the land owned by the State (computing that equalized assessed valuation by multiplying the average value per taxable acre of the school district by the total number of acres of land owned by the State). Annually on or before September 15, 1994 and July 1, thereafter, the district superintendent shall certify to the State Board of Education the following matters:

- 1. The name of the State institution.
- 2. The total land area of the district in acres.
- 3. The total ownership of the land of the State in acres.
- 4. The total equalized assessed value of all the land in the district.
- 5. The rate of school tax payable in the year.
- 6. The computed amount of the tax-equivalent grant claimed.

Failure of any district superintendent to certify the claim for the tax-equivalent grant on or before September 15, 1994 or July 1 of a subsequent year shall constitute a forfeiture by the district of its right to such grant for the school year.

Notwithstanding any provision of law to the contrary or the disposition of State property which would affect the allocation of grants under this Section, a tax-equivalent grant may be awarded to a school district

in which the State owns 40% or more of the total land area of the district if, as of the effective date of this amendatory Act of the 102nd General Assembly, the school district would otherwise qualify for a tax-equivalent grant under this Section as a district in which the State owns 45% or more of the total land area.

(Source: P.A. 91-723, eff. 6-2-00.)".

Under the rules, the foregoing **Senate Bill No. 60**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 564

A bill for AN ACT concerning education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 564

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

## AMENDMENT NO. 1 TO SENATE BILL 564

AMENDMENT NO.  $\underline{1}$ . Amend Senate Bill 564 on page 5, by replacing lines 18 through 20 with the following:

"Illinois. The teaching of history shall include the contributions made to society by Americans of different faith practices, including, but not limited to, Muslim Americans, Jewish Americans, Christian Americans, Hindu Americans, Sikh Americans, Buddhist Americans, and any other collective community of faith that has shaped America. No pupils shall be graduated from the eighth grade of".

Under the rules, the foregoing **Senate Bill No. 564**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 662

A bill for AN ACT concerning education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 662

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

# AMENDMENT NO. 1 TO SENATE BILL 662

AMENDMENT NO.  $\underline{1}$ . Amend Senate Bill 662 by replacing everything after the enacting clause with the following:

"Section 5. The Higher Education Student Assistance Act is amended by adding Section 65.110 as follows:

(110 ILCS 947/65.110 new)

Sec. 65.110. School Social Work Shortage Loan Repayment Program.

(a) To encourage Illinois students to work, and to continue to work, as a school social worker in public school districts in this State, the Commission shall, each year, receive and consider applications for loan repayment assistance under this Section. This program shall be known as the School Social Work Shortage Loan Repayment Program. The Commission shall administer the program and shall adopt all necessary and proper rules to effectively implement the program.

- (b) Beginning July 1, 2022, subject to a separate appropriation made for such purposes, the Commission shall award a grant, up to a maximum of \$6,500, to each qualified applicant. The Commission may encourage the recipient of a grant under this Section to use the grant award for repayment of the recipient's educational loan. If an appropriation for this program for a given fiscal year is insufficient to provide grants to all qualified applicants, the Commission shall allocate the appropriation in accordance with this subsection. If funds are insufficient to provide all qualified applicants with a grant as authorized by this Section, the Commission shall allocate the available grant funds for that fiscal year to qualified applicants who submit a complete application on or before a date specified by the Commission, based on the following order of priority:
  - (1) first, to new, qualified applicants who are members of a racial minority as defined in subsection (e); and
    - (2) second, to other new, qualified applicants in accordance with this Section.
- (c) A person is a qualified applicant under this Section if he or she meets all of the following qualifications:
  - (1) The person is a United States citizen or eligible noncitizen.
  - (2) The person is a resident of this State.
  - (3) The person is a borrower with an outstanding balance due on an educational loan related to obtaining a degree in social work.
  - (4) The person has been employed as a school social worker by a public elementary school or secondary school in this State for at least 12 consecutive months.
  - (5) The person is currently employed as a school social worker by a public elementary school or secondary school in this State.
- (d) An applicant shall submit an application, in a form determined by the Commission, for grant assistance under this Section to the Commission. An applicant is required to submit, with the application, supporting documentation as the Commission may deem necessary.
- (e) Racial minorities are underrepresented as school social workers in elementary and secondary schools in Illinois, and the General Assembly finds that it is in the interest of this State to provide them priority consideration for programs that encourage their participation in this field and thereby foster a profession that is more reflective of the diversity of Illinois students and parents they will serve. A more reflective workforce in school social work allows improved outcomes for students and a better utilization of services. Therefore, the Commission shall give priority to those applicants who are members of a racial minority. In this subsection (e), "racial minority" means a person who is a citizen of the United States or a lawful permanent resident alien of the United States and who is:
  - (1) Black (a person having origins in any of the black racial groups in Africa);
  - (2) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race);
  - (3) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); or
  - (4) American Indian or Alaskan Native (a person having origins in any of the original peoples of North America).

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

Under the rules, the foregoing **Senate Bill No. 662**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 696

A bill for AN ACT concerning employment.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 696

Passed the House, as amended, May 27, 2021.

## JOHN W. HOLLMAN, Clerk of the House

## AMENDMENT NO. 2 TO SENATE BILL 696

AMENDMENT NO. 2 . Amend Senate Bill 696 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by adding Section 11-5-11 as follows:

(65 ILCS 5/11-5-11 new)

Sec. 11-5-11. Portable audiovisual rigging at special events.

(a) In municipalities that require permits for special events, no person may perform, or employ, direct or allow a person to perform, portable audiovisual rigging at a permitted special event unless the person performing such work holds a valid rigging certification from the Entertainment Technician Certification Program operated by the Entertainment Services and Technology Association.

(b) As used in this Section:

"Portable audiovisual rigging" means the temporary installation or operation of portable mechanical rigging and static rigging for the overhead suspension of portable audiovisual equipment, including, but not limited to: audio, video, lighting, backdrops, scenery, and other effects at a special event. "Portable audiovisual rigging" does not include freight handling or the transportation of heavy equipment.

"Special event" means a planned temporary aggregation of attractions, including, but not limited to, public entertainment, food and beverage service facilities, sales of souvenirs or other merchandise, or similar attractions, that is:

- (1) conducted on the public way; or
- (2) conducted primarily outdoors on property open to the public, other than the public way, and which:
  - (A) includes activities that require the issuance of a municipal temporary food establishment license, municipal special event liquor license, or similar license; or
  - (B) requires special municipal services, including, but not limited to: street closures; the provision of barricades, garbage cans, stages, or special no parking signs; special electrical services; or special police protection.

"Special event" does not include a parade or athletic event for which a separate permit is required, a neighborhood block party at which no food, beverages, or merchandise are sold; indoor or outdoor events taking place on properties owned by the Metropolitan Pier and Exposition Authority; indoor or outdoor events taking place on hotel or convention center property in the State; a citywide festival conducted under an intergovernmental agreement authorized by ordinance; a motion picture, film, or television production; the installation of tents; or hangings of banners.

(c) A home rule municipality may not regulate portable audiovisual rigging in a manner inconsistent with this Section. 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 10. The Child Labor Law is amended by adding Section 0.5 and by changing Sections 8, 10, 11, and 12 as follows:

(820 ILCS 205/0.5 new)

Sec. 0.5. Definitions. As used in this Act:

"District Superintendent of Schools" means an individual employed by a board of education in accordance with Section 10-21.4 of the School Code and shall also include the chief executive officer of a school district in a city with over 500,000 inhabitants.

"Duly authorized agent" means an individual who has been designated by a Regional or District Superintendent of Schools as their agent for the limited purpose of issuing employment certificates to minors under the age of 16, and may include officials of any public school district, charter school, or any State-recognized, non-public school.

"Regional Superintendent of Schools" means the chief administrative officer of an educational service region pursuant to Section 3A-2 of the School Code.

(820 ILCS 205/8) (from Ch. 48, par. 31.8)

Sec. 8. Authority to issue employment certificates.

(a) Notwithstanding the provisions of this Act, the Regional or District City or County Superintendent of Schools, or their duly authorized agents, are authorized to issue an employment certificate for any minor under sixteen (16) years of age, said certificate authorizing and permitting the appearance of such minor in a

play or musical comedy with a professional traveling theatrical production on the stage of a duly licensed theatre wherein not more than two performances are given in any one day and not more than eight performances are given in any one week, or nine when a holiday occurs during the week, or in a musical recital or concert: Provided, that such minor is accompanied by his parent or guardian or by a person in whose care the parent or guardian has placed the minor and whose connection with the performance or with the operation of the theatre in which the minor is to appear is limited to the care of such minor or of minors appearing therein: And provided further, that such minor shall not appear on said stage or in a musical recital or concert, attend rehearsals, or be present in connection with such appearance or rehearsals, in the theatre where the play or musical comedy is produced or in the place where the concert or recital is given, for more than a total of six (6) hours in any one day, or on more than six (6) days in any one week, or for more than a total of twenty-four (24) hours in any one week, or after the hour of 11 postmeridian; and provided further, no such minor shall be excused from attending school except as authorized pursuant to Section 26-1 of the School Code. Application for such certificate shall be made by the manager of the theatre, or by the person in the district responsible for the musical recital or concert, and by the parent or guardian of such minor to the Regional or District City or County Superintendent of Schools or his authorized agent at least fourteen (14) days in advance of such appearance. The Regional or District City or County Superintendent of Schools or his agent may issue a permit if satisfied that adequate provision has been made for the educational instruction of such minor, for safeguarding his health and for the proper moral supervision of such minor, and that proper rest and dressing room facilities are provided in the theatre for such minor.

- (b) Notwithstanding the provisions of this Act, the City or Regional or District Superintendent of Schools, or their duly authorized agents, are authorized to issue an employment certificate for any minor under 16 years of age, such certificate authorizing and permitting the appearance of such minor as a model or in a motion picture, radio or television production: Provided, that no such minor shall be excused from attending school except as authorized pursuant to Section 26-1 of The School Code. The Department of Labor shall promulgate rules and regulations to carry out the provisions of this subsection. Such rules and regulations shall be designed to protect the health and welfare of child models or actors and to insure that the conditions under which minors are employed, used or exhibited will not impair their health, welfare, development or proper education.
- (c) In situations where a minor from another state seeks to obtain an Illinois employment certificate, the Department shall work with a City or Regional or District Superintendent of Schools, or the State Superintendent of Education, or his or her duly authorized agents, to issue the certificate. The Superintendent may waive the requirement in Section 12 of this Act that a minor submit his or her application in person, if the minor resides in another state.

(Source: P.A. 96-1247, eff. 7-23-10.)

(820 ILCS 205/10) (from Ch. 48, par. 31.10)

- Sec. 10. Employment certificates shall permit employment during the school vacation or outside of school hours. The employment certificate shall be signed by the Regional or District City or County Superintendent of Schools or their duly authorized agents and shall be in such a form as to show on its face the information and evidence required by Section 11 to be filed before the certificate is issued. An original certificate and 3 copies of the certificate shall be issued and the person issuing it shall:
  - (i) mail the original to the minor's employer,
  - (ii) send copies to the State Department of Labor and to the minor's parent or legal guardian, and
    - (iii) retain a copy in his files.

(Source: P.A. 88-365.)

(820 ILCS 205/11) (from Ch. 48, par. 31.11)

Sec. 11. Employment certificate issuance; duration; revocation.

(a) The employment certificate shall be issued by the <u>Regional or District</u> City or County Superintendent of Schools or by their duly authorized agents and shall be valid for a period of one year. The person issuing these certificates shall have authority to administer the oaths provided for herein, but no fee shall be charged. It shall be the duty of the school board or local school authority, to designate a place or places where certificates shall be issued and recorded, and physical examinations made without fee, as hereinafter provided, and to establish and maintain the necessary records and clerical services for carrying out the provisions of this Act.

The issuing officer shall notify the principal of the school attended by the minor for whom an employment certificate for out of school work is issued by him.

The parent or legal guardian of a minor, or the principal of the school attended by the minor for whom an employment certificate has been issued may ask for the revocation of the certificate by petition to the Department of Labor in writing, stating the reasons he believes that the employment is interfering with the best physical, intellectual or moral development of the minor. The Department of Labor shall thereupon revoke the employment certificate by notice in writing to the employer of the minor.

(b) In situations where a minor from another state seeks to obtain an Illinois employment certificate, the Department shall work with a City or Regional or District Superintendent of Schools, or the State Superintendent of Education, or his or her duly authorized agents, to issue the certificate. The Superintendent may waive the requirement in Section 12 of this Act that a minor submit his or her application in person, if the minor resides in another state.

(Source: P.A. 96-1247, eff. 7-23-10.)

(820 ILCS 205/12) (from Ch. 48, par. 31.12)

- Sec. 12. The person authorized to issue employment certificates shall issue a certificate only after examining and approving the written application and other papers required under this Section. The application shall be signed by the applicant's parent or legal guardian. The application shall be submitted in person by the minor desiring employment, unless the issuing officer determines that the minor may utilize a remote application process. The minor shall be accompanied by his or her parent, guardian, or custodian, whether applying in person or remotely. The following papers shall be submitted with the application:
- 1. A statement of intention to employ signed by the prospective employer, or by someone duly authorized by him, setting forth the specific nature of the occupation in which he intends to employ such minor and the exact hours of the day and number of hours per day and days per week during which the minor shall be employed.
- 2. Evidence of age showing that the minor is of the age required by this Act, which evidence shall be documentary, and shall be required in the order designated, as follows:
  - a. a birth certificate or transcript thereof furnished by the State or County or a signed statement of the recorded date and place of birth issued by a registrar of vital records, or other officer charged with the duty of recording births, such registration having been completed within 10 years after the date of birth;
  - b. a certificate of baptism, or transcript thereof, duly certified, showing the date of birth and place of baptism of the child;
  - c. other documentary proof of age (other than a school record or an affidavit of age) such as a bona fide record of the date and place of the child's birth, kept in the Bible in which the records of births, marriages and deaths in the family of the child are preserved; a certificate of confirmation or other church ceremony at least one year old, showing the age of the child and the date and place of the confirmation or ceremony; or a certificate of arrival in the United States, issued by the United States Immigration Officer, showing the age of the child; or a life insurance policy at least one year old showing the age of the child;
  - d. If none of the proofs of age described in items a, b and c are obtainable, and only in that case, the issuing officer may accept a certificate signed by a physician, who shall be a public health officer or a public school physician, stating that he has examined the child and that in his opinion the child is at least of the age required by this Act. The certificate shall show the height and weight of the child, the condition of the child's teeth, and any other facts concerning the child's physical development revealed by the examination and upon which his opinion as to the child's age is based, and shall be accompanied by a school record of age.
- 3. A statement on a form approved by the Department of Labor and signed by the principal of the school that the minor attends, or during school holidays when the principal is not available, then by the Regional or District Superintendent of Schools regional superintendent of schools or by a person designated by him for that purpose, showing the minor's name, address, social security number, grade last completed, and the names of his parents, provided that the statement shall be required only in the case of a minor who is employed on school days outside school hours, or on Saturdays or other school holidays during the school term.
- 4. A statement of physical fitness signed by a public health or public school physician who has examined the minor, certifying that the minor is physically fit to be employed in all legal occupations or to be employed in legal occupations under limitations specified. If the statement of physical fitness is limited,

the employment certificate issued thereon shall state clearly the limitations upon its use, and shall be valid only when used under the limitations so stated.

In any case where the physician deems it advisable he may issue a certificate of physical fitness for a specified period of time, at the expiration of which the person for whom it was issued shall appear and be re-examined before being permitted to continue work.

Examinations shall be made in accordance with the standards and procedures prescribed by the State Director of the Department of Labor, in consultation with the State Director of the Department of Public Health and the State Superintendent of Education, and shall be recorded on a form furnished by the Department of Labor. When made by public health or public school physicians, the examination shall be made without charge to the minor. In case a public health or public school physician is not available, a statement from a private physician who has examined the minor may be accepted, provided that the examination is made in accordance with the standards and procedures established by the Department of Labor.

If the issuing officer refuses to issue a certificate to a minor, the issuing officer shall send to the principal of the school last attended by the minor the name and address of the minor and the reason for the refusal to issue the certificate.

(Source: P.A. 87-895; 88-365.)

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

Under the rules, the foregoing **Senate Bill No. 696**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1305

A bill for AN ACT concerning education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1305

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

# AMENDMENT NO. 1 TO SENATE BILL 1305

AMENDMENT NO. 1. Amend Senate Bill 1305 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 19-1 as follows:

(105 ILCS 5/19-1)

Sec. 19-1. Debt limitations of school districts.

(a) School districts shall not be subject to the provisions limiting their indebtedness prescribed in the Local Government Debt Limitation Act.

No school districts maintaining grades K through 8 or 9 through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 6.9% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

No school districts maintaining grades K through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 13.8% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

No partial elementary unit district, as defined in Article 11E of this Code, shall become indebted in any manner or for any purpose in an amount, including existing indebtedness, in the aggregate exceeding 6.9% of the value of the taxable property of the entire district, to be ascertained by the last assessment for State and county taxes, plus an amount, including existing indebtedness, in the aggregate exceeding 6.9% of the value of the taxable property of that portion of the district included in the elementary and high school classification, to be ascertained by the last assessment for State and county taxes. Moreover, no partial elementary unit district, as defined in Article 11E of this Code, shall become indebted on account of bonds issued by the district for high school purposes in the aggregate exceeding 6.9% of the value of the taxable property of the entire district, to be ascertained by the last assessment for State and county taxes, nor shall the district become indebted on account of bonds issued by the district for elementary purposes in the aggregate exceeding 6.9% of the value of the taxable property for that portion of the district included in the elementary and high school classification, to be ascertained by the last assessment for State and county taxes.

Notwithstanding the provisions of any other law to the contrary, in any case in which the voters of a school district have approved a proposition for the issuance of bonds of such school district at an election held prior to January 1, 1979, and all of the bonds approved at such election have not been issued, the debt limitation applicable to such school district during the calendar year 1979 shall be computed by multiplying the value of taxable property therein, including personal property, as ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness, by the percentage limitation applicable to such school district under the provisions of this subsection (a).

- (a-5) After January 1, 2018, no school district may issue bonds under Sections 19-2 through 19-7 of this Code and rely on an exception to the debt limitations in this Section unless it has complied with the requirements of Section 21 of the Bond Issue Notification Act and the bonds have been approved by referendum.
- (b) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, additional indebtedness may be incurred in an amount not to exceed the estimated cost of acquiring or improving school sites or constructing and equipping additional building facilities under the following conditions:
  - (1) Whenever the enrollment of students for the next school year is estimated by the board of education to increase over the actual present enrollment by not less than 35% or by not less than 200 students or the actual present enrollment of students has increased over the previous school year by not less than 35% or by not less than 200 students and the board of education determines that additional school sites or building facilities are required as a result of such increase in enrollment; and
  - (2) When the Regional Superintendent of Schools having jurisdiction over the school district and the State Superintendent of Education concur in such enrollment projection or increase and approve the need for such additional school sites or building facilities and the estimated cost thereof; and
  - (3) When the voters in the school district approve a proposition for the issuance of bonds for the purpose of acquiring or improving such needed school sites or constructing and equipping such needed additional building facilities at an election called and held for that purpose. Notice of such an election shall state that the amount of indebtedness proposed to be incurred would exceed the debt limitation otherwise applicable to the school district. The ballot for such proposition shall state what percentage of the equalized assessed valuation will be outstanding in bonds if the proposed issuance of bonds is approved by the voters; or
  - (4) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if the school board determines that additional facilities are needed to provide a quality educational program and not less than 2/3 of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose; or
  - (5) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if (i) the school district has previously availed itself of the provisions of paragraph (4) of this subsection (b) to enable it to issue bonds, (ii) the voters of the school district have not defeated a proposition for the issuance of bonds since the referendum described in paragraph (4) of this subsection (b) was held, (iii) the school board determines that additional facilities are needed to provide a quality educational program, and (iv) a majority of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose.

In no event shall the indebtedness incurred pursuant to this subsection (b) and the existing indebtedness of the school district exceed 15% of the value of the taxable property therein to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979.

The indebtedness provided for by this subsection (b) shall be in addition to and in excess of any other debt limitation.

- (c) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, in any case in which a public question for the issuance of bonds of a proposed school district maintaining grades kindergarten through 12 received at least 60% of the valid ballots cast on the question at an election held on or prior to November 8, 1994, and in which the bonds approved at such election have not been issued, the school district pursuant to the requirements of Section 11A-10 (now repealed) may issue the total amount of bonds approved at such election for the purpose stated in the question.
- (d) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) and (2) of this subsection (d) may incur an additional indebtedness in an amount not to exceed \$4,500,000, even though the amount of the additional indebtedness authorized by this subsection (d), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (d), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable to that district under subsection (a):
  - (1) The additional indebtedness authorized by this subsection (d) is incurred by the school district through the issuance of bonds under and in accordance with Section 17-2.11a for the purpose of replacing a school building which, because of mine subsidence damage, has been closed as provided in paragraph (2) of this subsection (d) or through the issuance of bonds under and in accordance with Section 19-3 for the purpose of increasing the size of, or providing for additional functions in, such replacement school buildings, or both such purposes.
  - (2) The bonds issued by the school district as provided in paragraph (1) above are issued for the purposes of construction by the school district of a new school building pursuant to Section 17-2.11, to replace an existing school building that, because of mine subsidence damage, is closed as of the end of the 1992-93 school year pursuant to action of the regional superintendent of schools of the educational service region in which the district is located under Section 3-14.22 or are issued for the purpose of increasing the size of, or providing for additional functions in, the new school building being constructed to replace a school building closed as the result of mine subsidence damage, or both such purposes.
  - (e) (Blank).
- (f) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds in not to exceed the aggregate amount of \$5,500,000 and issued by a school district meeting the following criteria shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness:
  - (1) At the time of the sale of such bonds, the board of education of the district shall have determined by resolution that the enrollment of students in the district is projected to increase by not less than 7% during each of the next succeeding 2 school years.
  - (2) The board of education shall also determine by resolution that the improvements to be financed with the proceeds of the bonds are needed because of the projected enrollment increases.
  - (3) The board of education shall also determine by resolution that the projected increases in enrollment are the result of improvements made or expected to be made to passenger rail facilities located in the school district.

Notwithstanding the provisions of subsection (a) of this Section or of any other law, a school district that has availed itself of the provisions of this subsection (f) prior to July 22, 2004 (the effective date of Public Act 93-799) may also issue bonds approved by referendum up to an amount, including existing indebtedness, not exceeding 25% of the equalized assessed value of the taxable property in the district if all of the conditions set forth in items (1), (2), and (3) of this subsection (f) are met.

(g) Notwithstanding the provisions of subsection (a) of this Section or any other law, bonds in not to exceed an aggregate amount of 25% of the equalized assessed value of the taxable property of a school district and issued by a school district meeting the criteria in paragraphs (i) through (iv) of this subsection

shall not be considered indebtedness for purposes of any statutory limitation and may be issued pursuant to resolution of the school board in an amount or amounts, including existing indebtedness, in excess of any statutory limitation of indebtedness heretofore or hereafter imposed:

- (i) The bonds are issued for the purpose of constructing a new high school building to replace two adjacent existing buildings which together house a single high school, each of which is more than 65 years old, and which together are located on more than 10 acres and less than 11 acres of property.
- (ii) At the time the resolution authorizing the issuance of the bonds is adopted, the cost of constructing a new school building to replace the existing school building is less than 60% of the cost of repairing the existing school building.
  - (iii) The sale of the bonds occurs before July 1, 1997.
- (iv) The school district issuing the bonds is a unit school district located in a county of less than 70,000 and more than 50,000 inhabitants, which has an average daily attendance of less than 1,500 and an equalized assessed valuation of less than \$29,000,000.
- (h) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27.6% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:
  - (i) The school district has an equalized assessed valuation for calendar year 1995 of less than \$24,000,000;
  - (ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which buildings were originally constructed not less than 40 years ago;
  - (iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after March 19, 1996; and
    - (iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.
- (i) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:
  - (i) The school district has an equalized assessed valuation for calendar year 1995 of less than \$44,600,000:
  - (ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which existing buildings were originally constructed not less than 80 years ago;
  - (iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after December 31, 1996; and
    - (iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.
- (j) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:
  - (i) The school district has an equalized assessed valuation for calendar year 1995 of less than \$140,000,000 and a best 3 months average daily attendance for the 1995-96 school year of at least 2,800;
  - (ii) The bonds are issued to purchase a site and build and equip a new high school, and the school district's existing high school was originally constructed not less than 35 years prior to the sale of the bonds:
  - (iii) At the time of the sale of the bonds, the board of education determines by resolution that a new high school is needed because of projected enrollment increases;
  - (iv) At least 60% of those voting in an election held after December 31, 1996 approve a proposition for the issuance of the bonds; and
    - (v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.
- (k) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (4) of this subsection (k) may issue bonds to incur an additional indebtedness in an amount not to exceed \$4,000,000 even though the amount of the additional indebtedness authorized by this subsection (k), when incurred and added to the aggregate amount

of indebtedness of the school district existing immediately prior to the school district incurring such additional indebtedness, causes the aggregate indebtedness of the school district to exceed or increases the amount by which the aggregate indebtedness of the district already exceeds the debt limitation otherwise applicable to that school district under subsection (a):

- (1) the school district is located in 2 counties, and a referendum to authorize the additional indebtedness was approved by a majority of the voters of the school district voting on the proposition to authorize that indebtedness:
- (2) the additional indebtedness is for the purpose of financing a multi-purpose room addition to the existing high school;
- (3) the additional indebtedness, together with the existing indebtedness of the school district, shall not exceed 17.4% of the value of the taxable property in the school district, to be ascertained by the last assessment for State and county taxes; and
- (4) the bonds evidencing the additional indebtedness are issued, if at all, within 120 days of August 14, 1998 (the effective date of Public Act 90-757).
- (I) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 2000, a school district maintaining grades kindergarten through 8 may issue bonds up to an amount, including existing indebtedness, not exceeding 15% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:
  - (i) the district has an equalized assessed valuation for calendar year 1996 of less than \$10,000,000;
  - (ii) the bonds are issued for capital improvement, renovation, rehabilitation, or replacement of one or more school buildings of the district, which buildings were originally constructed not less than 70 years ago;
  - (iii) the voters of the district approve a proposition for the issuance of the bonds at a referendum held on or after March 17, 1998; and
    - (iv) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.
- (m) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, an elementary school district maintaining grades K through 8 may issue bonds up to an amount, excluding existing indebtedness, not exceeding 18% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:
  - (i) The school district has an equalized assessed valuation for calendar year 1995 or less than \$7.700.000;
  - (ii) The school district operates 2 elementary attendance centers that until 1976 were operated as the attendance centers of 2 separate and district school districts;
  - (iii) The bonds are issued for the construction of a new elementary school building to replace an existing multi-level elementary school building of the school district that is not accessible at all levels and parts of which were constructed more than 75 years ago;
  - (iv) The voters of the school district approve a proposition for the issuance of the bonds at a referendum held after July 1, 1998; and
    - (v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.
- (n) Notwithstanding the debt limitation prescribed in subsection (a) of this Section or any other provisions of this Section or of any other law, a school district that meets all of the criteria set forth in paragraphs (i) through (vi) of this subsection (n) may incur additional indebtedness by the issuance of bonds in an amount not exceeding the amount certified by the Capital Development Board to the school district as provided in paragraph (iii) of this subsection (n), even though the amount of the additional indebtedness so authorized, when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (n), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable by law to that district:
  - (i) The school district applies to the State Board of Education for a school construction project grant and submits a district facilities plan in support of its application pursuant to Section 5-20 of the School Construction Law.
  - (ii) The school district's application and facilities plan are approved by, and the district receives a grant entitlement for a school construction project issued by, the State Board of Education under the School Construction Law.

- (iii) The school district has exhausted its bonding capacity or the unused bonding capacity of the district is less than the amount certified by the Capital Development Board to the district under Section 5-15 of the School Construction Law as the dollar amount of the school construction project's cost that the district will be required to finance with non-grant funds in order to receive a school construction project grant under the School Construction Law.
- (iv) The bonds are issued for a "school construction project", as that term is defined in Section 5-5 of the School Construction Law, in an amount that does not exceed the dollar amount certified, as provided in paragraph (iii) of this subsection (n), by the Capital Development Board to the school district under Section 5-15 of the School Construction Law.
- (v) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after the criteria specified in paragraphs (i) and (iii) of this subsection (n) are met.
  - (vi) The bonds are issued pursuant to Sections 19-2 through 19-7 of the School Code.
- (o) Notwithstanding any other provisions of this Section or the provisions of any other law, until November 1, 2007, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 20% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:
  - (i) the school district has an equalized assessed valuation for calendar year 2001 of at least \$737,000,000 and an enrollment for the 2002-2003 school year of at least 8,500;
  - (ii) the bonds are issued to purchase school sites, build and equip a new high school, build and equip a new junior high school, build and equip 5 new elementary schools, and make technology and other improvements and additions to existing schools;
  - (iii) at the time of the sale of the bonds, the board of education determines by resolution that the sites and new or improved facilities are needed because of projected enrollment increases;
  - (iv) at least 57% of those voting in a general election held prior to January 1, 2003 approved a proposition for the issuance of the bonds; and
    - (v) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.
- (p) Notwithstanding any other provisions of this Section or the provisions of any other law, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:
  - (i) The school district has an equalized assessed valuation for calendar year 2001 of at least \$295,741,187 and a best 3 months' average daily attendance for the 2002-2003 school year of at least 2.394.
  - (ii) The bonds are issued to build and equip 3 elementary school buildings; build and equip one middle school building; and alter, repair, improve, and equip all existing school buildings in the district.
  - (iii) At the time of the sale of the bonds, the board of education determines by resolution that the project is needed because of expanding growth in the school district and a projected enrollment increase.
    - (iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.
- (p-5) Notwithstanding any other provisions of this Section or the provisions of any other law, bonds issued by a community unit school district maintaining grades K through 12 shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness, if all of the following conditions are met:
  - (i) For each of the 4 most recent years, residential property comprises more than 80% of the equalized assessed valuation of the district.
  - (ii) At least 2 school buildings that were constructed 40 or more years prior to the issuance of the bonds will be demolished and will be replaced by new buildings or additions to one or more existing buildings.
  - (iii) Voters of the district approve a proposition for the issuance of the bonds at a regularly scheduled election.
  - (iv) At the time of the sale of the bonds, the school board determines by resolution that the new buildings or building additions are needed because of an increase in enrollment projected by the school board.

- (v) The principal amount of the bonds, including existing indebtedness, does not exceed 25% of the equalized assessed value of the taxable property in the district.
- (vi) The bonds are issued prior to January 1, 2007, pursuant to Sections 19-2 through 19-7 of this Code.
- (p-10) Notwithstanding any other provisions of this Section or the provisions of any other law, bonds issued by a community consolidated school district maintaining grades K through 8 shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness, if all of the following conditions are met:
  - (i) For each of the 4 most recent years, residential and farm property comprises more than 80% of the equalized assessed valuation of the district.
  - (ii) The bond proceeds are to be used to acquire and improve school sites and build and equip a school building.
  - (iii) Voters of the district approve a proposition for the issuance of the bonds at a regularly scheduled election.
  - (iv) At the time of the sale of the bonds, the school board determines by resolution that the school sites and building additions are needed because of an increase in enrollment projected by the school board.
  - (v) The principal amount of the bonds, including existing indebtedness, does not exceed 20% of the equalized assessed value of the taxable property in the district.
  - (vi) The bonds are issued prior to January 1, 2007, pursuant to Sections 19-2 through 19-7 of this Code.
- (p-15) In addition to all other authority to issue bonds, the Oswego Community Unit School District Number 308 may issue bonds with an aggregate principal amount not to exceed \$450,000,000, but only if all of the following conditions are met:
  - (i) The voters of the district have approved a proposition for the bond issue at the general election held on November 7, 2006.
    - (ii) At the time of the sale of the bonds, the school board determines, by resolution, that: (A) the building and equipping of the new high school building, new junior high school buildings, new elementary school buildings, early childhood building, maintenance building, transportation facility, and additions to existing school buildings, the altering, repairing, equipping, and provision of technology improvements to existing school buildings, and the acquisition and improvement of school sites, as the case may be, are required as a result of a projected increase in the enrollment of students in the district; and (B) the sale of bonds for these purposes is authorized by legislation that exempts the debt incurred on the bonds from the district's statutory debt limitation.
    - (iii) The bonds are issued, in one or more bond issues, on or before November 7, 2011, but the aggregate principal amount issued in all such bond issues combined must not exceed \$450,000,000.
      - (iv) The bonds are issued in accordance with this Article 19.
    - (v) The proceeds of the bonds are used only to accomplish those projects approved by the voters at the general election held on November 7, 2006.

The debt incurred on any bonds issued under this subsection (p-15) shall not be considered indebtedness for purposes of any statutory debt limitation.

- (p-20) In addition to all other authority to issue bonds, the Lincoln-Way Community High School District Number 210 may issue bonds with an aggregate principal amount not to exceed \$225,000,000, but only if all of the following conditions are met:
  - (i) The voters of the district have approved a proposition for the bond issue at the general primary election held on March 21, 2006.
  - (ii) At the time of the sale of the bonds, the school board determines, by resolution, that: (A) the building and equipping of the new high school buildings, the altering, repairing, and equipping of existing school buildings, and the improvement of school sites, as the case may be, are required as a result of a projected increase in the enrollment of students in the district; and (B) the sale of bonds for these purposes is authorized by legislation that exempts the debt incurred on the bonds from the district's statutory debt limitation.
  - (iii) The bonds are issued, in one or more bond issues, on or before March 21, 2011, but the aggregate principal amount issued in all such bond issues combined must not exceed \$225,000,000.
    - (iv) The bonds are issued in accordance with this Article 19.

(v) The proceeds of the bonds are used only to accomplish those projects approved by the voters at the primary election held on March 21, 2006.

The debt incurred on any bonds issued under this subsection (p-20) shall not be considered indebtedness for purposes of any statutory debt limitation.

- (p-25) In addition to all other authority to issue bonds, Rochester Community Unit School District 3A may issue bonds with an aggregate principal amount not to exceed \$18,500,000, but only if all of the following conditions are met:
  - (i) The voters of the district approve a proposition for the bond issuance at the general primary election held in 2008.
  - (ii) At the time of the sale of the bonds, the school board determines, by resolution, that: (A) the building and equipping of a new high school building; the addition of classrooms and support facilities at the high school, middle school, and elementary school; the altering, repairing, and equipping of existing school buildings; and the improvement of school sites, as the case may be, are required as a result of a projected increase in the enrollment of students in the district; and (B) the sale of bonds for these purposes is authorized by a law that exempts the debt incurred on the bonds from the district's statutory debt limitation.
  - (iii) The bonds are issued, in one or more bond issues, on or before December 31, 2012, but the aggregate principal amount issued in all such bond issues combined must not exceed \$18,500,000.
    - (iv) The bonds are issued in accordance with this Article 19.
  - (v) The proceeds of the bonds are used to accomplish only those projects approved by the voters at the primary election held in 2008.

The debt incurred on any bonds issued under this subsection (p-25) shall not be considered indebtedness for purposes of any statutory debt limitation.

- (p-30) In addition to all other authority to issue bonds, Prairie Grove Consolidated School District 46 may issue bonds with an aggregate principal amount not to exceed \$30,000,000, but only if all of the following conditions are met:
  - (i) The voters of the district approve a proposition for the bond issuance at an election held in 2008.
  - (ii) At the time of the sale of the bonds, the school board determines, by resolution, that (A) the building and equipping of a new school building and additions to existing school buildings are required as a result of a projected increase in the enrollment of students in the district and (B) the altering, repairing, and equipping of existing school buildings are required because of the age of the existing school buildings.
  - (iii) The bonds are issued, in one or more bond issuances, on or before December 31, 2012; however, the aggregate principal amount issued in all such bond issuances combined must not exceed \$30,000,000.
    - (iv) The bonds are issued in accordance with this Article.
  - (v) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held in 2008.

The debt incurred on any bonds issued under this subsection (p-30) shall not be considered indebtedness for purposes of any statutory debt limitation.

- (p-35) In addition to all other authority to issue bonds, Prairie Hill Community Consolidated School District 133 may issue bonds with an aggregate principal amount not to exceed \$13,900,000, but only if all of the following conditions are met:
  - (i) The voters of the district approved a proposition for the bond issuance at an election held on April 17, 2007.
  - (ii) At the time of the sale of the bonds, the school board determines, by resolution, that (A) the improvement of the site of and the building and equipping of a school building are required as a result of a projected increase in the enrollment of students in the district and (B) the repairing and equipping of the Prairie Hill Elementary School building is required because of the age of that school building.
  - (iii) The bonds are issued, in one or more bond issuances, on or before December 31, 2011, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$13,900,000.
    - (iv) The bonds are issued in accordance with this Article.
  - (v) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on April 17, 2007.

The debt incurred on any bonds issued under this subsection (p-35) shall not be considered indebtedness for purposes of any statutory debt limitation.

- (p-40) In addition to all other authority to issue bonds, Mascoutah Community Unit District 19 may issue bonds with an aggregate principal amount not to exceed \$55,000,000, but only if all of the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at a regular election held on or after November 4, 2008.
  - (2) At the time of the sale of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new high school building is required as a result of a projected increase in the enrollment of students in the district and the age and condition of the existing high school building, (ii) the existing high school building will be demolished, and (iii) the sale of bonds is authorized by statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
  - (3) The bonds are issued, in one or more bond issuances, on or before December 31, 2011, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$55,000,000.
    - (4) The bonds are issued in accordance with this Article.
  - (5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at a regular election held on or after November 4, 2008.

The debt incurred on any bonds issued under this subsection (p-40) shall not be considered indebtedness for purposes of any statutory debt limitation.

- (p-45) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds issued pursuant to Section 19-3.5 of this Code shall not be considered indebtedness for purposes of any statutory limitation if the bonds are issued in an amount or amounts, including existing indebtedness of the school district, not in excess of 18.5% of the value of the taxable property in the district to be ascertained by the last assessment for State and county taxes.
- (p-50) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds issued pursuant to Section 19-3.10 of this Code shall not be considered indebtedness for purposes of any statutory limitation if the bonds are issued in an amount or amounts, including existing indebtedness of the school district, not in excess of 43% of the value of the taxable property in the district to be ascertained by the last assessment for State and county taxes.
- (p-55) In addition to all other authority to issue bonds, Belle Valley School District 119 may issue bonds with an aggregate principal amount not to exceed \$47,500,000, but only if all of the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at an election held on or after April 7, 2009.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of mine subsidence in an existing school building and because of the age and condition of another existing school building and (ii) the issuance of bonds is authorized by statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
  - (3) The bonds are issued, in one or more bond issuances, on or before March 31, 2014, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$47,500,000.
    - (4) The bonds are issued in accordance with this Article.
  - (5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after April 7, 2009.

The debt incurred on any bonds issued under this subsection (p-55) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-55) must mature within not to exceed 30 years from their date, notwithstanding any other law to the contrary.

- (p-60) In addition to all other authority to issue bonds, Wilmington Community Unit School District Number 209-U may issue bonds with an aggregate principal amount not to exceed \$2,285,000, but only if all of the following conditions are met:
  - (1) The proceeds of the bonds are used to accomplish only those projects approved by the voters at the general primary election held on March 21, 2006.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the projects approved by the voters were and are required because of the age and condition of the school

district's prior and existing school buildings and (ii) the issuance of the bonds is authorized by legislation that exempts the debt incurred on the bonds from the district's statutory debt limitation.

(3) The bonds are issued in one or more bond issuances on or before March 1, 2011, but the aggregate principal amount issued in all those bond issuances combined must not exceed \$2,285,000.

(4) The bonds are issued in accordance with this Article.

The debt incurred on any bonds issued under this subsection (p-60) shall not be considered indebtedness for purposes of any statutory debt limitation.

- (p-65) In addition to all other authority to issue bonds, West Washington County Community Unit School District 10 may issue bonds with an aggregate principal amount not to exceed \$32,200,000 and maturing over a period not exceeding 25 years, but only if all of the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at an election held on or after February 2, 2010.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that (A) all or a portion of the existing Okawville Junior/Senior High School Building will be demolished; (B) the building and equipping of a new school building to be attached to and the alteration, repair, and equipping of the remaining portion of the Okawville Junior/Senior High School Building is required because of the age and current condition of that school building; and (C) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
  - (3) The bonds are issued, in one or more bond issuances, on or before March 31, 2014, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$32,200,000.
    - (4) The bonds are issued in accordance with this Article.
  - (5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after February 2, 2010.

The debt incurred on any bonds issued under this subsection (p-65) shall not be considered indebtedness for purposes of any statutory debt limitation.

- (p-70) In addition to all other authority to issue bonds, Cahokia Community Unit School District 187 may issue bonds with an aggregate principal amount not to exceed \$50,000,000, but only if all the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at an election held on or after November 2, 2010.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of the age and condition of an existing school building and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
  - (3) The bonds are issued, in one or more issuances, on or before July 1, 2016, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$50,000,000.
    - (4) The bonds are issued in accordance with this Article.
  - (5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after November 2, 2010.

The debt incurred on any bonds issued under this subsection (p-70) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-70) must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(p-75) Notwithstanding the debt limitation prescribed in subsection (a) of this Section or any other provisions of this Section or of any other law, the execution of leases on or after January 1, 2007 and before July 1, 2011 by the Board of Education of Peoria School District 150 with a public building commission for leases entered into pursuant to the Public Building Commission Act shall not be considered indebtedness for purposes of any statutory debt limitation.

This subsection (p-75) applies only if the State Board of Education or the Capital Development Board makes one or more grants to Peoria School District 150 pursuant to the School Construction Law. The amount exempted from the debt limitation as prescribed in this subsection (p-75) shall be no greater than the amount of one or more grants awarded to Peoria School District 150 by the State Board of Education or the Capital Development Board.

(p-80) In addition to all other authority to issue bonds, Ridgeland School District 122 may issue bonds with an aggregate principal amount not to exceed \$50,000,000 for the purpose of refunding or continuing to

refund bonds originally issued pursuant to voter approval at the general election held on November 7, 2000, and the debt incurred on any bonds issued under this subsection (p-80) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-80) may be issued in one or more issuances and must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

- (p-85) In addition to all other authority to issue bonds, Hall High School District 502 may issue bonds with an aggregate principal amount not to exceed \$32,000,000, but only if all the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at an election held on or after April 9, 2013.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of the age and condition of an existing school building, (ii) the existing school building should be demolished in its entirety or the existing school building should be demolished except for the 1914 west wing of the building, and (iii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
  - (3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$32,000,000.
    - (4) The bonds are issued in accordance with this Article.
  - (5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after April 9, 2013.

The debt incurred on any bonds issued under this subsection (p-85) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-85) must mature within not to exceed 30 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

- (p-90) In addition to all other authority to issue bonds, Lebanon Community Unit School District 9 may issue bonds with an aggregate principal amount not to exceed \$7,500,000, but only if all of the following conditions are met:
  - (1) The voters of the district approved a proposition for the bond issuance at the general primary election on February 2,2010.
  - (2) At or prior to the time of the sale of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new elementary school building is required as a result of a projected increase in the enrollment of students in the district and the age and condition of the existing Lebanon Elementary School building, (ii) a portion of the existing Lebanon Elementary School building will be demolished and the remaining portion will be altered, repaired, and equipped, and (iii) the sale of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
  - (3) The bonds are issued, in one or more bond issuances, on or before April 1, 2014, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$7,500,000.
    - (4) The bonds are issued in accordance with this Article.
  - (5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at the general primary election held on February 2, 2010.

The debt incurred on any bonds issued under this subsection (p-90) shall not be considered indebtedness for purposes of any statutory debt limitation.

- (p-95) In addition to all other authority to issue bonds, Monticello Community Unit School District 25 may issue bonds with an aggregate principal amount not to exceed \$35,000,000, but only if all of the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at an election held on or after November 4, 2014.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of the age and condition of an existing school building and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
  - (3) The bonds are issued, in one or more issuances, on or before July 1, 2020, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$35,000,000.

- (4) The bonds are issued in accordance with this Article.
- (5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after November 4, 2014.

The debt incurred on any bonds issued under this subsection (p-95) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-95) must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

- (p-100) In addition to all other authority to issue bonds, the community unit school district created in the territory comprising Milford Community Consolidated School District 280 and Milford Township High School District 233, as approved at the general primary election held on March 18, 2014, may issue bonds with an aggregate principal amount not to exceed \$17,500,000, but only if all the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at an election held on or after November 4, 2014.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of the age and condition of an existing school building and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
  - (3) The bonds are issued, in one or more issuances, on or before July 1, 2020, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$17,500,000.
    - (4) The bonds are issued in accordance with this Article.
  - (5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after November 4, 2014.

The debt incurred on any bonds issued under this subsection (p-100) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-100) must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

- (p-105) In addition to all other authority to issue bonds, North Shore School District 112 may issue bonds with an aggregate principal amount not to exceed \$150,000,000, but only if all of the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at an election held on or after March 15, 2016.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of new buildings and improving the sites thereof and the building and equipping of additions to, altering, repairing, equipping, and renovating existing buildings and improving the sites thereof are required as a result of the age and condition of the district's existing buildings and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
  - (3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$150,000,000.
    - (4) The bonds are issued in accordance with this Article.
  - (5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after March 15, 2016.

The debt incurred on any bonds issued under this subsection (p-105) and on any bonds issued to refund or continue to refund such bonds shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-105) and any bonds issued to refund or continue to refund such bonds must mature within not to exceed 30 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

- (p-110) In addition to all other authority to issue bonds, Sandoval Community Unit School District 501 may issue bonds with an aggregate principal amount not to exceed \$2,000,000, but only if all of the following conditions are met:
  - (1) The voters of the district approved a proposition for the bond issuance at an election held on March 20, 2012.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of a new school building is required because of the age and current condition

of the Sandoval Elementary School building and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

- (3) The bonds are issued, in one or more bond issuances, on or before March 19, 2022, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$2,000,000.
  - (4) The bonds are issued in accordance with this Article.
- (5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at the election held on March 20, 2012.

The debt incurred on any bonds issued under this subsection (p-110) and on any bonds issued to refund or continue to refund the bonds shall not be considered indebtedness for purposes of any statutory debt limitation.

- (p-115) In addition to all other authority to issue bonds, Bureau Valley Community Unit School District 340 may issue bonds with an aggregate principal amount not to exceed \$25,000,000, but only if all of the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at an election held on or after March 15, 2016.
  - (2) Prior to the issuances of the bonds, the school board determines, by resolution, that (i) the renovating and equipping of some existing school buildings, the building and equipping of new school buildings, and the demolishing of some existing school buildings are required as a result of the age and condition of existing school buildings and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
  - (3) The bonds are issued, in one or more issuances, on or before July 1, 2021, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$25,000,000.
    - (4) The bonds are issued in accordance with this Article.
  - (5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after March 15, 2016.

The debt incurred on any bonds issued under this subsection (p-115) shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-115) must mature within not to exceed 30 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

- (p-120) In addition to all other authority to issue bonds, Paxton-Buckley-Loda Community Unit School District 10 may issue bonds with an aggregate principal amount not to exceed \$28,500,000, but only if all the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at an election held on or after November 8, 2016.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the projects as described in said proposition, relating to the building and equipping of one or more school buildings or additions to existing school buildings, are required as a result of the age and condition of the District's existing buildings and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
  - (3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$28,500,000.
    - (4) The bonds are issued in accordance with this Article.
  - (5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after November 8, 2016.

The debt incurred on any bonds issued under this subsection (p-120) and on any bonds issued to refund or continue to refund such bonds shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-120) and any bonds issued to refund or continue to refund such bonds must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

- (p-125) In addition to all other authority to issue bonds, Hillsboro Community Unit School District 3 may issue bonds with an aggregate principal amount not to exceed \$34,500,000, but only if all the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at an election held on or after March 15, 2016.

- (2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) altering, repairing, and equipping the high school agricultural/vocational building, demolishing the high school main, cafeteria, and gym buildings, building and equipping a school building, and improving sites are required as a result of the age and condition of the district's existing buildings and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
- (3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$34.500.000.
  - (4) The bonds are issued in accordance with this Article.
- (5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after March 15, 2016.

The debt incurred on any bonds issued under this subsection (p-125) and on any bonds issued to refund or continue to refund such bonds shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-125) and any bonds issued to refund or continue to refund such bonds must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

- (p-130) In addition to all other authority to issue bonds, Waltham Community Consolidated School District 185 may incur indebtedness in an aggregate principal amount not to exceed \$9,500,000 to build and equip a new school building and improve the site thereof, but only if all the following conditions are met:
  - (1) A majority of the voters of the district voting on an advisory question voted in favor of the question regarding the use of funding sources to build a new school building without increasing property tax rates at the general election held on November 8, 2016.
  - (2) Prior to incurring the debt, the school board enters into intergovernmental agreements with the City of LaSalle to pledge moneys in a special tax allocation fund associated with tax increment financing districts LaSalle I and LaSalle III and with the Village of Utica to pledge moneys in a special tax allocation fund associated with tax increment financing district Utica I for the purposes of repaying the debt issued pursuant to this subsection (p-130). Notwithstanding any other provision of law to the contrary, the intergovernmental agreement may extend these tax increment financing districts as necessary to ensure repayment of the debt.
  - (3) Prior to incurring the debt, the school board determines, by resolution, that (i) the building and equipping of a new school building is required as a result of the age and condition of the district's existing buildings and (ii) the debt is authorized by a statute that exempts the debt from the district's statutory debt limitation.
  - (4) The debt is incurred, in one or more issuances, not later than January 1, 2021, and the aggregate principal amount of debt issued in all such issuances combined must not exceed \$9,500,000.

The debt incurred under this subsection (p-130) and on any bonds issued to pay, refund, or continue to refund such debt shall not be considered indebtedness for purposes of any statutory debt limitation. Debt issued under this subsection (p-130) and any bonds issued to pay, refund, or continue to refund such debt must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-11 of this Code and subsection (b) of Section 17 of the Local Government Debt Reform Act, to the contrary

- (p-133) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds heretofore or hereafter issued by East Prairie School District 73 with an aggregate principal amount not to exceed \$47,353,147 and approved by the voters of the district at the general election held on November 8, 2016, and any bonds issued to refund or continue to refund the bonds, shall not be considered indebtedness for the purposes of any statutory debt limitation and may mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.
- (p-135) In addition to all other authority to issue bonds, Brookfield LaGrange Park School District Number 95 may issue bonds with an aggregate principal amount not to exceed \$20,000,000, but only if all the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at an election held on or after April 4, 2017.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the additions and renovations to the Brook Park Elementary and S. E. Gross Middle School buildings are

required to accommodate enrollment growth, replace outdated facilities, and create spaces consistent with 21st century learning and (ii) the issuance of the bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

- (3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$20,000,000.
  - (4) The bonds are issued in accordance with this Article.
- (5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after April 4, 2017.

The debt incurred on any bonds issued under this subsection (p-135) and on any bonds issued to refund or continue to refund such bonds shall not be considered indebtedness for purposes of any statutory debt limitation.

- (p-140) The debt incurred on any bonds issued by Wolf Branch School District 113 under Section 17-2.11 of this Code for the purpose of repairing or replacing all or a portion of a school building that has been damaged by mine subsidence in an aggregate principal amount not to exceed \$17,500,000 and on any bonds issued to refund or continue to refund those bonds shall not be considered indebtedness for purposes of any statutory debt limitation and must mature no later than 25 years from the date of issuance, notwithstanding any other provision of law to the contrary, including Section 19-3 of this Code. The maximum allowable amount of debt exempt from statutory debt limitations under this subsection (p-140) shall be reduced by an amount equal to any grants awarded by the State Board of Education or Capital Development Board for the explicit purpose of repairing or reconstructing a school building damaged by mine subsidence.
- (p-145) In addition to all other authority to issue bonds, Greenview Community Unit School District 200 may issue bonds with an aggregate principal amount not to exceed \$3,500,000, but only if all of the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at an election held on March 17, 2020.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that the bonding is necessary for construction and expansion of the district's kindergarten through grade 12 facility.
  - (3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$3,500,000.
    - (4) The bonds are issued in accordance with this Article.
  - (5) The proceeds of the bonds are used to accomplish only the projects approved by the voters at an election held on March 17, 2020.

The debt incurred on any bonds issued under this subsection (p-145) and on any bonds issued to refund or continue to refund such bonds shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-145) and any bonds issued to refund or continue to refund such bonds must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

- (p-150) In addition to all other authority to issue bonds, Komarek School District 94 may issue bonds with an aggregate principal amount not to exceed \$20,800,000, but only if all of the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at an election held on or after March 17, 2020.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) building and equipping additions to, altering, repairing, equipping, or demolishing a portion of, or improving the site of the district's existing school building is required as a result of the age and condition of the existing building and (ii) the issuance of the bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
  - (3) The bonds are issued, in one or more issuances, no later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all of the bond issuances combined may not exceed \$20,800,000.
    - (4) The bonds are issued in accordance with this Article.

(5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at an election held on or after March 17, 2020.

The debt incurred on any bonds issued under this subsection (p-150) and on any bonds issued to refund or continue to refund those bonds may not be considered indebtedness for purposes of any statutory debt limitation. Notwithstanding any other law to the contrary, including Section 19-3, bonds issued under this subsection (p-150) and any bonds issued to refund or continue to refund those bonds must mature within 30 years from their date of issuance.

- (p-155) In addition to all other authority to issue bonds, Williamsville Community Unit School District 15 may issue bonds with an aggregate principal amount not to exceed \$40,000,000, but only if all of the following conditions are met:
  - (1) The voters of the school district approve a proposition for the bond issuance at an election held on March 17, 2020.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that the projects set forth in the proposition for the bond issuance were and are required because of the age and condition of the school district's existing school buildings.
  - (3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$40,000,000.
    - (4) The bonds are issued in accordance with this Article.
  - (5) The proceeds of the bonds are used to accomplish only the projects approved by the voters at an election held on March 17, 2020.

The debt incurred on any bonds issued under this subsection (p-155) and on any bonds issued to refund or continue to refund such bonds shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-155) and any bonds issued to refund or continue to refund such bonds must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

- (p-160) In addition to all other authority to issue bonds, Berkeley School District 87 may issue bonds with an aggregate principal amount not to exceed \$105,000,000, but only if all of the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at the general primary election held on March 17, 2020.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) building and equipping a school building to replace the Sunnyside Intermediate and MacArthur Middle School buildings; building and equipping additions to and altering, repairing, and equipping the Riley Intermediate and Northlake Middle School buildings; altering, repairing, and equipping the Whittier Primary and Jefferson Primary School buildings; improving sites; renovating instructional spaces; providing STEM (science, technology, engineering, and mathematics) labs; and constructing life safety, security, and infrastructure improvements are required to replace outdated facilities and to provide safe spaces consistent with 21st century learning and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
  - (3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$105.000.000.
    - (4) The bonds are issued in accordance with this Article.
  - (5) The proceeds of the bonds are used to accomplish only those projects approved by the voters at the general primary election held on March 17, 2020.

The debt incurred on any bonds issued under this subsection (p-160) and on any bonds issued to refund or continue to refund such bonds shall not be considered indebtedness for purposes of any statutory debt limitation.

- (p-165) In addition to all other authority to issue bonds, Elmwood Park Community Unit School District 401 may issue bonds with an aggregate principal amount not to exceed \$55,000,000, but only if all of the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at an election held on or after March 17, 2020.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) the building and equipping of an addition to the John Mills Elementary School building; the renovating,

altering, repairing, and equipping of the John Mills and Elmwood Elementary School buildings; the installation of safety and security improvements; and the improvement of school sites are required as a result of the age and condition of the district's existing school buildings and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.

- (3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$55,000,000.
  - (4) The bonds are issued in accordance with this Article.
- (5) The proceeds of the bonds are used to accomplish only the projects approved by the voters at an election held on or after March 17, 2020.

The debt incurred on any bonds issued under this subsection (p-165) and on any bonds issued to refund or continue to refund such bonds shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-165) and any bonds issued to refund or continue to refund such bonds must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

- (p-170) In addition to all other authority to issue bonds, Maroa-Forsyth Community Unit School District 2 may issue bonds with an aggregate principal amount not to exceed \$33,000,000, but only if all of the following conditions are met:
  - (1) The voters of the school district approve a proposition for the bond issuance at an election held on March 17, 2020.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that the projects set forth in the proposition for the bond issuance were and are required because of the age and condition of the school district's existing school buildings.
  - (3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$33,000,000.
    - (4) The bonds are issued in accordance with this Article.
  - (5) The proceeds of the bonds are used to accomplish only the projects approved by the voters at an election held on March 17, 2020.

The debt incurred on any bonds issued under this subsection (p-170) and on any bonds issued to refund or continue to refund such bonds shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-170) and any bonds issued to refund or continue to refund such bonds must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

- (p-175) In addition to all other authority to issue bonds, Schiller Park School District 81 may issue bonds with an aggregate principal amount not to exceed \$30,000,000, but only if all of the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at an election held on or after March 17, 2020.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) building and equipping a school building to replace the Washington Elementary School building, installing fire suppression systems, security systems, and federal Americans with Disability Act of 1990 compliance measures, acquiring land, and improving the site are required to accommodate enrollment growth, replace an outdated facility, and create spaces consistent with 21st century learning and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
  - (3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$30,000,000.
    - (4) The bonds are issued in accordance with this Article.
  - (5) The proceeds of the bonds are used to accomplish only the projects approved by the voters at an election held on or after March 17, 2020.

The debt incurred on any bonds issued under this subsection (p-175) and on any bonds issued to refund or continue to refund such bonds shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-175) and any bonds issued to refund or continue to

refund such bonds must mature within not to exceed 27 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

- (p-180) In addition to all other authority to issue bonds, Iroquois County Community Unit School District 9 may issue bonds with an aggregate principal amount not to exceed \$17,125,000, but only if all of the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at an election held on or after April 6, 2021.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) building and equipping a new school building in the City of Watseka; altering, repairing, renovating, and equipping portions of the existing facilities of the district; and making site improvements is necessary because of the age and condition of the district's existing school facilities and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
  - (3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$17,125,000.
    - (4) The bonds are issued in accordance with this Article.
  - (5) The proceeds of the bonds are used to accomplish only the projects approved by the voters at an election held on or after April 6, 2021.

The debt incurred on any bonds issued under this subsection (p-180) and on any bonds issued to refund or continue to refund such bonds shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-180) and any bonds issued to refund or continue to refund such bonds must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

- (p-185) In addition to all other authority to issue bonds, Field Community Consolidated School District 3 may issue bonds with an aggregate principal amount not to exceed \$2,600,000, but only if all of the following conditions are met:
  - (1) The voters of the district approve a proposition for the bond issuance at an election held on or after April 6, 2021.
  - (2) Prior to the issuance of the bonds, the school board determines, by resolution, that (i) it is necessary to alter, repair, renovate, and equip the existing facilities of the district, including, but not limited to, roof replacement, lighting replacement, electrical upgrades, restroom repairs, and gym renovations, and make site improvements because of the age and condition of the district's existing school facilities and (ii) the issuance of bonds is authorized by a statute that exempts the debt incurred on the bonds from the district's statutory debt limitation.
  - (3) The bonds are issued, in one or more issuances, not later than 5 years after the date of the referendum approving the issuance of the bonds, but the aggregate principal amount issued in all such bond issuances combined must not exceed \$2,600,000.
    - (4) The bonds are issued in accordance with this Article.
  - (5) The proceeds of the bonds are used to accomplish only the projects approved by the voters at an election held on or after April 6, 2021.

The debt incurred on any bonds issued under this subsection (p-185) and on any bonds issued to refund or continue to refund such bonds shall not be considered indebtedness for purposes of any statutory debt limitation. Bonds issued under this subsection (p-185) and any bonds issued to refund or continue to refund such bonds must mature within not to exceed 25 years from their date, notwithstanding any other law, including Section 19-3 of this Code, to the contrary.

(q) A school district must notify the State Board of Education prior to issuing any form of long-term or short-term debt that will result in outstanding debt that exceeds 75% of the debt limit specified in this Section or any other provision of law.

(Source: P.A. 100-531, eff. 9-22-17; 100-650, eff. 7-31-18; 100-863, eff. 8-14-18; 101-646, eff. 6-26-20.)

Section 10. The School Construction Law is amended by changing Section 5-40 as follows: (105 ILCS 230/5-40)

Sec. 5-40. Supervision of school construction projects; green projects. The Capital Development Board shall exercise general supervision over school construction projects financed pursuant to this Article. School districts, however, must be allowed to choose the architect and engineer for their school construction

projects, and no project may be disapproved by the State Board of Education or the Capital Development Board solely due to a school district's selection of an architect or engineer.

With respect to those school construction projects for which a school district first applies for a grant on or after July 1, 2007, the school construction project must receive certification from the United States Green Building Council's Leadership in Energy and Environmental Design Green Building Rating System or the Green Building Initiative's Green Globes Green Building Rating System or must meet green building standards of the Capital Development Board and its Green Building Advisory Committee. With respect to those school construction projects for which a school district applies for a grant on or after July 1, 2009, the school construction project must receive silver certification from the United States Green Building Council's Leadership in Energy and Environmental Design Green Building Rating System unless all of the following are met:

- (1) (blank); the application submitted can be categorized as a capital need prioritized under item (1) of Section 5 30 of this Law;
- (2) (blank); the renovation or replacement school construction project is less than 40% replacement cost, or the project has been granted a waiver by the Capital Development Board in consultation with the State Board of Education in accordance with rules promulgated pursuant to this Law:
- (3) the school construction project is located in a county with a population of more than 38,000 and less than 39,000 that borders the Mississippi River with a population of more than 33,000 and less than 34,000, according to the 2010 decennial census;
- (4) the school district for which the school construction grant will be issued has no more than  $500 \frac{1,100}{1,100}$  students, with the relevant school facility housing no more than  $150 \frac{700}{1,100}$  students;
- (5) the facilities for which the school construction grant will be used have been in use as of August 2019 condemned as of July 23, 2012; and
- (6) the application for the school construction grant has been approved prior to the effective date of this amendatory Act of the 102nd 98th General Assembly.

  (Source: P.A. 98-623, eff. 1-7-14.)

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

Under the rules, the foregoing **Senate Bill No. 1305**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1552

A bill for AN ACT concerning courts.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1552

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

# AMENDMENT NO. 1 TO SENATE BILL 1552

AMENDMENT NO.  $\underline{1}$ . Amend Senate Bill 1552 by replacing everything after the enacting clause with the following:

"Section 1. Findings. The General Assembly finds that an adequate continuum of care is necessary to better address the needs of juveniles within the court system.

The General Assembly finds that the unique partnership of State and local services is needed to provide the right placements, and the right services for justice-involved juveniles.

The General Assembly finds that providing information to local probation departments in a timely manner will improve both services and outcomes for juveniles.

Therefore, the General Assembly recommends that information to assist juveniles needs to be available while at the same time maintaining its confidentiality.

Section 5. The Juvenile Court Act of 1987 is amended by changing Section 5-901 as follows: (705 ILCS 405/5-901)

Sec. 5-901. Court file.

- (1) The Court file with respect to proceedings under this Article shall consist of the petitions, pleadings, victim impact statements, process, service of process, orders, writs and docket entries reflecting hearings held and judgments and decrees entered by the court. The court file shall be kept separate from other records of the court.
  - (a) The file, including information identifying the victim or alleged victim of any sex offense, shall be disclosed only to the following parties when necessary for discharge of their official duties:
    - (i) A judge of the circuit court and members of the staff of the court designated by the judge;
      - (ii) Parties to the proceedings and their attorneys;
    - (iii) Victims and their attorneys, except in cases of multiple victims of sex offenses in which case the information identifying the nonrequesting victims shall be redacted;
      - (iv) Probation officers, law enforcement officers or prosecutors or their staff;
      - (v) Adult and juvenile Prisoner Review Boards.
  - (b) The Court file redacted to remove any information identifying the victim or alleged victim of any sex offense shall be disclosed only to the following parties when necessary for discharge of their official duties:
    - (i) Authorized military personnel;
    - (ii) Persons engaged in bona fide research, with the permission of the judge of the juvenile court and the chief executive of the agency that prepared the particular recording: provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the record;
    - (iii) The Secretary of State to whom the Clerk of the Court shall report the disposition of all cases, as required in Section 6-204 or Section 6-205.1 of the Illinois Vehicle Code. However, information reported relative to these offenses shall be privileged and available only to the Secretary of State, courts, and police officers;
    - (iv) The administrator of a bonafide substance abuse student assistance program with the permission of the presiding judge of the juvenile court;
    - (v) Any individual, or any public or private agency or institution, having custody of the juvenile under court order or providing educational, medical or mental health services to the juvenile or a court-approved advocate for the juvenile or any placement provider or potential placement provider as determined by the court.
- (3) A minor who is the victim or alleged victim in a juvenile proceeding shall be provided the same confidentiality regarding disclosure of identity as the minor who is the subject of record. Information identifying victims and alleged victims of sex offenses, shall not be disclosed or open to public inspection under any circumstances. Nothing in this Section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing his or her identity.
- (4) Relevant information, reports and records shall be made available to the Department of Juvenile Justice when a juvenile offender has been placed in the custody of the Department of Juvenile Justice.
- (4.5) Relevant information, reports and records, held by the Department of Juvenile Justice, including social investigation, psychological and medical records, of any juvenile offender, shall be made available to any county juvenile detention facility upon written request by the Superintendent or Director of that juvenile detention facility, to the Chief Records Officer of the Department of Juvenile Justice where the subject youth is or was in the custody of the Department of Juvenile Justice and is subsequently ordered to be held in a county juvenile detention facility.
- (5) Except as otherwise provided in this subsection (5), juvenile court records shall not be made available to the general public but may be inspected by representatives of agencies, associations and news media or other properly interested persons by general or special order of the court. The State's Attorney, the minor, his or her parents, guardian and counsel shall at all times have the right to examine court files and records.
  - (a) The court shall allow the general public to have access to the name, address, and offense of a minor who is adjudicated a delinquent minor under this Act under either of the following circumstances:

- (i) The adjudication of delinquency was based upon the minor's commission of first degree murder, attempt to commit first degree murder, aggravated criminal sexual assault, or criminal sexual assault; or
- (ii) The court has made a finding that the minor was at least 13 years of age at the time the act was committed and the adjudication of delinquency was based upon the minor's commission of: (A) an act in furtherance of the commission of a felony as a member of or on behalf of a criminal street gang, (B) an act involving the use of a firearm in the commission of a felony, (C) an act that would be a Class X felony offense under or the minor's second or subsequent Class 2 or greater felony offense under the Cannabis Control Act if committed by an adult, (D) an act that would be a second or subsequent offense under Section 402 of the Illinois Controlled Substances Act if committed by an adult, (E) an act that would be an offense under Section 401 of the Illinois Controlled Substances Act if committed by an adult, or (F) an act that would be an offense under the Methamphetamine Control and Community Protection Act if committed by an adult.
- (b) The court shall allow the general public to have access to the name, address, and offense of a minor who is at least 13 years of age at the time the offense is committed and who is convicted, in criminal proceedings permitted or required under Section 5-805, under either of the following circumstances:
  - (i) The minor has been convicted of first degree murder, attempt to commit first degree murder, aggravated criminal sexual assault, or criminal sexual assault,
  - (ii) The court has made a finding that the minor was at least 13 years of age at the time the offense was committed and the conviction was based upon the minor's commission of: (A) an offense in furtherance of the commission of a felony as a member of or on behalf of a criminal street gang, (B) an offense involving the use of a firearm in the commission of a felony, (C) a Class X felony offense under the Cannabis Control Act or a second or subsequent Class 2 or greater felony offense under the Cannabis Control Act, (D) a second or subsequent offense under Section 402 of the Illinois Controlled Substances Act, (E) an offense under Section 401 of the Illinois Controlled Substances Act, or (F) an offense under the Methamphetamine Control and Community Protection Act.
- (6) Nothing in this Section shall be construed to limit the use of a adjudication of delinquency as evidence in any juvenile or criminal proceeding, where it would otherwise be admissible under the rules of evidence, including but not limited to, use as impeachment evidence against any witness, including the minor if he or she testifies.
- (7) Nothing in this Section shall affect the right of a Civil Service Commission or appointing authority examining the character and fitness of an applicant for a position as a law enforcement officer to ascertain whether that applicant was ever adjudicated to be a delinquent minor and, if so, to examine the records or evidence which were made in proceedings under this Act.
- (8) Following any adjudication of delinquency for a crime which would be a felony if committed by an adult, or following any adjudication of delinquency for a violation of Section 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the Criminal Code of 2012, the State's Attorney shall ascertain whether the minor respondent is enrolled in school and, if so, shall provide a copy of the sentencing order to the principal or chief administrative officer of the school. Access to such juvenile records shall be limited to the principal or chief administrative officer of the school and any guidance counselor designated by him or her.
- (9) Nothing contained in this Act prevents the sharing or disclosure of information or records relating or pertaining to juveniles subject to the provisions of the Serious Habitual Offender Comprehensive Action Program when that information is used to assist in the early identification and treatment of habitual juvenile offenders.
- (11) The Clerk of the Circuit Court shall report to the Department of State Police, in the form and manner required by the Department of State Police, the final disposition of each minor who has been arrested or taken into custody before his or her 18th birthday for those offenses required to be reported under Section 5 of the Criminal Identification Act. Information reported to the Department under this Section may be maintained with records that the Department files under Section 2.1 of the Criminal Identification Act.
- (12) Information or records may be disclosed to the general public when the court is conducting hearings under Section 5-805 or 5-810.

(13) The changes made to this Section by Public Act 98-61 apply to juvenile court records of a minor who has been arrested or taken into custody on or after January 1, 2014 (the effective date of Public Act 98-61).

(Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14; 98-756, eff. 7-16-14.)

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

Under the rules, the foregoing **Senate Bill No. 1552**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1577

A bill for AN ACT concerning education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1577

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

#### AMENDMENT NO. 1 TO SENATE BILL 1577

AMENDMENT NO. 1 . Amend Senate Bill 1577 on page 2, line 19, after "absence", by inserting "and, after the second mental health day used, may be referred to the appropriate school support personnel".

Under the rules, the foregoing **Senate Bill No. 1577**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1610

A bill for AN ACT concerning education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1610

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

## AMENDMENT NO. 1 TO SENATE BILL 1610

AMENDMENT NO. 1 . Amend Senate Bill 1610 on page 3, by replacing lines 5 through 7 with the following:

- "(3) one member of the Senate, appointed by the President of the Senate;
- (4) one member of the House of Representatives, appointed by the Speaker of the House of Representatives;
  - (5) one member of the Senate, appointed by the Minority Leader of the Senate;
- (6) one member of the House of Representatives, appointed by the Minority Leader of the House of Representatives;
  - (7) the Attorney General or a designee;
  - (8) the Director of Public Health or a designee; and
  - (9) the following members appointed by the Governor:".

Under the rules, the foregoing Senate Bill No. 1610, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1721

A bill for AN ACT concerning property.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1721

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

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

AMENDMENT NO. 1 . Amend Senate Bill 1721, on page 1, line 5, by replacing "21-90, 21-215, and 21-355" with "21-90 and  $\overline{21}$ -215"; and

on page 3, line 16, by replacing "12%" with "9%"; and

by deleting line 19 on page 3 through line 18 on page 8.

Under the rules, the foregoing **Senate Bill No. 1721**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1872

A bill for AN ACT concerning business.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1872

Passed the House, as amended, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

# AMENDMENT NO. 1 TO SENATE BILL 1872

AMENDMENT NO.  $\underline{1}$  . Amend Senate Bill 1872 by replacing everything after the enacting clause with the following:

"Section 5. The Business Corporation Act of 1983 is amended by adding Article 1A as follows: (805 ILCS 5/Art. 1A heading new)

# ARTICLE 1A. RATIFICATION AND VALIDATION OF DEFECTIVE CORPORATE ACTIONS

(805 ILCS 5/1A.05 new)

Sec. 1A.05. Definitions. In this Article:

"Board" means the board of directors.

"Corporate action" means any action taken by:

- (1) or on behalf of a corporation;
- (2) the incorporators;
- (3) the board;
- (4) a committee of the board;
- (5) an officer or agent of the corporation; or
- (6) the shareholders.

"Date of the defective corporate action" means the date (or the approximate date, if the exact date is unknown) the potentially defective corporate action was purported to have been taken.

"Defective corporate action" means any corporate action taken or purportedly taken that is, and at the time such corporate action was taken or purportedly taken would have been, within the power of the corporation without regard to the failure of authorization identified in item (3) of subsection (a) of Section 1A.15, but with respect to which proper documentation is not presently available, or that is or may be shown

to have been void or voidable due to a failure or possible failure of authorization or of the documentation thereof.

"Failure of authorization" means the failure to authorize, approve, or otherwise effect a corporate action in compliance with this Act, the articles of incorporation or by-laws, a corporate resolution or any plan or agreement to which the corporation is a party, or the disclosure set forth in any proxy or consent solicitation statement, if and to the extent such failure would render such corporate action void or voidable.

"Validation effective time" with respect to any defective corporate action ratified or validated under this Article means the latest of:

- (1) the time at which the ratification of the defective corporate action is approved by the shareholders or, if approval of shareholders is not required, the time at which the notice required by Section 1A.25 becomes effective;
- (2) the time at which any articles of validation filed in accordance with Section 1A.35 become effective; and
- (3) if the corporation or any successor entity to the corporation brings an application for validation under subsection (a) of Section 1A.40, the time at which the circuit court determines such validity or at such other time as the circuit court may determine in accordance with subsection (b) of Section 1A.40.

The validation effective time shall not be affected by the filing or pendency of a judicial proceeding under Section 1A.40 or otherwise unless the corporation or any successor entity to the corporation initiates the application for validation under subsection (a) of Section 1A.40 or unless otherwise ordered by the circuit court.

(805 ILCS 5/1A.10 new)

Sec. 1A.10. Defective corporate actions.

(a) A defective corporate action shall not be void or voidable if ratified in accordance with Section 1A.15 or validated in accordance with Section 1A.40.

(b) Ratification under Section 1A.15 or validation under Section 1A.40 shall not be deemed to be the exclusive means of ratifying or validating any defective corporate action and the absence or failure of ratification or validation in accordance with this Article shall not, of itself, affect the validity or effectiveness of any corporate action that was or may be shown to have been properly taken or ratified under common law or otherwise, nor shall it create a presumption that any such corporate action is or was a defective corporate action or void or voidable.

(805 ILCS 5/1A.15 new)

Sec. 1A.15. Ratification of defective corporate actions.

- (a) To ratify a defective corporate action under this Section (other than the ratification of an election or designation of the initial directors under subsection (b)), the board shall take action ratifying the action in accordance with Section 1A.20, stating:
  - (1) the defective corporate action to be ratified;
  - (2) the date of the defective corporate action;
  - (3) the nature of the failure of authorization with respect to the defective corporate action to be ratified; and
    - (4) that the board approves the ratification of the defective corporate action.
- (b) If a defective corporate action to be ratified relates to the election or designation of the initial directors of the corporation, regardless of whether the initial directors are set forth in the articles of incorporation pursuant to item (1) of subsection (b) of Section 2.10, a majority of the persons who, at the time of the ratification, are exercising the powers of directors may take an action stating:
  - (1) the name of the person or persons who first took action in the name of the corporation as the initial directors of the corporation;
  - (2) the earlier of the date on which such person or persons first took such action or were purported to have been elected or designated as the initial directors; and
  - (3) that the ratification of the election or designation of such person or persons as the initial directors is approved.

(c) If:

(1) any provision of this Act, the articles of incorporation or by-laws, any corporate resolution or any plan or agreement to which the corporation is a party in effect at the time action under subsection (a) is taken requires shareholder approval or would have required shareholder approval at the date of the occurrence of the defective corporate action, or

- (2) the action under subsection (a) is to ratify a defective corporate action due to a failure to comply with either or both of Sections 7.85 and 11.75,
- then the ratification of the defective corporate action approved in the action taken by the board under subsection (a) shall be submitted to the shareholders for approval.
- (d) Unless otherwise provided in the action taken by the board under subsection (a), after the action by the board has been taken and, if required, approved by the shareholders, the board may abandon the ratification at any time before the validation effective time without further action of the shareholders.

(805 ILCS 5/1A.20 new)

Sec. 1A.20. Action on ratification.

- (a) The quorum and voting requirements applicable to a ratifying action by the board under subsection (a) of Section 1A.15 shall be the quorum and voting requirements applicable to the corporate action proposed to be ratified at the time such ratifying action is taken; provided, however, that if the articles of incorporation or by-laws of the corporation, any plan or agreement to which the corporation was a party, or any provision of this Act, in each case as in effect as of the time of the defective corporate action, would have required a larger number or portion of directors or of specified directors for a quorum to be present or to approve the defective corporate action, such larger number or portion of such directors or such specified directors shall be required for a quorum to be present or to adopt the resolutions to ratify the defective corporate action, as applicable, except that the presence or approval of any director elected, appointed, or nominated by holders of any class or series of which no shares are then outstanding, or by any person who is no longer a shareholder, shall not be required.
- (b) If the ratification of the defective corporate action requires approval by the shareholders under subsection (c) of Section 1A.15, and if the approval is to be given at a meeting, the corporation shall notify each holder of shares, regardless of whether entitled to vote as of:
  - (1) the record date for notice of the meeting, and
  - (2) the date of the occurrence of the defective corporate action (or, in the case of any defective corporate action that involved the establishment of a record date for notice of or voting at any meeting of shareholders, for informal action by shareholders in lieu of a meeting, or for any other purpose, the record date for notice of or voting at such meeting, the record date for informal action by written consent, or the record date for such other action, as the case may be),

provided that in each case notice shall not be required to be given to holders of shares whose identities or addresses for notice cannot be determined from the records of the corporation. The notice must state that the purpose, or one of the purposes, of the meeting, is to consider ratification of a defective corporate action and must be accompanied by:

- (A) either a copy of the action taken by the board in accordance with subsection (a) of Section 1A.15 or the information required by items (1) through (4) of subsection (a) of Section 1A.15, and
- (B) a statement that any claim that the ratification of such defective corporate action should not be effective, or should be effective only on certain conditions, shall be brought within 120 days from the applicable validation effective time.
- (c) The quorum and voting requirements applicable to the approval by the shareholders required by subsection (c) of Section 1A.15 shall be the quorum and voting requirements applicable to the corporate action proposed to be ratified at the time of such shareholder approval; provided, however, that:
  - (1) If the articles of incorporation or by-laws of the corporation, any plan or agreement to which the corporation was a party, or any provision of this Act in effect as of the time of the defective corporate action would have required a larger number or portion of stock or of any class or series thereof or of specified shareholders for a quorum to be present or to approve the defective corporate action, the presence or approval of such larger number or portion of stock or of such class or series thereof or of such specified shareholders shall be required for a quorum to be present or to approve the ratification of the defective corporate action, as applicable, except that the presence or approval of shares of any class or series of which no shares are then outstanding, or of any person that is no longer a shareholder, shall not be required.
  - (2) The approval by shareholders to ratify the election of a director requires the affirmative vote of the majority of the votes of the shares which are represented at a meeting at which a quorum is present and entitled to vote on the matter, except that if the articles of incorporation or by-laws of the corporation then in effect or in effect at the time of the defective election require or required a larger number or portion of stock or of any class or series thereof or of specified shareholders to elect such director, the affirmative vote of such larger number or portion of stock or of any class or series thereof

- or of such specified shareholders shall be required to ratify the election of such director, except that the presence or approval of shares of any class or series of which no shares are then outstanding, or of any person that is no longer a shareholder, shall not be required.
- (3) In the event of a failure of authorization resulting from a failure to comply with the provisions of Section 7.85, the ratification of the defective corporate action shall require the vote of shareholders set forth in subsection B of Section 7.85, regardless of whether such vote would have otherwise been required. In the event of a failure of authorization resulting from a failure to comply with Section 11.75, the ratification of the defective corporate action shall require the vote of shareholders set forth in clause (3) of subsection (a) of Section 11.75, regardless of whether such vote would have otherwise been required.

(805 ILCS 5/1A.25 new)

Sec. 1A.25. Notice requirements.

(a) Unless (1) shareholder approval is required under subsection (c) of Section 1A.15 and (2) shareholder approval is to be given at a meeting of shareholders in accordance with subsection (b) of Section 1A.20, rather than by informal action of shareholders pursuant to Section 7.10, prompt notice of an action taken under Section 1A.15 shall be given to each holder of shares, regardless of whether entitled to vote, as of:

(A) the date of such action by the board; and

(B) the date of the defective corporate action ratified (or, in the case of any defective corporate action that involved the establishment of a record date for notice of or voting at any meeting of shareholders, for informal action by shareholders in lieu of a meeting, or for any other purpose, the record date for notice of or voting at such meeting, the record date for informal action by written consent, or the record date for such other action, as the case may be);

provided that in each case notice shall not be required to be given to holders of shares whose identities or addresses for notice cannot be determined from the records of the corporation.

(b) The notice must contain:

- (1) either a copy of the action taken by the board in accordance with subsection (a) or (b) of Section 1A.15 or the information required by items (1) through (4) of subsection (a) or items (1) through (3) of subsection (b) of Section 1A.15, as applicable, and
- (2) a statement that any claim that the ratification of the defective corporate action should not be effective, or should be effective only on certain conditions, shall be brought within 120 days from the applicable validation effective time.
- (c) No notice under this Section is required with respect to any action required to be submitted to shareholders for approval under subsection (c) of Section 1A.15 if notice is given in accordance with subsection (b) of Section 1A.20.
- (d) A notice required by this Section may be given in any manner permitted by the by-laws of the corporation or, if the by-laws are silent, this Act. In addition, for any corporation subject to the reporting requirements of Section 13 or Section 15(d) of the Securities Exchange Act of 1934, or the corresponding provisions of any subsequent federal securities laws, rules, or regulations, a notice required by this Section or by subsection (b) of Section 1A.20 may be given by means of a filing or furnishing of such notice with the United States Securities and Exchange Commission.

(805 ILCS 5/1A.30 new)

- Sec. 1A.30. Effect of ratification and validation. From and after the validation effective time, and without regard to the 120-day period during which a claim may be brought under Section 1A.40:
  - (1) each defective corporate action ratified in accordance with Section 1A.15 shall not be void or voidable as a result of the failure of authorization identified in the action taken under subsection (a) or (b) of Section 1A.15 and shall be deemed a valid corporate action effective as of the date of the defective corporate action; and
  - (2) any corporate action taken subsequent to and in direct or indirect reliance on any defective corporate action that is ratified or validated in accordance with this Article and all corporate actions, including any subsequent defective corporate action, resulting directly or indirectly therefrom shall be valid as of the time taken.

(805 ILCS 5/1A.35 new)

Sec. 1A.35. Filings.

(a) If the defective corporate action ratified under this Article would have required under any other Section of this Act a filing in accordance with this Act, then, regardless of whether a filing was previously

made in respect of such defective corporate action, the corporation shall make the correct or corrected filing otherwise required by this Act, and the corporation shall file articles of validation in accordance with this Section.

- (b) The articles of validation must set forth:
  - (1) the defective corporate action that is the subject of the articles of validation;
  - (2) the date of the defective corporate action;
  - (3) the nature of the failure of authorization in respect of the defective corporate action;
- (4) a statement that the defective corporate action was ratified in accordance with Section 1A.15, including the date on which the board ratified such defective corporate action and the date, if any, on which the shareholders approved the ratification of such defective corporate action; and
  - (5) the information required by subsection (c).
- (c) The articles of validation must also contain the following information:
- (1) if a filing was previously made in respect of the defective corporate action and no changes to such filing are required to give effect to the ratification of such defective corporate action in accordance with Section 1A.15, the articles of validation must set forth (i) the name, title, and filing date of the filing previously made and any statement of correction to that filing and (ii) a statement that a copy of the filing previously made, together with any statement of correction to that filing, is attached as an exhibit to the articles of validation;
- (2) if a filing was previously made in respect of the defective corporate action and such filing requires any change to give effect to the ratification of such defective corporate action in accordance with Section 1A.15, the articles of validation must set forth (i) the name, title and filing date of the filing previously made and any statement of correction to that filing, (ii) a statement that a filing containing all of the information required to be included under the applicable Section or Sections of this Act to give effect to such defective corporate action is attached as an exhibit to the articles of validation, and (iii) the date and time that such filing is deemed to have become effective; or
- (3) if a filing was not previously made in respect of the defective corporate action and the defective corporate action ratified under Section 1A.15 would have required a filing under any other Section of this Act, the articles of validation must set forth (i) a statement that a filing containing all of the information required to be included under the applicable Section or Sections of this Act to give effect to such defective corporate action is being filed at the same time as the articles of validation, and (ii) the date and time that such filing is deemed to have become effective.

(805 ILCS 5/1A.40 new)

- Sec. 1A.40. Judicial proceedings regarding validity of corporate actions.
- (a) Upon application to the circuit court of the county in which either the registered office or principal office of the corporation is located by the corporation, any successor entity to the corporation, a director of the corporation, any shareholder, beneficial shareholder or unrestricted voting trust beneficial owner of the corporation, including any such shareholder, beneficial shareholder or unrestricted voting trust beneficial owner as of the date of the defective corporate action ratified under Section 1A.15, or any other person claiming to be substantially and adversely affected by a ratification under Section 1A.15, the circuit court may:
  - (1) determine the validity and effectiveness of any corporate action or defective corporate action:
    - (2) determine the validity and effectiveness of any ratification under Section 1A.15; and
  - (3) modify or waive any of the procedures specified in Section 1A.15 or Section 1A.20 to ratify a defective corporate action.
- (b) In connection with an action under this Section, the circuit court may make such findings or orders, and take into account any factors or considerations, regarding such matters as it deems proper under the circumstances.
- (c) Service of process of the application under subsection (a) on the corporation may be made in any manner provided by statute of this State or by rule of the applicable court for service on the corporation, and no other party need be joined in order for the court to adjudicate the matter. In an action filed by the corporation, the court may require notice of the action be provided to other persons specified by the court and permit such other persons to intervene in the action.
- (d) Notwithstanding any other provision of this Section or otherwise under applicable law, any action asserting that the ratification of any defective corporate action should not be effective, or should be effective

only on certain conditions, shall be brought within 120 days of the validation effective time.".

Under the rules, the foregoing **Senate Bill No. 1872**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 117

A bill for AN ACT concerning State government.

SENATE BILL NO. 134

A bill for AN ACT concerning journalism.

SENATE BILL NO. 147

A bill for AN ACT concerning regulation.

SENATE BILL NO. 273

A bill for AN ACT concerning finance.

SENATE BILL NO. 517

A bill for AN ACT concerning education.

SENATE BILL NO. 561

A bill for AN ACT concerning safety.

SENATE BILL NO. 603

A bill for AN ACT concerning public employee benefits.

SENATE BILL NO. 641 A bill for AN ACT concerning higher education.

SENATE BILL NO. 652

A bill for AN ACT concerning education.

SENATE BILL NO. 653

A bill for AN ACT concerning State government.

Passed the House, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 259

A bill for AN ACT concerning civil law.

SENATE BILL NO. 317

A bill for AN ACT concerning State government.

Passed the House, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 632

A bill for AN ACT concerning State government.

SENATE BILL NO. 633

A bill for AN ACT concerning education.

Passed the House, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 669

A bill for AN ACT concerning regulation.

SENATE BILL NO. 698

A bill for AN ACT concerning the Secretary of State.

SENATE BILL NO. 740

A bill for AN ACT concerning civil law.

SENATE BILL NO. 920

A bill for AN ACT concerning government.

SENATE BILL NO. 930

A bill for AN ACT concerning government.

SENATE BILL NO. 1078

A bill for AN ACT concerning regulation.

SENATE BILL NO. 1231

A bill for AN ACT concerning transportation.

SENATE BILL NO. 1536

A bill for AN ACT concerning transportation.

SENATE BILL NO. 1542

A bill for AN ACT concerning transportation.

SENATE BILL NO. 1545

A bill for AN ACT concerning transportation.

Passed the House, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 814

A bill for AN ACT concerning education.

Passed the House, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 967

A bill for AN ACT concerning health.

Passed the House, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 1596

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 1632

A bill for AN ACT concerning regulation.

SENATE BILL NO. 1673

A bill for AN ACT concerning animals.

Passed the House, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 1599

A bill for AN ACT concerning human rights.

SENATE BILL NO. 1624

A bill for AN ACT concerning education.

SENATE BILL NO. 1640

A bill for AN ACT concerning education.

SENATE BILL NO. 1672

A bill for AN ACT concerning regulation.

SENATE BILL NO. 1690

A bill for AN ACT concerning State government.

SENATE BILL NO. 1714

A bill for AN ACT concerning State government.

SENATE BILL NO. 1767

A bill for AN ACT concerning employment.

SENATE BILL NO. 1791

A bill for AN ACT concerning transportation.

SENATE BILL NO. 1839

A bill for AN ACT concerning safety.

SENATE BILL NO. 1842

A bill for AN ACT concerning criminal law.

Passed the House, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1845

A bill for AN ACT concerning revenue.

Passed the House, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1846

A bill for AN ACT concerning health.

Passed the House, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 1892

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 1962

A bill for AN ACT concerning State government.

SENATE BILL NO. 1976

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 1989

A bill for AN ACT concerning public employee benefits.

SENATE BILL NO. 2037

A bill for AN ACT concerning the Illinois State Police.

SENATE BILL NO. 2043

A bill for AN ACT concerning education.

SENATE BILL NO. 2089

A bill for AN ACT concerning State government.

SENATE BILL NO. 2103

A bill for AN ACT concerning public employee benefits.

SENATE BILL NO. 2112

A bill for AN ACT concerning regulation.

SENATE BILL NO. 2164

A bill for AN ACT concerning transportation.

Passed the House, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1965

A bill for AN ACT concerning government.

Passed the House, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2133

A bill for AN ACT concerning demographic data.

Passed the House, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 2232

A bill for AN ACT concerning State government.

SENATE BILL NO. 2312

A bill for AN ACT concerning business.

SENATE BILL NO. 2354

A bill for AN ACT concerning education. SENA

SENATE BILL NO. 2357

A bill for AN ACT concerning education.

SENATE BILL NO. 2360

A bill for AN ACT concerning regulation.

SENATE BILL NO. 2390

A bill for AN ACT concerning local government.

SENATE BILL NO. 2411

A bill for AN ACT concerning regulation.

SENATE BILL NO. 2434

A bill for AN ACT concerning education.

SENATE BILL NO. 2435

A bill for AN ACT to revise the law by combining multiple enactments and making technical corrections.

#### SENATE BILL NO. 2455

A bill for AN ACT concerning transportation.

Passed the House, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2460

A bill for AN ACT concerning State government.

Passed the House, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 2486

A bill for AN ACT concerning employment.

SENATE BILL NO. 2494

A bill for AN ACT concerning civil law.

SENATE BILL NO. 2522

A bill for AN ACT concerning civil law.

SENATE BILL NO. 2563

A bill for AN ACT concerning transportation.

SENATE BILL NO. 2567

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 2663

A bill for AN ACT concerning government.

Passed the House, May 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

## MOTION IN WRITING

I move that the attached list of bills be placed on the Order of Third Reading - Agreed House Bills so that they can be acted on by one roll call by the Senate: (see attached Agreed House Bills List)

s/<u>Bill Cunningham</u> Senator Bill Cunningham <u>5/27/21</u> Date

HB 0014	Villa
HB 0020	Stewart
HB 0032	Johnson
HB 0033	Johnson
HB 0055	Feigenholtz
HB 0068	Villa
HB 0096	Stadelman
HB 0126	Crowe
HB 0202	Cunningham
HB 0212	Glowiak Hilton

17:11

TTD 0014

HB 0227	Rezin
HB 0253	Villivalam
HB 0263	Morrison
HB 0266	Barickman
HB 0357	Gillespie
HB 0396	Murphy
HB 0426	Jones
HB 0452	Fine
HB 0665	Sims
HB 0694	Plummer
HB 0842	Connor
HB 1207	Castro
HB 1778	Cullerton
HB 1795	Connor
HB 1831	Aquino
HB 1838	Villivalam
HB 1854	Morrison
HB 1915	Bennett
HB 1926	Morrison
HB 1927	Anderson
HB 1928	Anderson
HB 2061	Stewart
HB 2109	Lightford
HB 2394	Fine
HB 2411	Sims
HB 2413	Harris
HB 2427	Villa
HB 2432	Villivalam
HB 2435	Connor
HB 2529	Munoz
HB 2553	Castro
HB 2569	Fowler
HB 2589	Fine
HB 2595	Fine
HB 2785	Bush
HB 2806	Glowiak Hilton
HB 2860	Anderson
HB 3004	Connor
HB 3027	Holmes
HB 3097	Hunter
HB 3113	
HB 3116	Aquino
HB 3160	Aquino Castro
	Rezin
HB 3165	
HB 3178 HB 3190	Bennett
	Belt Glowiak Hilton
HB 3202	
HB 3217	Lightford
HB 3218	Sims
HB 3255	Connor
HB 3262	Simmons
HB 3265	Simmons
HB 3267	Harris
HB 3277	Belt
HB 3281	Villanueva
HB 3295	Sims

HB 3313	Rezin
HB 3355	Plummer
HB 3359	McConchie
HB 3462	Curran
HB 3474	Holmes
HB 3484	Crowe
HB 3485	Morrison
HB 3497	Anderson
HB 3504	Johnson
HB 3513	Connor
HB 3515	Rezin
HB 3575	Hunter
HB 3577	Murphy
HB 3592	Cunningham
HB 3595	Pacione-Zayas
HB 3596	Jones
HB 3598	Castro
HB 3620	Pacione-Zayas
HB 3650	D. Turner
HB 3656	Munoz
HB 3678	McConchie
HB 3716	McClure
HB 3762	Munoz
HB 3763	Anderson
HB 3764	Connor
HB 3783	Bennett
HB 3798	Belt
HB 3803	Villanueva
HB 3811	Munoz
HB 3821	Hunter
HB 3849	Feigenholtz
HB 3853	Martwick
HB 3854	Stadelman
HB 3864	Harris
HB 3865	Hastings
HB 3870	Hastings
HB 3879	Villa
HB 3881	Fowler
HB 3895	Harris
HB 3906	Harris
HB 3911	Cunningham
HB 3928	Barickman
HB 3929	Anderson
HB 3940	Belt
HB 3955	Connor
HB 3995	Fine

Senator Cunningham moved for the adoption of the foregoing motion.

The motion prevailed, and the Chair directed that the Order of Third Reading - Agreed House Bills shall be created and printed on the Senate Calendar.

Senator Cunningham stated for the record that beginning Friday, May 28th, the Secretary of the Senate will have vote intention sheets available where Senators can mark whether they wish to vote No, Present, or Not Vote on a particular bill on the list. If he or she fails to mark a No, Present, or Not Vote on the list, then a roll call will reflect that he or she voted Yes. Each Senator must file his or her list no later

than 12:00 o'clock noon, on Saturday, May 29th, with the Secretary of the Senate. With leave of the Body, Senator Cunningham moved to adopt the process he just described. There being no objection, the motion was granted.

At the hour of 8:34 o'clock p.m., the Chair announced that the Senate stands adjourned until Friday, May 28, 2021, at 12:00 o'clock p.m.