

1 AN ACT to revise the law by combining multiple enactments  
2 and making technical corrections.

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

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2012 General  
7 Revisory Act.

8 (b) This Act is not intended to make any substantive change  
9 in the law. It reconciles conflicts that have arisen from  
10 multiple amendments and enactments and makes technical  
11 corrections and revisions in the law.

12 This Act revises and, where appropriate, renumbers certain  
13 Sections that have been added or amended by more than one  
14 Public Act. In certain cases in which a repealed Act or Section  
15 has been replaced with a successor law, this Act may  
16 incorporate amendments to the repealed Act or Section into the  
17 successor law. This Act also corrects errors, revises  
18 cross-references, and deletes obsolete text.

19 (c) In this Act, the reference at the end of each amended  
20 Section indicates the sources in the Session Laws of Illinois  
21 that were used in the preparation of the text of that Section.  
22 The text of the Section included in this Act is intended to  
23 include the different versions of the Section found in the  
24 Public Acts included in the list of sources, but may not

1 include other versions of the Section to be found in Public  
2 Acts not included in the list of sources. The list of sources  
3 is not a part of the text of the Section.

4 (d) Public Acts 96-1480 through 97-625 were considered in  
5 the preparation of the combining revisories included in this  
6 Act. Many of those combining revisories contain no striking or  
7 underscoring because no additional changes are being made in  
8 the material that is being combined.

9 Section 5. The Regulatory Sunset Act is amended by changing  
10 Sections 4.32 and 7 as follows:

11 (5 ILCS 80/4.32)

12 (Text of Section before amendment by P.A. 97-576)

13 Sec. 4.32. Acts ~~Act~~ repealed on January 1, 2022. The  
14 following Acts are ~~Act is~~ repealed on January 1, 2022:

15 The Boxing and Full-contact Martial Arts Act.

16 The Detection of Deception Examiners Act.

17 The Home Inspector License Act.

18 The Interior Design Title Act.

19 The Massage Licensing Act.

20 The Petroleum Equipment Contractors Licensing Act.

21 The Real Estate Appraiser Licensing Act of 2002.

22 The Water Well and Pump Installation Contractor's License  
23 Act.

24 (Source: P.A. 97-24, eff. 6-28-11; 97-119, eff. 7-14-11;

1 97-168, eff. 7-22-11; 97-226, eff. 7-28-11; 97-428, eff.  
2 8-16-11; 97-514, eff. 8-23-11; 97-598, eff. 8-26-11; 97-602,  
3 eff. 8-26-11; revised 8-30-11.)

4 (Text of Section after amendment by P.A. 97-576)

5 Sec. 4.32. Acts ~~Act~~ repealed on January 1, 2022. The  
6 following Acts are ~~Act is~~ repealed on January 1, 2022:

7 The Boxing and Full-contact Martial Arts Act.

8 The Collateral Recovery Act.

9 The Detection of Deception Examiners Act.

10 The Home Inspector License Act.

11 The Interior Design Title Act.

12 The Massage Licensing Act.

13 The Petroleum Equipment Contractors Licensing Act.

14 The Real Estate Appraiser Licensing Act of 2002.

15 The Water Well and Pump Installation Contractor's License  
16 Act.

17 (Source: P.A. 97-24, eff. 6-28-11; 97-119, eff. 7-14-11;  
18 97-168, eff. 7-22-11; 97-226, eff. 7-28-11; 97-428, eff.  
19 8-16-11; 97-514, eff. 8-23-11; 97-576, eff. 7-1-12; 97-598,  
20 eff. 8-26-11; 97-602, eff. 8-26-11; revised 8-30-11.)

21 (5 ILCS 80/7) (from Ch. 127, par. 1907)

22 Sec. 7. Additional criteria. In determining whether to  
23 recommend to the General Assembly under Section 5 the  
24 continuation of a regulatory agency or program or any function

1       thereof, the Governor shall also consider the following  
2       criteria:

3           (1) whether the absence of regulation would significantly  
4       harm or endanger the public health, safety or welfare;

5           (2) whether there is a reasonable relationship between the  
6       exercise of the State's police power and the protection of the  
7       public health, safety or welfare;

8           (3) whether there is another less restrictive method of  
9       regulation available which could adequately protect the  
10      public;

11          (4) whether the regulation has the effect of directly or  
12      indirectly increasing the costs of any goods or services  
13      involved, and if so, to what degree;

14          (5) whether the increase in cost is more harmful to the  
15      public than the harm which could result from the absence of  
16      regulation; and

17          (6) whether all facets of the regulatory process are  
18      designed solely for the purpose of, and have as their primary  
19      effect ~~affect~~, the protection of the public.

20      (Source: P.A. 90-580, eff. 5-21-98; revised 11-18-11.)

21           Section 10. The Open Meetings Act is amended by changing  
22      Section 2 as follows:

23           (5 ILCS 120/2) (from Ch. 102, par. 42)

24           Sec. 2. Open meetings.

1 (a) Openness required. All meetings of public bodies shall  
2 be open to the public unless excepted in subsection (c) and  
3 closed in accordance with Section 2a.

4 (b) Construction of exceptions. The exceptions contained  
5 in subsection (c) are in derogation of the requirement that  
6 public bodies meet in the open, and therefore, the exceptions  
7 are to be strictly construed, extending only to subjects  
8 clearly within their scope. The exceptions authorize but do not  
9 require the holding of a closed meeting to discuss a subject  
10 included within an enumerated exception.

11 (c) Exceptions. A public body may hold closed meetings to  
12 consider the following subjects:

13 (1) The appointment, employment, compensation,  
14 discipline, performance, or dismissal of specific  
15 employees of the public body or legal counsel for the  
16 public body, including hearing testimony on a complaint  
17 lodged against an employee of the public body or against  
18 legal counsel for the public body to determine its  
19 validity.

20 (2) Collective negotiating matters between the public  
21 body and its employees or their representatives, or  
22 deliberations concerning salary schedules for one or more  
23 classes of employees.

24 (3) The selection of a person to fill a public office,  
25 as defined in this Act, including a vacancy in a public  
26 office, when the public body is given power to appoint

1 under law or ordinance, or the discipline, performance or  
2 removal of the occupant of a public office, when the public  
3 body is given power to remove the occupant under law or  
4 ordinance.

5 (4) Evidence or testimony presented in open hearing, or  
6 in closed hearing where specifically authorized by law, to  
7 a quasi-adjudicative body, as defined in this Act, provided  
8 that the body prepares and makes available for public  
9 inspection a written decision setting forth its  
10 determinative reasoning.

11 (5) The purchase or lease of real property for the use  
12 of the public body, including meetings held for the purpose  
13 of discussing whether a particular parcel should be  
14 acquired.

15 (6) The setting of a price for sale or lease of  
16 property owned by the public body.

17 (7) The sale or purchase of securities, investments, or  
18 investment contracts.

19 (8) Security procedures and the use of personnel and  
20 equipment to respond to an actual, a threatened, or a  
21 reasonably potential danger to the safety of employees,  
22 students, staff, the public, or public property.

23 (9) Student disciplinary cases.

24 (10) The placement of individual students in special  
25 education programs and other matters relating to  
26 individual students.

1           (11) Litigation, when an action against, affecting or  
2           on behalf of the particular public body has been filed and  
3           is pending before a court or administrative tribunal, or  
4           when the public body finds that an action is probable or  
5           imminent, in which case the basis for the finding shall be  
6           recorded and entered into the minutes of the closed  
7           meeting.

8           (12) The establishment of reserves or settlement of  
9           claims as provided in the Local Governmental and  
10          Governmental Employees Tort Immunity Act, if otherwise the  
11          disposition of a claim or potential claim might be  
12          prejudiced, or the review or discussion of claims, loss or  
13          risk management information, records, data, advice or  
14          communications from or with respect to any insurer of the  
15          public body or any intergovernmental risk management  
16          association or self insurance pool of which the public body  
17          is a member.

18          (13) Conciliation of complaints of discrimination in  
19          the sale or rental of housing, when closed meetings are  
20          authorized by the law or ordinance prescribing fair housing  
21          practices and creating a commission or administrative  
22          agency for their enforcement.

23          (14) Informant sources, the hiring or assignment of  
24          undercover personnel or equipment, or ongoing, prior or  
25          future criminal investigations, when discussed by a public  
26          body with criminal investigatory responsibilities.

1           (15) Professional ethics or performance when  
2 considered by an advisory body appointed to advise a  
3 licensing or regulatory agency on matters germane to the  
4 advisory body's field of competence.

5           (16) Self evaluation, practices and procedures or  
6 professional ethics, when meeting with a representative of  
7 a statewide association of which the public body is a  
8 member.

9           (17) The recruitment, credentialing, discipline or  
10 formal peer review of physicians or other health care  
11 professionals for a hospital, or other institution  
12 providing medical care, that is operated by the public  
13 body.

14           (18) Deliberations for decisions of the Prisoner  
15 Review Board.

16           (19) Review or discussion of applications received  
17 under the Experimental Organ Transplantation Procedures  
18 Act.

19           (20) The classification and discussion of matters  
20 classified as confidential or continued confidential by  
21 the State Government Suggestion Award Board.

22           (21) Discussion of minutes of meetings lawfully closed  
23 under this Act, whether for purposes of approval by the  
24 body of the minutes or semi-annual review of the minutes as  
25 mandated by Section 2.06.

26           (22) Deliberations for decisions of the State



1 Emergency Medical Services Disciplinary Review Board.

2 (23) The operation by a municipality of a municipal  
3 utility or the operation of a municipal power agency or  
4 municipal natural gas agency when the discussion involves  
5 (i) contracts relating to the purchase, sale, or delivery  
6 of electricity or natural gas or (ii) the results or  
7 conclusions of load forecast studies.

8 (24) Meetings of a residential health care facility  
9 resident sexual assault and death review team or the  
10 Executive Council under the Abuse Prevention Review Team  
11 Act.

12 (25) Meetings of an independent team of experts under  
13 Brian's Law.

14 (26) Meetings of a mortality review team appointed  
15 under the Department of Juvenile Justice Mortality Review  
16 Team Act.

17 (27) Confidential information, when discussed by one  
18 or more members of an elder abuse fatality review team,  
19 designated under Section 15 of the Elder Abuse and Neglect  
20 Act, while participating in a review conducted by that team  
21 of the death of an elderly person in which abuse or neglect  
22 is suspected, alleged, or substantiated; provided that  
23 before the review team holds a closed meeting, or closes an  
24 open meeting, to discuss the confidential information,  
25 each participating review team member seeking to disclose  
26 the confidential information in the closed meeting or

1 closed portion of the meeting must state on the record  
2 during an open meeting or the open portion of a meeting the  
3 nature of the information to be disclosed and the legal  
4 basis for otherwise holding that information confidential.

5 (28) Correspondence and records (i) that may not be  
6 disclosed under Section 11-9 of the Public Aid Code or (ii)  
7 that pertain to appeals under Section 11-8 of the Public  
8 Aid Code.

9 (29) ~~(28)~~ Meetings between internal or external  
10 auditors and governmental audit committees, finance  
11 committees, and their equivalents, when the discussion  
12 involves internal control weaknesses, identification of  
13 potential fraud risk areas, known or suspected frauds, and  
14 fraud interviews conducted in accordance with generally  
15 accepted auditing standards of the United States of  
16 America.

17 (d) Definitions. For purposes of this Section:

18 "Employee" means a person employed by a public body whose  
19 relationship with the public body constitutes an  
20 employer-employee relationship under the usual common law  
21 rules, and who is not an independent contractor.

22 "Public office" means a position created by or under the  
23 Constitution or laws of this State, the occupant of which is  
24 charged with the exercise of some portion of the sovereign  
25 power of this State. The term "public office" shall include  
26 members of the public body, but it shall not include

1 organizational positions filled by members thereof, whether  
2 established by law or by a public body itself, that exist to  
3 assist the body in the conduct of its business.

4 "Quasi-adjudicative body" means an administrative body  
5 charged by law or ordinance with the responsibility to conduct  
6 hearings, receive evidence or testimony and make  
7 determinations based thereon, but does not include local  
8 electoral boards when such bodies are considering petition  
9 challenges.

10 (e) Final action. No final action may be taken at a closed  
11 meeting. Final action shall be preceded by a public recital of  
12 the nature of the matter being considered and other information  
13 that will inform the public of the business being conducted.

14 (Source: P.A. 96-1235, eff. 1-1-11; 96-1378, eff. 7-29-10;  
15 96-1428, eff. 8-11-10; 97-318, eff. 1-1-12; 97-333, eff.  
16 8-12-11; 97-452, eff. 8-19-11; revised 9-2-11.)

17 Section 15. The Freedom of Information Act is amended by  
18 changing Sections 7, 7.5, and 11 as follows:

19 (5 ILCS 140/7) (from Ch. 116, par. 207)

20 Sec. 7. Exemptions.

21 (1) When a request is made to inspect or copy a public  
22 record that contains information that is exempt from disclosure  
23 under this Section, but also contains information that is not  
24 exempt from disclosure, the public body may elect to redact the

1 information that is exempt. The public body shall make the  
2 remaining information available for inspection and copying.  
3 Subject to this requirement, the following shall be exempt from  
4 inspection and copying:

5 (a) Information specifically prohibited from  
6 disclosure by federal or State law or rules and regulations  
7 implementing federal or State law.

8 (b) Private information, unless disclosure is required  
9 by another provision of this Act, a State or federal law or  
10 a court order.

11 (b-5) Files, documents, and other data or databases  
12 maintained by one or more law enforcement agencies and  
13 specifically designed to provide information to one or more  
14 law enforcement agencies regarding the physical or mental  
15 status of one or more individual subjects.

16 (c) Personal information contained within public  
17 records, the disclosure of which would constitute a clearly  
18 unwarranted invasion of personal privacy, unless the  
19 disclosure is consented to in writing by the individual  
20 subjects of the information. "Unwarranted invasion of  
21 personal privacy" means the disclosure of information that  
22 is highly personal or objectionable to a reasonable person  
23 and in which the subject's right to privacy outweighs any  
24 legitimate public interest in obtaining the information.  
25 The disclosure of information that bears on the public  
26 duties of public employees and officials shall not be

1 considered an invasion of personal privacy.

2 (d) Records in the possession of any public body  
3 created in the course of administrative enforcement  
4 proceedings, and any law enforcement or correctional  
5 agency for law enforcement purposes, but only to the extent  
6 that disclosure would:

7 (i) interfere with pending or actually and  
8 reasonably contemplated law enforcement proceedings  
9 conducted by any law enforcement or correctional  
10 agency that is the recipient of the request;

11 (ii) interfere with active administrative  
12 enforcement proceedings conducted by the public body  
13 that is the recipient of the request;

14 (iii) create a substantial likelihood that a  
15 person will be deprived of a fair trial or an impartial  
16 hearing;

17 (iv) unavoidably disclose the identity of a  
18 confidential source, confidential information  
19 furnished only by the confidential source, or persons  
20 who file complaints with or provide information to  
21 administrative, investigative, law enforcement, or  
22 penal agencies; except that the identities of  
23 witnesses to traffic accidents, traffic accident  
24 reports, and rescue reports shall be provided by  
25 agencies of local government, except when disclosure  
26 would interfere with an active criminal investigation

1           conducted by the agency that is the recipient of the  
2           request;

3           (v) disclose unique or specialized investigative  
4           techniques other than those generally used and known or  
5           disclose internal documents of correctional agencies  
6           related to detection, observation or investigation of  
7           incidents of crime or misconduct, and disclosure would  
8           result in demonstrable harm to the agency or public  
9           body that is the recipient of the request;

10          (vi) endanger the life or physical safety of law  
11          enforcement personnel or any other person; or

12          (vii) obstruct an ongoing criminal investigation  
13          by the agency that is the recipient of the request.

14          (e) Records that relate to or affect the security of  
15          correctional institutions and detention facilities.

16          (f) Preliminary drafts, notes, recommendations,  
17          memoranda and other records in which opinions are  
18          expressed, or policies or actions are formulated, except  
19          that a specific record or relevant portion of a record  
20          shall not be exempt when the record is publicly cited and  
21          identified by the head of the public body. The exemption  
22          provided in this paragraph (f) extends to all those records  
23          of officers and agencies of the General Assembly that  
24          pertain to the preparation of legislative documents.

25          (g) Trade secrets and commercial or financial  
26          information obtained from a person or business where the

1 trade secrets or commercial or financial information are  
2 furnished under a claim that they are proprietary,  
3 privileged or confidential, and that disclosure of the  
4 trade secrets or commercial or financial information would  
5 cause competitive harm to the person or business, and only  
6 insofar as the claim directly applies to the records  
7 requested.

8 The information included under this exemption includes  
9 all trade secrets and commercial or financial information  
10 obtained by a public body, including a public pension fund,  
11 from a private equity fund or a privately held company  
12 within the investment portfolio of a private equity fund as  
13 a result of either investing or evaluating a potential  
14 investment of public funds in a private equity fund. The  
15 exemption contained in this item does not apply to the  
16 aggregate financial performance information of a private  
17 equity fund, nor to the identity of the fund's managers or  
18 general partners. The exemption contained in this item does  
19 not apply to the identity of a privately held company  
20 within the investment portfolio of a private equity fund,  
21 unless the disclosure of the identity of a privately held  
22 company may cause competitive harm.

23 Nothing contained in this paragraph (g) shall be  
24 construed to prevent a person or business from consenting  
25 to disclosure.

26 (h) Proposals and bids for any contract, grant, or

1 agreement, including information which if it were  
2 disclosed would frustrate procurement or give an advantage  
3 to any person proposing to enter into a contractor  
4 agreement with the body, until an award or final selection  
5 is made. Information prepared by or for the body in  
6 preparation of a bid solicitation shall be exempt until an  
7 award or final selection is made.

8 (i) Valuable formulae, computer geographic systems,  
9 designs, drawings and research data obtained or produced by  
10 any public body when disclosure could reasonably be  
11 expected to produce private gain or public loss. The  
12 exemption for "computer geographic systems" provided in  
13 this paragraph (i) does not extend to requests made by news  
14 media as defined in Section 2 of this Act when the  
15 requested information is not otherwise exempt and the only  
16 purpose of the request is to access and disseminate  
17 information regarding the health, safety, welfare, or  
18 legal rights of the general public.

19 (j) The following information pertaining to  
20 educational matters:

21 (i) test questions, scoring keys and other  
22 examination data used to administer an academic  
23 examination;

24 (ii) information received by a primary or  
25 secondary school, college, or university under its  
26 procedures for the evaluation of faculty members by



1           their academic peers;

2           (iii) information concerning a school or  
3           university's adjudication of student disciplinary  
4           cases, but only to the extent that disclosure would  
5           unavoidably reveal the identity of the student; and

6           (iv) course materials or research materials used  
7           by faculty members.

8           (k) Architects' plans, engineers' technical  
9           submissions, and other construction related technical  
10          documents for projects not constructed or developed in  
11          whole or in part with public funds and the same for  
12          projects constructed or developed with public funds,  
13          including but not limited to power generating and  
14          distribution stations and other transmission and  
15          distribution facilities, water treatment facilities,  
16          airport facilities, sport stadiums, convention centers,  
17          and all government owned, operated, or occupied buildings,  
18          but only to the extent that disclosure would compromise  
19          security.

20          (1) Minutes of meetings of public bodies closed to the  
21          public as provided in the Open Meetings Act until the  
22          public body makes the minutes available to the public under  
23          Section 2.06 of the Open Meetings Act.

24          (m) Communications between a public body and an  
25          attorney or auditor representing the public body that would  
26          not be subject to discovery in litigation, and materials

1 prepared or compiled by or for a public body in  
2 anticipation of a criminal, civil or administrative  
3 proceeding upon the request of an attorney advising the  
4 public body, and materials prepared or compiled with  
5 respect to internal audits of public bodies.

6 (n) Records relating to a public body's adjudication of  
7 employee grievances or disciplinary cases; however, this  
8 exemption shall not extend to the final outcome of cases in  
9 which discipline is imposed.

10 (o) Administrative or technical information associated  
11 with automated data processing operations, including but  
12 not limited to software, operating protocols, computer  
13 program abstracts, file layouts, source listings, object  
14 modules, load modules, user guides, documentation  
15 pertaining to all logical and physical design of  
16 computerized systems, employee manuals, and any other  
17 information that, if disclosed, would jeopardize the  
18 security of the system or its data or the security of  
19 materials exempt under this Section.

20 (p) Records relating to collective negotiating matters  
21 between public bodies and their employees or  
22 representatives, except that any final contract or  
23 agreement shall be subject to inspection and copying.

24 (q) Test questions, scoring keys, and other  
25 examination data used to determine the qualifications of an  
26 applicant for a license or employment.

1           (r) The records, documents, and information relating  
2 to real estate purchase negotiations until those  
3 negotiations have been completed or otherwise terminated.  
4 With regard to a parcel involved in a pending or actually  
5 and reasonably contemplated eminent domain proceeding  
6 under the Eminent Domain Act, records, documents and  
7 information relating to that parcel shall be exempt except  
8 as may be allowed under discovery rules adopted by the  
9 Illinois Supreme Court. The records, documents and  
10 information relating to a real estate sale shall be exempt  
11 until a sale is consummated.

12           (s) Any and all proprietary information and records  
13 related to the operation of an intergovernmental risk  
14 management association or self-insurance pool or jointly  
15 self-administered health and accident cooperative or pool.  
16 Insurance or self insurance (including any  
17 intergovernmental risk management association or self  
18 insurance pool) claims, loss or risk management  
19 information, records, data, advice or communications.

20           (t) Information contained in or related to  
21 examination, operating, or condition reports prepared by,  
22 on behalf of, or for the use of a public body responsible  
23 for the regulation or supervision of financial  
24 institutions or insurance companies, unless disclosure is  
25 otherwise required by State law.

26           (u) Information that would disclose or might lead to

1 the disclosure of secret or confidential information,  
2 codes, algorithms, programs, or private keys intended to be  
3 used to create electronic or digital signatures under the  
4 Electronic Commerce Security Act.

5 (v) Vulnerability assessments, security measures, and  
6 response policies or plans that are designed to identify,  
7 prevent, or respond to potential attacks upon a community's  
8 population or systems, facilities, or installations, the  
9 destruction or contamination of which would constitute a  
10 clear and present danger to the health or safety of the  
11 community, but only to the extent that disclosure could  
12 reasonably be expected to jeopardize the effectiveness of  
13 the measures or the safety of the personnel who implement  
14 them or the public. Information exempt under this item may  
15 include such things as details pertaining to the  
16 mobilization or deployment of personnel or equipment, to  
17 the operation of communication systems or protocols, or to  
18 tactical operations.

19 (w) (Blank).

20 (x) Maps and other records regarding the location or  
21 security of generation, transmission, distribution,  
22 storage, gathering, treatment, or switching facilities  
23 owned by a utility, by a power generator, or by the  
24 Illinois Power Agency.

25 (y) Information contained in or related to proposals,  
26 bids, or negotiations related to electric power

1 procurement under Section 1-75 of the Illinois Power Agency  
2 Act and Section 16-111.5 of the Public Utilities Act that  
3 is determined to be confidential and proprietary by the  
4 Illinois Power Agency or by the Illinois Commerce  
5 Commission.

6 (z) Information about students exempted from  
7 disclosure under Sections 10-20.38 or 34-18.29 of the  
8 School Code, and information about undergraduate students  
9 enrolled at an institution of higher education exempted  
10 from disclosure under Section 25 of the Illinois Credit  
11 Card Marketing Act of 2009.

12 (aa) Information the disclosure of which is exempted  
13 under the Viatical Settlements Act of 2009.

14 (bb) Records and information provided to a mortality  
15 review team and records maintained by a mortality review  
16 team appointed under the Department of Juvenile Justice  
17 Mortality Review Team Act.

18 (cc) Information regarding interments, entombments, or  
19 inurnments of human remains that are submitted to the  
20 Cemetery Oversight Database under the Cemetery Care Act or  
21 the Cemetery Oversight Act, whichever is applicable.

22 (dd) Correspondence and records (i) that may not be  
23 disclosed under Section 11-9 of the Public Aid Code or (ii)  
24 that pertain to appeals under Section 11-8 of the Public  
25 Aid Code.

26 (ee) ~~(dd)~~ The names, addresses, or other personal

1 information of persons who are minors and are also  
2 participants and registrants in programs of park  
3 districts, forest preserve districts, conservation  
4 districts, recreation agencies, and special recreation  
5 associations.

6 (ff) ~~(ee)~~ The names, addresses, or other personal  
7 information of participants and registrants in programs of  
8 park districts, forest preserve districts, conservation  
9 districts, recreation agencies, and special recreation  
10 associations where such programs are targeted primarily to  
11 minors.

12 (2) A public record that is not in the possession of a  
13 public body but is in the possession of a party with whom the  
14 agency has contracted to perform a governmental function on  
15 behalf of the public body, and that directly relates to the  
16 governmental function and is not otherwise exempt under this  
17 Act, shall be considered a public record of the public body,  
18 for purposes of this Act.

19 (3) This Section does not authorize withholding of  
20 information or limit the availability of records to the public,  
21 except as stated in this Section or otherwise provided in this  
22 Act.

23 (Source: P.A. 96-261, eff. 1-1-10; 96-328, eff. 8-11-09;  
24 96-542, eff. 1-1-10; 96-558, eff. 1-1-10; 96-736, eff. 7-1-10;  
25 96-863, eff. 3-1-10; 96-1378, eff. 7-29-10; 97-333, eff.  
26 8-12-11; 97-385, eff. 8-15-11; 97-452, eff. 8-19-11; revised

1 9-2-11.)

2 (5 ILCS 140/7.5)

3 Sec. 7.5. Statutory Exemptions. To the extent provided for  
4 by the statutes referenced below, the following shall be exempt  
5 from inspection and copying:

6 (a) All information determined to be confidential under  
7 Section 4002 of the Technology Advancement and Development Act.

8 (b) Library circulation and order records identifying  
9 library users with specific materials under the Library Records  
10 Confidentiality Act.

11 (c) Applications, related documents, and medical records  
12 received by the Experimental Organ Transplantation Procedures  
13 Board and any and all documents or other records prepared by  
14 the Experimental Organ Transplantation Procedures Board or its  
15 staff relating to applications it has received.

16 (d) Information and records held by the Department of  
17 Public Health and its authorized representatives relating to  
18 known or suspected cases of sexually transmissible disease or  
19 any information the disclosure of which is restricted under the  
20 Illinois Sexually Transmissible Disease Control Act.

21 (e) Information the disclosure of which is exempted under  
22 Section 30 of the Radon Industry Licensing Act.

23 (f) Firm performance evaluations under Section 55 of the  
24 Architectural, Engineering, and Land Surveying Qualifications  
25 Based Selection Act.

1 (g) Information the disclosure of which is restricted and  
2 exempted under Section 50 of the Illinois Prepaid Tuition Act.

3 (h) Information the disclosure of which is exempted under  
4 the State Officials and Employees Ethics Act, and records of  
5 any lawfully created State or local inspector general's office  
6 that would be exempt if created or obtained by an Executive  
7 Inspector General's office under that Act.

8 (i) Information contained in a local emergency energy plan  
9 submitted to a municipality in accordance with a local  
10 emergency energy plan ordinance that is adopted under Section  
11 11-21.5-5 of the Illinois Municipal Code.

12 (j) Information and data concerning the distribution of  
13 surcharge moneys collected and remitted by wireless carriers  
14 under the Wireless Emergency Telephone Safety Act.

15 (k) Law enforcement officer identification information or  
16 driver identification information compiled by a law  
17 enforcement agency or the Department of Transportation under  
18 Section 11-212 of the Illinois Vehicle Code.

19 (l) Records and information provided to a residential  
20 health care facility resident sexual assault and death review  
21 team or the Executive Council under the Abuse Prevention Review  
22 Team Act.

23 (m) Information provided to the predatory lending database  
24 created pursuant to Article 3 of the Residential Real Property  
25 Disclosure Act, except to the extent authorized under that  
26 Article.



1           (n) Defense budgets and petitions for certification of  
2 compensation and expenses for court appointed trial counsel as  
3 provided under Sections 10 and 15 of the Capital Crimes  
4 Litigation Act. This subsection (n) shall apply until the  
5 conclusion of the trial of the case, even if the prosecution  
6 chooses not to pursue the death penalty prior to trial or  
7 sentencing.

8           (o) Information that is prohibited from being disclosed  
9 under Section 4 of the Illinois Health and Hazardous Substances  
10 Registry Act.

11           (p) Security portions of system safety program plans,  
12 investigation reports, surveys, schedules, lists, data, or  
13 information compiled, collected, or prepared by or for the  
14 Regional Transportation Authority under Section 2.11 of the  
15 Regional Transportation Authority Act or the St. Clair County  
16 Transit District under the Bi-State Transit Safety Act.

17           (q) Information prohibited from being disclosed by the  
18 Personnel Records Review Act.

19           (r) Information prohibited from being disclosed by the  
20 Illinois School Student Records Act.

21           (s) Information the disclosure of which is restricted under  
22 Section 5-108 of the Public Utilities Act.

23           (t) All identified or deidentified health information in  
24 the form of health data or medical records contained in, stored  
25 in, submitted to, transferred by, or released from the Illinois  
26 Health Information Exchange, and identified or deidentified

1 health information in the form of health data and medical  
2 records of the Illinois Health Information Exchange in the  
3 possession of the Illinois Health Information Exchange  
4 Authority due to its administration of the Illinois Health  
5 Information Exchange. The terms "identified" and  
6 "deidentified" shall be given the same meaning as in the Health  
7 Insurance Accountability and Portability Act of 1996, Public  
8 Law 104-191, or any subsequent amendments thereto, and any  
9 regulations promulgated thereunder.

10 (u) Records and information provided to an independent team  
11 of experts under Brian's Law.

12 (v) Names and information of people who have applied for or  
13 received Firearm Owner's Identification Cards under the  
14 Firearm Owners Identification Card Act.

15 (w) ~~(v)~~ Personally identifiable information which is  
16 exempted from disclosure under subsection (g) of Section 19.1  
17 of the Toll Highway Act.

18 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;  
19 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.  
20 8-12-11; 97-342, eff. 8-12-11; revised 9-2-11.)

21 (5 ILCS 140/11) (from Ch. 116, par. 211)

22 Sec. 11. (a) Any person denied access to inspect or copy  
23 any public record by a public body may file suit for injunctive  
24 or declaratory relief.

25 (b) Where the denial is from a public body of the State,

1 suit may be filed in the circuit court for the county where the  
2 public body has its principal office or where the person denied  
3 access resides.

4 (c) Where the denial is from a municipality or other public  
5 body, except as provided in subsection (b) of this Section,  
6 suit may be filed in the circuit court for the county where the  
7 public body is located.

8 (d) The circuit court shall have the jurisdiction to enjoin  
9 the public body from withholding public records and to order  
10 the production of any public records improperly withheld from  
11 the person seeking access. If the public body can show that  
12 exceptional circumstances exist, and that the body is  
13 exercising due diligence in responding to the request, the  
14 court may retain jurisdiction and allow the agency additional  
15 time to complete its review of the records.

16 (e) On motion of the plaintiff, prior to or after in camera  
17 inspection, the court shall order the public body to provide an  
18 index of the records to which access has been denied. The index  
19 shall include the following:

20 (i) A description of the nature or contents of each  
21 document withheld, or each deletion from a released  
22 document, provided, however, that the public body shall not  
23 be required to disclose the information which it asserts is  
24 exempt; and

25 (ii) A statement of the exemption or exemptions claimed  
26 for each such deletion or withheld document.

1           (f) In any action considered by the court, the court shall  
2 consider the matter de novo, and shall conduct such in camera  
3 examination of the requested records as it finds appropriate to  
4 determine if such records or any part thereof may be withheld  
5 under any provision of this Act. The burden shall be on the  
6 public body to establish that its refusal to permit public  
7 inspection or copying is in accordance with the provisions of  
8 this Act. Any public body that asserts that a record is exempt  
9 from disclosure has the burden of proving that it is exempt by  
10 clear and convincing evidence.

11           (g) In the event of noncompliance with an order of the  
12 court to disclose, the court may enforce its order against any  
13 public official or employee so ordered or primarily responsible  
14 for such noncompliance through the court's contempt powers.

15           (h) Except as to causes the court considers to be of  
16 greater importance, proceedings arising under this Section  
17 shall take precedence on the docket over all other causes and  
18 be assigned for hearing and trial at the earliest practicable  
19 date and expedited in every way.

20           (i) If a person seeking the right to inspect or receive a  
21 copy of a public record prevails in a proceeding under this  
22 Section, the court shall award such person reasonable  
23 attorneys' fees and costs. In determining what amount of  
24 attorney's fees is reasonable, the court shall consider the  
25 degree to which the relief obtained relates to the relief  
26 sought. The changes contained in this subsection apply to an

1 action filed on or after the effective date of this amendatory  
2 Act of the 96th General Assembly.

3 (j) If the court determines that a public body willfully  
4 and intentionally failed to comply with this Act, or otherwise  
5 acted in bad faith, the court shall also impose upon the public  
6 body a civil penalty of not less than ~~that~~ \$2,500 nor more than  
7 \$5,000 for each occurrence. In assessing the civil penalty, the  
8 court shall consider in aggravation or mitigation the budget of  
9 the public body and whether the public body has previously been  
10 assessed penalties for violations of this Act. The changes  
11 contained in this subsection apply to an action filed on or  
12 after the effective date of this amendatory Act of the 96th  
13 General Assembly.

14 (Source: P.A. 96-542, eff. 1-1-10; revised 11-18-11.)

15 Section 20. The State Employees Group Insurance Act of 1971  
16 is amended by changing Sections 6.5 and 6.11 as follows:

17 (5 ILCS 375/6.5)

18 Sec. 6.5. Health benefits for TRS benefit recipients and  
19 TRS dependent beneficiaries.

20 (a) Purpose. It is the purpose of this amendatory Act of  
21 1995 to transfer the administration of the program of health  
22 benefits established for benefit recipients and their  
23 dependent beneficiaries under Article 16 of the Illinois  
24 Pension Code to the Department of Central Management Services.

1 (b) Transition provisions. The Board of Trustees of the  
2 Teachers' Retirement System shall continue to administer the  
3 health benefit program established under Article 16 of the  
4 Illinois Pension Code through December 31, 1995. Beginning  
5 January 1, 1996, the Department of Central Management Services  
6 shall be responsible for administering a program of health  
7 benefits for TRS benefit recipients and TRS dependent  
8 beneficiaries under this Section. The Department of Central  
9 Management Services and the Teachers' Retirement System shall  
10 cooperate in this endeavor and shall coordinate their  
11 activities so as to ensure a smooth transition and  
12 uninterrupted health benefit coverage.

13 (c) Eligibility. All persons who were enrolled in the  
14 Article 16 program at the time of the transfer shall be  
15 eligible to participate in the program established under this  
16 Section without any interruption or delay in coverage or  
17 limitation as to pre-existing medical conditions. Eligibility  
18 to participate shall be determined by the Teachers' Retirement  
19 System. Eligibility information shall be communicated to the  
20 Department of Central Management Services in a format  
21 acceptable to the Department.

22 A TRS dependent beneficiary who is a child age 19 or over  
23 and mentally or physically disabled does not become ineligible  
24 to participate by reason of (i) becoming ineligible to be  
25 claimed as a dependent for Illinois or federal income tax  
26 purposes or (ii) receiving earned income, so long as those

1 earnings are insufficient for the child to be fully  
2 self-sufficient.

3 (d) Coverage. The level of health benefits provided under  
4 this Section shall be similar to the level of benefits provided  
5 by the program previously established under Article 16 of the  
6 Illinois Pension Code.

7 Group life insurance benefits are not included in the  
8 benefits to be provided to TRS benefit recipients and TRS  
9 dependent beneficiaries under this Act.

10 The program of health benefits under this Section may  
11 include any or all of the benefit limitations, including but  
12 not limited to a reduction in benefits based on eligibility for  
13 federal medicare benefits, that are provided under subsection  
14 (a) of Section 6 of this Act for other health benefit programs  
15 under this Act.

16 (e) Insurance rates and premiums. The Director shall  
17 determine the insurance rates and premiums for TRS benefit  
18 recipients and TRS dependent beneficiaries, and shall present  
19 to the Teachers' Retirement System of the State of Illinois, by  
20 April 15 of each calendar year, the rate-setting methodology  
21 (including but not limited to utilization levels and costs)  
22 used to determine the amount of the health care premiums.

23 For Fiscal Year 1996, the premium shall be equal to the  
24 premium actually charged in Fiscal Year 1995; in subsequent  
25 years, the premium shall never be lower than the premium  
26 charged in Fiscal Year 1995.

1           For Fiscal Year 2003, the premium shall not exceed 110%  
2           of the premium actually charged in Fiscal Year 2002.

3           For Fiscal Year 2004, the premium shall not exceed 112%  
4           of the premium actually charged in Fiscal Year 2003.

5           For Fiscal Year 2005, the premium shall not exceed a  
6           weighted average of 106.6% of the premium actually charged  
7           in Fiscal Year 2004.

8           For Fiscal Year 2006, the premium shall not exceed a  
9           weighted average of 109.1% of the premium actually charged  
10          in Fiscal Year 2005.

11          For Fiscal Year 2007, the premium shall not exceed a  
12          weighted average of 103.9% of the premium actually charged  
13          in Fiscal Year 2006.

14          For Fiscal Year 2008 and thereafter, the premium in  
15          each fiscal year shall not exceed 105% of the premium  
16          actually charged in the previous fiscal year.

17          Rates and premiums may be based in part on age and  
18          eligibility for federal medicare coverage. However, the cost of  
19          participation for a TRS dependent beneficiary who is an  
20          unmarried child age 19 or over and mentally or physically  
21          disabled shall not exceed the cost for a TRS dependent  
22          beneficiary who is an unmarried child under age 19 and  
23          participates in the same major medical or managed care program.

24          The cost of health benefits under the program shall be paid  
25          as follows:

26                 (1) For a TRS benefit recipient selecting a managed



1 care program, up to 75% of the total insurance rate shall  
2 be paid from the Teacher Health Insurance Security Fund.  
3 Effective with Fiscal Year 2007 and thereafter, for a TRS  
4 benefit recipient selecting a managed care program, 75% of  
5 the total insurance rate shall be paid from the Teacher  
6 Health Insurance Security Fund.

7 (2) For a TRS benefit recipient selecting the major  
8 medical coverage program, up to 50% of the total insurance  
9 rate shall be paid from the Teacher Health Insurance  
10 Security Fund if a managed care program is accessible, as  
11 determined by the Teachers' Retirement System. Effective  
12 with Fiscal Year 2007 and thereafter, for a TRS benefit  
13 recipient selecting the major medical coverage program,  
14 50% of the total insurance rate shall be paid from the  
15 Teacher Health Insurance Security Fund if a managed care  
16 program is accessible, as determined by the Department of  
17 Central Management Services.

18 (3) For a TRS benefit recipient selecting the major  
19 medical coverage program, up to 75% of the total insurance  
20 rate shall be paid from the Teacher Health Insurance  
21 Security Fund if a managed care program is not accessible,  
22 as determined by the Teachers' Retirement System.  
23 Effective with Fiscal Year 2007 and thereafter, for a TRS  
24 benefit recipient selecting the major medical coverage  
25 program, 75% of the total insurance rate shall be paid from  
26 the Teacher Health Insurance Security Fund if a managed

1 care program is not accessible, as determined by the  
2 Department of Central Management Services.

3 (3.1) For a TRS dependent beneficiary who is Medicare  
4 primary and enrolled in a managed care plan, or the major  
5 medical coverage program if a managed care plan is not  
6 available, 25% of the total insurance rate shall be paid  
7 from the Teacher Health Security Fund as determined by the  
8 Department of Central Management Services. For the purpose  
9 of this item (3.1), the term "TRS dependent beneficiary who  
10 is Medicare primary" means a TRS dependent beneficiary who  
11 is participating in Medicare Parts A and B.

12 (4) Except as otherwise provided in item (3.1), the  
13 balance of the rate of insurance, including the entire  
14 premium of any coverage for TRS dependent beneficiaries  
15 that has been elected, shall be paid by deductions  
16 authorized by the TRS benefit recipient to be withheld from  
17 his or her monthly annuity or benefit payment from the  
18 Teachers' Retirement System; except that (i) if the balance  
19 of the cost of coverage exceeds the amount of the monthly  
20 annuity or benefit payment, the difference shall be paid  
21 directly to the Teachers' Retirement System by the TRS  
22 benefit recipient, and (ii) all or part of the balance of  
23 the cost of coverage may, at the school board's option, be  
24 paid to the Teachers' Retirement System by the school board  
25 of the school district from which the TRS benefit recipient  
26 retired, in accordance with Section 10-22.3b of the School

1 Code. The Teachers' Retirement System shall promptly  
2 deposit all moneys withheld by or paid to it under this  
3 subdivision (e)(4) into the Teacher Health Insurance  
4 Security Fund. These moneys shall not be considered assets  
5 of the Retirement System.

6 (f) Financing. Beginning July 1, 1995, all revenues arising  
7 from the administration of the health benefit programs  
8 established under Article 16 of the Illinois Pension Code or  
9 this Section shall be deposited into the Teacher Health  
10 Insurance Security Fund, which is hereby created as a  
11 nonappropriated trust fund to be held outside the State  
12 Treasury, with the State Treasurer as custodian. Any interest  
13 earned on moneys in the Teacher Health Insurance Security Fund  
14 shall be deposited into the Fund.

15 Moneys in the Teacher Health Insurance Security Fund shall  
16 be used only to pay the costs of the health benefit program  
17 established under this Section, including associated  
18 administrative costs, and the costs associated with the health  
19 benefit program established under Article 16 of the Illinois  
20 Pension Code, as authorized in this Section. Beginning July 1,  
21 1995, the Department of Central Management Services may make  
22 expenditures from the Teacher Health Insurance Security Fund  
23 for those costs.

24 After other funds authorized for the payment of the costs  
25 of the health benefit program established under Article 16 of  
26 the Illinois Pension Code are exhausted and until January 1,

1 1996 (or such later date as may be agreed upon by the Director  
2 of Central Management Services and the Secretary of the  
3 Teachers' Retirement System), the Secretary of the Teachers'  
4 Retirement System may make expenditures from the Teacher Health  
5 Insurance Security Fund as necessary to pay up to 75% of the  
6 cost of providing health coverage to eligible benefit  
7 recipients (as defined in Sections 16-153.1 and 16-153.3 of the  
8 Illinois Pension Code) who are enrolled in the Article 16  
9 health benefit program and to facilitate the transfer of  
10 administration of the health benefit program to the Department  
11 of Central Management Services.

12 The Department of Healthcare and Family Services, or any  
13 successor agency designated to procure healthcare contracts  
14 pursuant to this Act, is authorized to establish funds,  
15 separate accounts provided by any bank or banks as defined by  
16 the Illinois Banking Act, or separate accounts provided by any  
17 savings and loan association or associations as defined by the  
18 Illinois Savings and Loan Act of 1985 to be held by the  
19 Director, outside the State treasury, for the purpose of  
20 receiving the transfer of moneys from the Teacher Health  
21 Insurance Security Fund. The Department may promulgate rules  
22 further defining the methodology for the transfers. Any  
23 interest earned by moneys in the funds or accounts shall inure  
24 to the Teacher Health Insurance Security Fund. The transferred  
25 moneys, and interest accrued thereon, shall be used exclusively  
26 for transfers to administrative service organizations or their

1 financial institutions for payments of claims to claimants and  
2 providers under the self-insurance health plan. The  
3 transferred moneys, and interest accrued thereon, shall not be  
4 used for any other purpose including, but not limited to,  
5 reimbursement of administration fees due the administrative  
6 service organization pursuant to its contract or contracts with  
7 the Department.

8 (g) Contract for benefits. The Director shall by contract,  
9 self-insurance, or otherwise make available the program of  
10 health benefits for TRS benefit recipients and their TRS  
11 dependent beneficiaries that is provided for in this Section.  
12 The contract or other arrangement for the provision of these  
13 health benefits shall be on terms deemed by the Director to be  
14 in the best interest of the State of Illinois and the TRS  
15 benefit recipients based on, but not limited to, such criteria  
16 as administrative cost, service capabilities of the carrier or  
17 other contractor, and the costs of the benefits.

18 (g-5) Committee. A Teacher Retirement Insurance Program  
19 Committee shall be established, to consist of 10 persons  
20 appointed by the Governor.

21 The Committee shall convene at least 4 times each year, and  
22 shall consider and make recommendations on issues affecting the  
23 program of health benefits provided under this Section.  
24 Recommendations of the Committee shall be based on a consensus  
25 of the members of the Committee.

26 If the Teacher Health Insurance Security Fund experiences a

1 deficit balance based upon the contribution and subsidy rates  
2 established in this Section and Section 6.6 for Fiscal Year  
3 2008 or thereafter, the Committee shall make recommendations  
4 for adjustments to the funding sources established under these  
5 Sections.

6 In addition, the Committee shall identify proposed  
7 solutions to the funding shortfalls that are affecting the  
8 Teacher Health Insurance Security Fund, and it shall report  
9 those solutions to the Governor and the General Assembly within  
10 6 months after August 15, 2011 (the effective date of Public  
11 Act 97-386) ~~this amendatory Act of the 97th General Assembly.~~

12 (h) Continuation of program. It is the intention of the  
13 General Assembly that the program of health benefits provided  
14 under this Section be maintained on an ongoing, affordable  
15 basis.

16 The program of health benefits provided under this Section  
17 may be amended by the State and is not intended to be a pension  
18 or retirement benefit subject to protection under Article XIII,  
19 Section 5 of the Illinois Constitution.

20 (i) Repeal. (Blank).

21 (Source: P.A. 96-1519, eff. 2-4-11; 97-386, eff. 8-15-11;  
22 revised 9-2-11.)

23 (5 ILCS 375/6.11)

24 Sec. 6.11. Required health benefits; Illinois Insurance  
25 Code requirements. The program of health benefits shall provide

1 the post-mastectomy care benefits required to be covered by a  
2 policy of accident and health insurance under Section 356t of  
3 the Illinois Insurance Code. The program of health benefits  
4 shall provide the coverage required under Sections 356g,  
5 356g.5, 356g.5-1, 356m, 356u, 356w, 356x, 356z.2, 356z.4,  
6 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,  
7 356z.14, 356z.15, and 356z.17 and 356z.19 of the Illinois  
8 Insurance Code. The program of health benefits must comply with  
9 Sections 155.22a ~~and~~ 155.37 ~~and~~ 356z.19 of the Illinois  
10 Insurance Code.

11 Rulemaking authority to implement Public Act 95-1045, if  
12 any, is conditioned on the rules being adopted in accordance  
13 with all provisions of the Illinois Administrative Procedure  
14 Act and all rules and procedures of the Joint Committee on  
15 Administrative Rules; any purported rule not so adopted, for  
16 whatever reason, is unauthorized.

17 (Source: P.A. 96-139, eff. 1-1-10; 96-328, eff. 8-11-09;  
18 96-639, eff. 1-1-10; 96-1000, eff. 7-2-10; 97-282, eff. 8-9-11;  
19 97-343, eff. 1-1-12; revised 10-14-11.)

20 Section 25. The State Officials and Employees Ethics Act is  
21 amended by changing Section 1-5 as follows:

22 (5 ILCS 430/1-5)

23 Sec. 1-5. Definitions. As used in this Act:

24 "Appointee" means a person appointed to a position in or

1 with a State agency, regardless of whether the position is  
2 compensated.

3 "Board members of Regional Transit Boards" means any person  
4 appointed to serve on the governing board of a Regional Transit  
5 Board.

6 "Campaign for elective office" means any activity in  
7 furtherance of an effort to influence the selection,  
8 nomination, election, or appointment of any individual to any  
9 federal, State, or local public office or office in a political  
10 organization, or the selection, nomination, or election of  
11 Presidential or Vice-Presidential electors, but does not  
12 include activities (i) relating to the support or opposition of  
13 any executive, legislative, or administrative action (as those  
14 terms are defined in Section 2 of the Lobbyist Registration  
15 Act), (ii) relating to collective bargaining, or (iii) that are  
16 otherwise in furtherance of the person's official State duties.

17 "Candidate" means a person who has filed nominating papers  
18 or petitions for nomination or election to an elected State  
19 office, or who has been appointed to fill a vacancy in  
20 nomination, and who remains eligible for placement on the  
21 ballot at either a general primary election or general  
22 election.

23 "Collective bargaining" has the same meaning as that term  
24 is defined in Section 3 of the Illinois Public Labor Relations  
25 Act.

26 "Commission" means an ethics commission created by this



1 Act.

2 "Compensated time" means any time worked by or credited to  
3 a State employee that counts toward any minimum work time  
4 requirement imposed as a condition of employment with a State  
5 agency, but does not include any designated State holidays or  
6 any period when the employee is on a leave of absence.

7 "Compensatory time off" means authorized time off earned by  
8 or awarded to a State employee to compensate in whole or in  
9 part for time worked in excess of the minimum work time  
10 required of that employee as a condition of employment with a  
11 State agency.

12 "Contribution" has the same meaning as that term is defined  
13 in Section 9-1.4 of the Election Code.

14 "Employee" means (i) any person employed full-time,  
15 part-time, or pursuant to a contract and whose employment  
16 duties are subject to the direction and control of an employer  
17 with regard to the material details of how the work is to be  
18 performed or (ii) any appointed or elected commissioner,  
19 trustee, director, or board member of a board of a State  
20 agency, including any retirement system or investment board  
21 subject to the Illinois Pension Code or (iii) any other  
22 appointee.

23 "Employment benefits" include but are not limited to the  
24 following: modified compensation or benefit terms; compensated  
25 time off; or change of title, job duties, or location of office  
26 or employment. An employment benefit may also include favorable

1 treatment in determining whether to bring any disciplinary or  
2 similar action or favorable treatment during the course of any  
3 disciplinary or similar action or other performance review.

4 "Executive branch constitutional officer" means the  
5 Governor, Lieutenant Governor, Attorney General, Secretary of  
6 State, Comptroller, and Treasurer.

7 "Gift" means any gratuity, discount, entertainment,  
8 hospitality, loan, forbearance, or other tangible or  
9 intangible item having monetary value including, but not  
10 limited to, cash, food and drink, and honoraria for speaking  
11 engagements related to or attributable to government  
12 employment or the official position of an employee, member, or  
13 officer. The value of a gift may be further defined by rules  
14 adopted by the appropriate ethics commission or by the Auditor  
15 General for the Auditor General and for employees of the office  
16 of the Auditor General.

17 "Governmental entity" means a unit of local government  
18 (including a community college district) or a school district  
19 but not a State agency or a Regional Transit Board.

20 "Leave of absence" means any period during which a State  
21 employee does not receive (i) compensation for State  
22 employment, (ii) service credit towards State pension  
23 benefits, and (iii) health insurance benefits paid for by the  
24 State.

25 "Legislative branch constitutional officer" means a member  
26 of the General Assembly and the Auditor General.

1 "Legislative leader" means the President and Minority  
2 Leader of the Senate and the Speaker and Minority Leader of the  
3 House of Representatives.

4 "Member" means a member of the General Assembly.

5 "Officer" means an executive branch constitutional officer  
6 or a legislative branch constitutional officer.

7 "Political" means any activity in support of or in  
8 connection with any campaign for elective office or any  
9 political organization, but does not include activities (i)  
10 relating to the support or opposition of any executive,  
11 legislative, or administrative action (as those terms are  
12 defined in Section 2 of the Lobbyist Registration Act), (ii)  
13 relating to collective bargaining, or (iii) that are otherwise  
14 in furtherance of the person's official State duties or  
15 governmental and public service functions.

16 "Political organization" means a party, committee,  
17 association, fund, or other organization (whether or not  
18 incorporated) that is required to file a statement of  
19 organization with the State Board of Elections or a county  
20 clerk under Section 9-3 of the Election Code, but only with  
21 regard to those activities that require filing with the State  
22 Board of Elections or a county clerk.

23 "Prohibited political activity" means:

24 (1) Preparing for, organizing, or participating in any  
25 political meeting, political rally, political  
26 demonstration, or other political event.

1           (2) Soliciting contributions, including but not  
2 limited to the purchase of, selling, distributing, or  
3 receiving payment for tickets for any political  
4 fundraiser, political meeting, or other political event.

5           (3) Soliciting, planning the solicitation of, or  
6 preparing any document or report regarding any thing of  
7 value intended as a campaign contribution.

8           (4) Planning, conducting, or participating in a public  
9 opinion poll in connection with a campaign for elective  
10 office or on behalf of a political organization for  
11 political purposes or for or against any referendum  
12 question.

13           (5) Surveying or gathering information from potential  
14 or actual voters in an election to determine probable vote  
15 outcome in connection with a campaign for elective office  
16 or on behalf of a political organization for political  
17 purposes or for or against any referendum question.

18           (6) Assisting at the polls on election day on behalf of  
19 any political organization or candidate for elective  
20 office or for or against any referendum question.

21           (7) Soliciting votes on behalf of a candidate for  
22 elective office or a political organization or for or  
23 against any referendum question or helping in an effort to  
24 get voters to the polls.

25           (8) Initiating for circulation, preparing,  
26 circulating, reviewing, or filing any petition on behalf of

1 a candidate for elective office or for or against any  
2 referendum question.

3 (9) Making contributions on behalf of any candidate for  
4 elective office in that capacity or in connection with a  
5 campaign for elective office.

6 (10) Preparing or reviewing responses to candidate  
7 questionnaires in connection with a campaign for elective  
8 office or on behalf of a political organization for  
9 political purposes.

10 (11) Distributing, preparing for distribution, or  
11 mailing campaign literature, campaign signs, or other  
12 campaign material on behalf of any candidate for elective  
13 office or for or against any referendum question.

14 (12) Campaigning for any elective office or for or  
15 against any referendum question.

16 (13) Managing or working on a campaign for elective  
17 office or for or against any referendum question.

18 (14) Serving as a delegate, alternate, or proxy to a  
19 political party convention.

20 (15) Participating in any recount or challenge to the  
21 outcome of any election, except to the extent that under  
22 subsection (d) of Section 6 of Article IV of the Illinois  
23 Constitution each house of the General Assembly shall judge  
24 the elections, returns, and qualifications of its members.

25 "Prohibited source" means any person or entity who:

26 (1) is seeking official action (i) by the member or

1 officer or (ii) in the case of an employee, by the employee  
2 or by the member, officer, State agency, or other employee  
3 directing the employee;

4 (2) does business or seeks to do business (i) with the  
5 member or officer or (ii) in the case of an employee, with  
6 the employee or with the member, officer, State agency, or  
7 other employee directing the employee;

8 (3) conducts activities regulated (i) by the member or  
9 officer or (ii) in the case of an employee, by the employee  
10 or by the member, officer, State agency, or other employee  
11 directing the employee;

12 (4) has interests that may be substantially affected by  
13 the performance or non-performance of the official duties  
14 of the member, officer, or employee;

15 (5) is registered or required to be registered with the  
16 Secretary of State under the Lobbyist Registration Act,  
17 except that an entity not otherwise a prohibited source  
18 does not become a prohibited source merely because a  
19 registered lobbyist is one of its members or serves on its  
20 board of directors; or

21 (6) is an agent of, a spouse of, or an immediate family  
22 member who is living with a "prohibited source".

23 "Regional Transit Boards" means (i) the Regional  
24 Transportation Authority created by the Regional  
25 Transportation Authority Act, (ii) the Suburban Bus Division  
26 created by the Regional Transportation Authority Act, (iii) the

1 Commuter Rail Division created by the Regional Transportation  
2 Authority Act, and (iv) the Chicago Transit Authority created  
3 by the Metropolitan Transit Authority Act.

4 "State agency" includes all officers, boards, commissions  
5 and agencies created by the Constitution, whether in the  
6 executive or legislative branch; all officers, departments,  
7 boards, commissions, agencies, institutions, authorities,  
8 public institutions of higher learning as defined in Section 2  
9 of the Higher Education Cooperation Act (except community  
10 colleges), and bodies politic and corporate of the State; and  
11 administrative units or corporate outgrowths of the State  
12 government which are created by or pursuant to statute, other  
13 than units of local government (including community college  
14 districts) and their officers, school districts, and boards of  
15 election commissioners; and all administrative units and  
16 corporate outgrowths of the above and as may be created by  
17 executive order of the Governor. "State agency" includes the  
18 General Assembly, the Senate, the House of Representatives, the  
19 President and Minority Leader of the Senate, the Speaker and  
20 Minority Leader of the House of Representatives, the Senate  
21 Operations Commission, and the legislative support services  
22 agencies. "State agency" includes the Office of the Auditor  
23 General. "State agency" does not include the judicial branch.

24 "State employee" means any employee of a State agency.

25 "Ultimate jurisdictional authority" means the following:

26 (1) For members, legislative partisan staff, and

1 legislative secretaries, the appropriate legislative  
2 leader: President of the Senate, Minority Leader of the  
3 Senate, Speaker of the House of Representatives, or  
4 Minority Leader of the House of Representatives.

5 (2) For State employees who are professional staff or  
6 employees of the Senate and not covered under item (1), the  
7 Senate Operations Commission.

8 (3) For State employees who are professional staff or  
9 employees of the House of Representatives and not covered  
10 under item (1), the Speaker of the House of  
11 Representatives.

12 (4) For State employees who are employees of the  
13 legislative support services agencies, the Joint Committee  
14 on Legislative Support Services.

15 (5) For State employees of the Auditor General, the  
16 Auditor General.

17 (6) For State employees of public institutions of  
18 higher learning as defined in Section 2 of the Higher  
19 Education Cooperation Act (except community colleges), the  
20 board of trustees of the appropriate public institution of  
21 higher learning.

22 (7) For State employees of an executive branch  
23 constitutional officer other than those described in  
24 paragraph (6), the appropriate executive branch  
25 constitutional officer.

26 (8) For State employees not under the jurisdiction of



1 paragraph (1), (2), (3), (4), (5), (6), or (7), the  
2 Governor.

3 (9) For employees of Regional Transit Boards, the  
4 appropriate Regional Transit Board.

5 (10) For board members of Regional Transit Boards, the  
6 Governor.

7 (Source: P.A. 95-880, eff. 8-19-08; 96-6, eff. 4-3-09; 96-555,  
8 eff. 8-18-09; 96-1528, eff. 7-1-11; 96-1533, eff. 3-4-11;  
9 revised 10-20-11.)

10 Section 30. The Election Code is amended by changing  
11 Sections 3-3, 4-6.3, 4-10, 5-9, 5-16.3, 6-50.3, 6-56, 19-4,  
12 19-12.1, 19-12.2, and 24-11 as follows:

13 (10 ILCS 5/3-3) (from Ch. 46, par. 3-3)

14 Sec. 3-3. Every honorably discharged soldier or sailor who  
15 is an inmate of any soldiers' and sailors' home within the  
16 State of Illinois, any person who is a resident of a facility  
17 licensed or certified pursuant to the Nursing Home Care Act,  
18 the Specialized Mental Health Rehabilitation Act, or the ID/DD  
19 Community Care Act, or any person who is a resident of a  
20 community-integrated living arrangement, as defined in Section  
21 3 of the Community-Integrated Living Arrangements Licensure  
22 and Certification Act, for 30 days or longer, and who is a  
23 citizen of the United States and has resided in this State and  
24 in the election district 30 days next preceding any election

1 shall be entitled to vote in the election district in which any  
2 such home or community-integrated living arrangement in which  
3 he is an inmate or resident is located, for all officers that  
4 now are or hereafter may be elected by the people, and upon all  
5 questions that may be submitted to the vote of the people:  
6 Provided, that he shall declare upon oath, that it was his bona  
7 fide intention at the time he entered said home or  
8 community-integrated living arrangement to become a resident  
9 thereof.

10 (Source: P.A. 96-339, eff. 7-1-10; 96-563, eff. 1-1-10;  
11 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;  
12 revised 9-2-11.)

13 (10 ILCS 5/4-6.3) (from Ch. 46, par. 4-6.3)

14 Sec. 4-6.3. The county clerk may establish a temporary  
15 place of registration for such times and at such locations  
16 within the county as the county clerk may select. However, no  
17 temporary place of registration may be in operation during the  
18 27 days preceding an election. Notice of the time and place of  
19 registration under this Section shall be published by the  
20 county clerk in a newspaper having a general circulation in the  
21 county not less than 3 nor more than 15 days before the holding  
22 of such registration.

23 Temporary places of registration shall be established so  
24 that the areas of concentration of population or use by the  
25 public are served, whether by facilities provided in places of

1 private business or in public buildings or in mobile units.  
2 Areas which may be designated as temporary places of  
3 registration include, but are not limited to, facilities  
4 licensed or certified pursuant to the Nursing Home Care Act,  
5 the Specialized Mental Health Rehabilitation Act, or the ID/DD  
6 Community Care Act, Soldiers' and Sailors' Homes, shopping  
7 centers, business districts, public buildings and county  
8 fairs.

9 Temporary places of registration shall be available to the  
10 public not less than 2 hours per year for each 1,000 population  
11 or fraction thereof in the county.

12 All temporary places of registration shall be manned by  
13 deputy county clerks or deputy registrars appointed pursuant to  
14 Section 4-6.2.

15 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
16 eff. 1-1-12; revised 9-2-11.)

17 (10 ILCS 5/4-10) (from Ch. 46, par. 4-10)

18 Sec. 4-10. Except as herein provided, no person shall be  
19 registered, unless he applies in person to a registration  
20 officer, answers such relevant questions as may be asked of him  
21 by the registration officer, and executes the affidavit of  
22 registration. The registration officer shall require the  
23 applicant to furnish two forms of identification, and except in  
24 the case of a homeless individual, one of which must include  
25 his or her residence address. These forms of identification

1 shall include, but not be limited to, any of the following:  
2 driver's license, social security card, public aid  
3 identification card, utility bill, employee or student  
4 identification card, lease or contract for a residence, credit  
5 card, or a civic, union or professional association membership  
6 card. The registration officer shall require a homeless  
7 individual to furnish evidence of his or her use of the mailing  
8 address stated. This use may be demonstrated by a piece of mail  
9 addressed to that individual and received at that address or by  
10 a statement from a person authorizing use of the mailing  
11 address. The registration officer shall require each applicant  
12 for registration to read or have read to him the affidavit of  
13 registration before permitting him to execute the affidavit.

14 One of the registration officers or a deputy registration  
15 officer, county clerk, or clerk in the office of the county  
16 clerk, shall administer to all persons who shall personally  
17 apply to register the following oath or affirmation:

18 "You do solemnly swear (or affirm) that you will fully and  
19 truly answer all such questions as shall be put to you touching  
20 your name, place of residence, place of birth, your  
21 qualifications as an elector and your right as such to register  
22 and vote under the laws of the State of Illinois."

23 The registration officer shall satisfy himself that each  
24 applicant for registration is qualified to register before  
25 registering him. If the registration officer has reason to  
26 believe that the applicant is a resident of a Soldiers' and

1 Sailors' Home or any facility which is licensed or certified  
2 pursuant to the Nursing Home Care Act, the Specialized Mental  
3 Health Rehabilitation Act, or the ID/DD Community Care Act, the  
4 following question shall be put, "When you entered the home  
5 which is your present address, was it your bona fide intention  
6 to become a resident thereof?" Any voter of a township, city,  
7 village or incorporated town in which such applicant resides,  
8 shall be permitted to be present at the place of any precinct  
9 registration and shall have the right to challenge any  
10 applicant who applies to be registered.

11 In case the officer is not satisfied that the applicant is  
12 qualified he shall forthwith notify such applicant in writing  
13 to appear before the county clerk to complete his registration.  
14 Upon the card of such applicant shall be written the word  
15 "incomplete" and no such applicant shall be permitted to vote  
16 unless such registration is satisfactorily completed as  
17 hereinafter provided. No registration shall be taken and marked  
18 as incomplete if information to complete it can be furnished on  
19 the date of the original application.

20 Any person claiming to be an elector in any election  
21 precinct and whose registration card is marked "Incomplete" may  
22 make and sign an application in writing, under oath, to the  
23 county clerk in substance in the following form:

24 "I do solemnly swear that I, ....., did on (insert date)  
25 make application to the board of registry of the .... precinct  
26 of the township of .... (or to the county clerk of .... county)

1 and that said board or clerk refused to complete my  
 2 registration as a qualified voter in said precinct. That I  
 3 reside in said precinct, that I intend to reside in said  
 4 precinct, and am a duly qualified voter of said precinct and am  
 5 entitled to be registered to vote in said precinct at the next  
 6 election.

7 (Signature of applicant) ....."

8 All such applications shall be presented to the county  
 9 clerk or to his duly authorized representative by the  
 10 applicant, in person between the hours of 9:00 a.m. and 5:00  
 11 p.m. on any day after the days on which the 1969 and 1970  
 12 precinct re-registrations are held but not on any day within 27  
 13 days preceding the ensuing general election and thereafter for  
 14 the registration provided in Section 4-7 all such applications  
 15 shall be presented to the county clerk or his duly authorized  
 16 representative by the applicant in person between the hours of  
 17 9:00 a.m. and 5:00 p.m. on any day prior to 27 days preceding  
 18 the ensuing general election. Such application shall be heard  
 19 by the county clerk or his duly authorized representative at  
 20 the time the application is presented. If the applicant for  
 21 registration has registered with the county clerk, such  
 22 application may be presented to and heard by the county clerk  
 23 or by his duly authorized representative upon the dates  
 24 specified above or at any time prior thereto designated by the  
 25 county clerk.

1 Any otherwise qualified person who is absent from his  
2 county of residence either due to business of the United States  
3 or because he is temporarily outside the territorial limits of  
4 the United States may become registered by mailing an  
5 application to the county clerk within the periods of  
6 registration provided for in this Article, or by simultaneous  
7 application for absentee registration and absentee ballot as  
8 provided in Article 20 of this Code.

9 Upon receipt of such application the county clerk shall  
10 immediately mail an affidavit of registration in duplicate,  
11 which affidavit shall contain the following and such other  
12 information as the State Board of Elections may think it proper  
13 to require for the identification of the applicant:

14 Name. The name of the applicant, giving surname and first  
15 or Christian name in full, and the middle name or the initial  
16 for such middle name, if any.

17 Sex.

18 Residence. The name and number of the street, avenue or  
19 other location of the dwelling, and such additional clear and  
20 definite description as may be necessary to determine the exact  
21 location of the dwelling of the applicant. Where the location  
22 cannot be determined by street and number, then the Section,  
23 congressional township and range number may be used, or such  
24 other information as may be necessary, including post office  
25 mailing address.

26 Term of residence in the State of Illinois and the

1 precinct.

2 Nativity. The State or country in which the applicant was  
3 born.

4 Citizenship. Whether the applicant is native born or  
5 naturalized. If naturalized, the court, place and date of  
6 naturalization.

7 Age. Date of birth, by month, day and year.

8 Out of State address of .....

9 AFFIDAVIT OF REGISTRATION

10 State of .....)

11 )ss

12 County of .....)

13 I hereby swear (or affirm) that I am a citizen of the  
14 United States; that on the day of the next election I shall  
15 have resided in the State of Illinois and in the election  
16 precinct 30 days; that I am fully qualified to vote, that I am  
17 not registered to vote anywhere else in the United States, that  
18 I intend to remain a resident of the State of Illinois and of  
19 the election precinct, that I intend to return to the State of  
20 Illinois, and that the above statements are true.

21 .....

22 (His or her signature or mark)

23 Subscribed and sworn to before me, an officer qualified to  
24 administer oaths, on (insert date).

25 .....

26 Signature of officer administering oath.



1           Upon receipt of the executed duplicate affidavit of  
2 Registration, the county clerk shall transfer the information  
3 contained thereon to duplicate Registration Cards provided for  
4 in Section 4-8 of this Article and shall attach thereto a copy  
5 of each of the duplicate affidavit of registration and  
6 thereafter such registration card and affidavit shall  
7 constitute the registration of such person the same as if he  
8 had applied for registration in person.

9           (Source: P.A. 96-317, eff. 1-1-10; 96-339, eff. 7-1-10;  
10 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;  
11 revised 9-2-11.)

12           (10 ILCS 5/5-9) (from Ch. 46, par. 5-9)

13           Sec. 5-9. Except as herein provided, no person shall be  
14 registered unless he applies in person to registration officer,  
15 answers such relevant questions as may be asked of him by the  
16 registration officer, and executes the affidavit of  
17 registration. The registration officer shall require the  
18 applicant to furnish two forms of identification, and except in  
19 the case of a homeless individual, one of which must include  
20 his or her residence address. These forms of identification  
21 shall include, but not be limited to, any of the following:  
22 driver's license, social security card, public aid  
23 identification card, utility bill, employee or student  
24 identification card, lease or contract for a residence, credit  
25 card, or a civic, union or professional association membership

1 card. The registration officer shall require a homeless  
2 individual to furnish evidence of his or her use of the mailing  
3 address stated. This use may be demonstrated by a piece of mail  
4 addressed to that individual and received at that address or by  
5 a statement from a person authorizing use of the mailing  
6 address. The registration officer shall require each applicant  
7 for registration to read or have read to him the affidavit of  
8 registration before permitting him to execute the affidavit.

9 One of the Deputy Registrars, the Judge of Registration, or  
10 an Officer of Registration, County Clerk, or clerk in the  
11 office of the County Clerk, shall administer to all persons who  
12 shall personally apply to register the following oath or  
13 affirmation:

14 "You do solemnly swear (or affirm) that you will fully and  
15 truly answer all such questions as shall be put to you touching  
16 your place of residence, name, place of birth, your  
17 qualifications as an elector and your right as such to register  
18 and vote under the laws of the State of Illinois."

19 The Registration Officer shall satisfy himself that each  
20 applicant for registration is qualified to register before  
21 registering him. If the registration officer has reason to  
22 believe that the applicant is a resident of a Soldiers' and  
23 Sailors' Home or any facility which is licensed or certified  
24 pursuant to the Nursing Home Care Act, the Specialized Mental  
25 Health Rehabilitation Act, or the ID/DD Community Care Act, the  
26 following question shall be put, "When you entered the home

1 which is your present address, was it your bona fide intention  
2 to become a resident thereof?" Any voter of a township, city,  
3 village or incorporated town in which such applicant resides,  
4 shall be permitted to be present at the place of precinct  
5 registration, and shall have the right to challenge any  
6 applicant who applies to be registered.

7 In case the officer is not satisfied that the applicant is  
8 qualified, he shall forthwith in writing notify such applicant  
9 to appear before the County Clerk to furnish further proof of  
10 his qualifications. Upon the card of such applicant shall be  
11 written the word "Incomplete" and no such applicant shall be  
12 permitted to vote unless such registration is satisfactorily  
13 completed as hereinafter provided. No registration shall be  
14 taken and marked as "incomplete" if information to complete it  
15 can be furnished on the date of the original application.

16 Any person claiming to be an elector in any election  
17 precinct in such township, city, village or incorporated town  
18 and whose registration is marked "Incomplete" may make and sign  
19 an application in writing, under oath, to the County Clerk in  
20 substance in the following form:

21 "I do solemnly swear that I, ....., did on (insert  
22 date) make application to the Board of Registry of the .....  
23 precinct of ..... ward of the City of .... or of the  
24 ..... District ..... Town of ..... (or to the  
25 County Clerk of ..... ) and ..... County; that  
26 said Board or Clerk refused to complete my registration as a

1 qualified voter in said precinct, that I reside in said  
 2 precinct (or that I intend to reside in said precinct), am a  
 3 duly qualified voter and entitled to vote in said precinct at  
 4 the next election.

5 .....  
 6 (Signature of Applicant)"

7 All such applications shall be presented to the County  
 8 Clerk by the applicant, in person between the hours of nine  
 9 o'clock a.m. and five o'clock p.m., on Monday and Tuesday of  
 10 the third week subsequent to the weeks in which the 1961 and  
 11 1962 precinct re-registrations are to be held, and thereafter  
 12 for the registration provided in Section 5-17 of this Article,  
 13 all such applications shall be presented to the County Clerk by  
 14 the applicant in person between the hours of nine o'clock a.m.  
 15 and nine o'clock p.m. on Monday and Tuesday of the third week  
 16 prior to the date on which such election is to be held.

17 Any otherwise qualified person who is absent from his  
 18 county of residence either due to business of the United States  
 19 or because he is temporarily outside the territorial limits of  
 20 the United States may become registered by mailing an  
 21 application to the county clerk within the periods of  
 22 registration provided for in this Article or by simultaneous  
 23 application for absentee registration and absentee ballot as  
 24 provided in Article 20 of this Code.

25 Upon receipt of such application the county clerk shall  
 26 immediately mail an affidavit of registration in duplicate,

1 which affidavit shall contain the following and such other  
2 information as the State Board of Elections may think it proper  
3 to require for the identification of the applicant:

4 Name. The name of the applicant, giving surname and first  
5 or Christian name in full, and the middle name or the initial  
6 for such middle name, if any.

7 Sex.

8 Residence. The name and number of the street, avenue or  
9 other location of the dwelling, and such additional clear and  
10 definite description as may be necessary to determine the exact  
11 location of the dwelling of the applicant. Where the location  
12 cannot be determined by street and number, then the Section,  
13 congressional township and range number may be used, or such  
14 other information as may be necessary, including post office  
15 mailing address.

16 Term of residence in the State of Illinois and the  
17 precinct.

18 Nativity. The State or country in which the applicant was  
19 born.

20 Citizenship. Whether the applicant is native born or  
21 naturalized. If naturalized, the court, place and date of  
22 naturalization.

23 Age. Date of birth, by month, day and year.

24 Out of State address of .....

25 AFFIDAVIT OF REGISTRATION

26 State of .....)

1 )ss

2 County of .....

3 I hereby swear (or affirm) that I am a citizen of the  
 4 United States; that on the day of the next election I shall  
 5 have resided in the State of Illinois for 6 months and in the  
 6 election precinct 30 days; that I am fully qualified to vote,  
 7 that I am not registered to vote anywhere else in the United  
 8 States, that I intend to remain a resident of the State of  
 9 Illinois and of the election precinct, that I intend to return  
 10 to the State of Illinois, and that the above statements are  
 11 true.

12 .....

13 (His or her signature or mark)

14 Subscribed and sworn to before me, an officer qualified to  
 15 administer oaths, on (insert date).

16 .....

17 Signature of officer administering oath.

18  
 19 Upon receipt of the executed duplicate affidavit of  
 20 Registration, the county clerk shall transfer the information  
 21 contained thereon to duplicate Registration Cards provided for  
 22 in Section 5-7 of this Article and shall attach thereto a copy  
 23 of each of the duplicate affidavit of registration and  
 24 thereafter such registration card and affidavit shall  
 25 constitute the registration of such person the same as if he

1 had applied for registration in person.

2 (Source: P.A. 96-317, eff. 1-1-10; 96-339, eff. 7-1-10;  
3 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;  
4 revised 9-2-11.)

5 (10 ILCS 5/5-16.3) (from Ch. 46, par. 5-16.3)

6 Sec. 5-16.3. The county clerk may establish temporary  
7 places of registration for such times and at such locations  
8 within the county as the county clerk may select. However, no  
9 temporary place of registration may be in operation during the  
10 27 days preceding an election. Notice of time and place of  
11 registration at any such temporary place of registration under  
12 this Section shall be published by the county clerk in a  
13 newspaper having a general circulation in the county not less  
14 than 3 nor more than 15 days before the holding of such  
15 registration.

16 Temporary places of registration shall be established so  
17 that the areas of concentration of population or use by the  
18 public are served, whether by facilities provided in places of  
19 private business or in public buildings or in mobile units.  
20 Areas which may be designated as temporary places of  
21 registration include, but are not limited to, facilities  
22 licensed or certified pursuant to the Nursing Home Care Act,  
23 the Specialized Mental Health Rehabilitation Act, or the ID/DD  
24 Community Care Act, Soldiers' and Sailors' Homes, shopping  
25 centers, business districts, public buildings and county

1 fairs.

2 Temporary places of registration shall be available to the  
3 public not less than 2 hours per year for each 1,000 population  
4 or fraction thereof in the county.

5 All temporary places of registration shall be manned by  
6 deputy county clerks or deputy registrars appointed pursuant to  
7 Section 5-16.2.

8 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
9 eff. 1-1-12; revised 9-2-11.)

10 (10 ILCS 5/6-50.3) (from Ch. 46, par. 6-50.3)

11 Sec. 6-50.3. The board of election commissioners may  
12 establish temporary places of registration for such times and  
13 at such locations as the board may select. However, no  
14 temporary place of registration may be in operation during the  
15 27 days preceding an election. Notice of the time and place of  
16 registration at any such temporary place of registration under  
17 this Section shall be published by the board of election  
18 commissioners in a newspaper having a general circulation in  
19 the city, village or incorporated town not less than 3 nor more  
20 than 15 days before the holding of such registration.

21 Temporary places of registration shall be established so  
22 that the areas of concentration of population or use by the  
23 public are served, whether by facilities provided in places of  
24 private business or in public buildings or in mobile units.  
25 Areas which may be designated as temporary places of



1 registration include, but are not limited to, facilities  
2 licensed or certified pursuant to the Nursing Home Care Act,  
3 the Specialized Mental Health Rehabilitation Act, or the ID/DD  
4 Community Care Act, Soldiers' and Sailors' Homes, shopping  
5 centers, business districts, public buildings and county  
6 fairs.

7 Temporary places of registration shall be available to the  
8 public not less than 2 hours per year for each 1,000 population  
9 or fraction thereof in the county.

10 All temporary places of registration shall be manned by  
11 employees of the board of election commissioners or deputy  
12 registrars appointed pursuant to Section 6-50.2.

13 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
14 eff. 1-1-12; revised 9-2-11.)

15 (10 ILCS 5/6-56) (from Ch. 46, par. 6-56)

16 Sec. 6-56. Not more than 30 nor less than 28 days before  
17 any election under this Article, all owners, managers,  
18 administrators or operators of hotels, lodging houses, rooming  
19 houses, furnished apartments or facilities licensed or  
20 certified under the Nursing Home Care Act, which house 4 or  
21 more persons, outside the members of the family of such owner,  
22 manager, administrator or operator, shall file with the board  
23 of election commissioners a report, under oath, together with  
24 one copy thereof, in such form as may be required by the board  
25 of election commissioners, of the names and descriptions of all

1 lodgers, guests or residents claiming a voting residence at the  
2 hotels, lodging houses, rooming houses, furnished apartments,  
3 or facility licensed or certified under the Nursing Home Care  
4 Act, the Specialized Mental Health Rehabilitation Act, or the  
5 ID/DD Community Care Act under their control. In counties  
6 having a population of 500,000 or more such report shall be  
7 made on forms mailed to them by the board of election  
8 commissioners. The board of election commissioners shall sort  
9 and assemble the sworn copies of the reports in numerical order  
10 according to ward and according to precincts within each ward  
11 and shall, not later than 5 days after the last day allowed by  
12 this Article for the filing of the reports, maintain one  
13 assembled set of sworn duplicate reports available for public  
14 inspection until 60 days after election days. Except as is  
15 otherwise expressly provided in this Article, the board shall  
16 not be required to perform any duties with respect to the sworn  
17 reports other than to mail, sort, assemble, post and file them  
18 as hereinabove provided.

19 Except in such cases where a precinct canvass is being  
20 conducted by the Board of Election Commissioners prior to a  
21 Primary or Election, the board of election commissioners shall  
22 compare the original copy of each such report with the list of  
23 registered voters from such addresses. Every person registered  
24 from such address and not listed in such report or whose name  
25 is different from any name so listed, shall immediately after  
26 the last day of registration be sent a notice through the

1 United States mail, at the address appearing upon his  
2 registration record card, requiring him to appear before the  
3 board of election commissioners on one of the days specified in  
4 Section 6-45 of this Article and show cause why his  
5 registration should not be cancelled. The provisions of  
6 Sections 6-45, 6-46 and 6-47 of this Article shall apply to  
7 such hearing and proceedings subsequent thereto.

8 Any owner, manager or operator of any such hotel, lodging  
9 house, rooming house or furnished apartment who shall fail or  
10 neglect to file such statement and copy thereof as in this  
11 Article provided, may, upon written information of the attorney  
12 for the election commissioners, be cited by the election  
13 commissioners or upon the complaint of any voter of such city,  
14 village or incorporated town, to appear before them and furnish  
15 such sworn statement and copy thereof and make such oral  
16 statements under oath regarding such hotel, lodging house,  
17 rooming house or furnished apartment, as the election  
18 commissioners may require. The election commissioners shall  
19 sit to hear such citations on the Friday of the fourth week  
20 preceding the week in which such election is to be held. Such  
21 citation shall be served not later than the day preceding the  
22 day on which it is returnable.

23 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
24 eff. 1-1-12; revised 9-2-11.)

1           Sec. 19-4. Mailing or delivery of ballots - Time.)  
2           Immediately upon the receipt of such application either by  
3           mail, not more than 40 days nor less than 5 days prior to such  
4           election, or by personal delivery not more than 40 days nor  
5           less than one day prior to such election, at the office of such  
6           election authority, it shall be the duty of such election  
7           authority to examine the records to ascertain whether or not  
8           such applicant is lawfully entitled to vote as requested,  
9           including a verification of the applicant's signature by  
10          comparison with the signature on the official registration  
11          record card, and if found so to be entitled to vote, to post  
12          within one business day thereafter the name, street address,  
13          ward and precinct number or township and district number, as  
14          the case may be, of such applicant given on a list, the pages  
15          of which are to be numbered consecutively to be kept by such  
16          election authority for such purpose in a conspicuous, open and  
17          public place accessible to the public at the entrance of the  
18          office of such election authority, and in such a manner that  
19          such list may be viewed without necessity of requesting  
20          permission therefor. Within one day after posting the name and  
21          other information of an applicant for an absentee ballot, the  
22          election authority shall transmit that name and other posted  
23          information to the State Board of Elections, which shall  
24          maintain those names and other information in an electronic  
25          format on its website, arranged by county and accessible to  
26          State and local political committees. Within 2 business days

1 after posting a name and other information on the list within  
2 its office, the election authority shall mail, postage prepaid,  
3 or deliver in person in such office an official ballot or  
4 ballots if more than one are to be voted at said election. Mail  
5 delivery of Temporarily Absent Student ballot applications  
6 pursuant to Section 19-12.3 shall be by nonforwardable mail.  
7 However, for the consolidated election, absentee ballots for  
8 certain precincts may be delivered to applicants not less than  
9 25 days before the election if so much time is required to have  
10 prepared and printed the ballots containing the names of  
11 persons nominated for offices at the consolidated primary. The  
12 election authority shall enclose with each absentee ballot or  
13 application written instructions on how voting assistance  
14 shall be provided pursuant to Section 17-14 and a document,  
15 written and approved by the State Board of Elections,  
16 enumerating the circumstances under which a person is  
17 authorized to vote by absentee ballot pursuant to this Article;  
18 such document shall also include a statement informing the  
19 applicant that if he or she falsifies or is solicited by  
20 another to falsify his or her eligibility to cast an absentee  
21 ballot, such applicant or other is subject to penalties  
22 pursuant to Section 29-10 and Section 29-20 of the Election  
23 Code. Each election authority shall maintain a list of the  
24 name, street address, ward and precinct, or township and  
25 district number, as the case may be, of all applicants who have  
26 returned absentee ballots to such authority, and the name of

1 such absent voter shall be added to such list within one  
2 business day from receipt of such ballot. If the absentee  
3 ballot envelope indicates that the voter was assisted in  
4 casting the ballot, the name of the person so assisting shall  
5 be included on the list. The list, the pages of which are to be  
6 numbered consecutively, shall be kept by each election  
7 authority in a conspicuous, open, and public place accessible  
8 to the public at the entrance of the office of the election  
9 authority and in a manner that the list may be viewed without  
10 necessity of requesting permission for viewing.

11 Each election authority shall maintain a list for each  
12 election of the voters to whom it has issued absentee ballots.  
13 The list shall be maintained for each precinct within the  
14 jurisdiction of the election authority. Prior to the opening of  
15 the polls on election day, the election authority shall deliver  
16 to the judges of election in each precinct the list of  
17 registered voters in that precinct to whom absentee ballots  
18 have been issued by mail.

19 Each election authority shall maintain a list for each  
20 election of voters to whom it has issued temporarily absent  
21 student ballots. The list shall be maintained for each election  
22 jurisdiction within which such voters temporarily abide.  
23 Immediately after the close of the period during which  
24 application may be made by mail for absentee ballots, each  
25 election authority shall mail to each other election authority  
26 within the State a certified list of all such voters

1 temporarily abiding within the jurisdiction of the other  
2 election authority.

3 In the event that the return address of an application for  
4 ballot by a physically incapacitated elector is that of a  
5 facility licensed or certified under the Nursing Home Care Act,  
6 the Specialized Mental Health Rehabilitation Act, or the ID/DD  
7 Community Care Act, within the jurisdiction of the election  
8 authority, and the applicant is a registered voter in the  
9 precinct in which such facility is located, the ballots shall  
10 be prepared and transmitted to a responsible judge of election  
11 no later than 9 a.m. on the Saturday, Sunday or Monday  
12 immediately preceding the election as designated by the  
13 election authority under Section 19-12.2. Such judge shall  
14 deliver in person on the designated day the ballot to the  
15 applicant on the premises of the facility from which  
16 application was made. The election authority shall by mail  
17 notify the applicant in such facility that the ballot will be  
18 delivered by a judge of election on the designated day.

19 All applications for absentee ballots shall be available at  
20 the office of the election authority for public inspection upon  
21 request from the time of receipt thereof by the election  
22 authority until 30 days after the election, except during the  
23 time such applications are kept in the office of the election  
24 authority pursuant to Section 19-7, and except during the time  
25 such applications are in the possession of the judges of  
26 election.

1 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
2 eff. 1-1-12; revised 9-2-11.)

3 (10 ILCS 5/19-12.1) (from Ch. 46, par. 19-12.1)

4 Sec. 19-12.1. Any qualified elector who has secured an  
5 Illinois Disabled Person Identification Card in accordance  
6 with the ~~The~~ Illinois Identification Card Act, indicating that  
7 the person named thereon has a Class 1A or Class 2 disability  
8 or any qualified voter who has a permanent physical incapacity  
9 of such a nature as to make it improbable that he will be able  
10 to be present at the polls at any future election, or any voter  
11 who is a resident of (i) a federally operated veterans' home,  
12 hospital, or facility located in Illinois or (ii) a facility  
13 licensed or certified pursuant to the Nursing Home Care Act,  
14 the Specialized Mental Health Rehabilitation Act, or the ID/DD  
15 Community Care Act and has a condition or disability of such a  
16 nature as to make it improbable that he will be able to be  
17 present at the polls at any future election, may secure a  
18 disabled voter's or nursing home resident's identification  
19 card, which will enable him to vote under this Article as a  
20 physically incapacitated or nursing home voter. For the  
21 purposes of this Section, "federally operated veterans' home,  
22 hospital, or facility" means the long-term care facilities at  
23 the Jesse Brown VA Medical Center, Illiana Health Care System,  
24 Edward Hines, Jr. VA Hospital, Marion VA Medical Center, and  
25 Captain James A. Lovell Federal Health Care Center.



1           Application for a disabled voter's or nursing home  
2 resident's identification card shall be made either: (a) in  
3 writing, with voter's sworn affidavit, to the county clerk or  
4 board of election commissioners, as the case may be, and shall  
5 be accompanied by the affidavit of the attending physician  
6 specifically describing the nature of the physical incapacity  
7 or the fact that the voter is a nursing home resident and is  
8 physically unable to be present at the polls on election days;  
9 or (b) by presenting, in writing or otherwise, to the county  
10 clerk or board of election commissioners, as the case may be,  
11 proof that the applicant has secured an Illinois Disabled  
12 Person Identification Card indicating that the person named  
13 thereon has a Class 1A or Class 2 disability. Upon the receipt  
14 of either the sworn-to application and the physician's  
15 affidavit or proof that the applicant has secured an Illinois  
16 Disabled Person Identification Card indicating that the person  
17 named thereon has a Class 1A or Class 2 disability, the county  
18 clerk or board of election commissioners shall issue a disabled  
19 voter's or nursing home resident's identification card. Such  
20 identification cards shall be issued for a period of 5 years,  
21 upon the expiration of which time the voter may secure a new  
22 card by making application in the same manner as is prescribed  
23 for the issuance of an original card, accompanied by a new  
24 affidavit of the attending physician. The date of expiration of  
25 such five-year period shall be made known to any interested  
26 person by the election authority upon the request of such

1 person. Applications for the renewal of the identification  
2 cards shall be mailed to the voters holding such cards not less  
3 than 3 months prior to the date of expiration of the cards.

4 Each disabled voter's or nursing home resident's  
5 identification card shall bear an identification number, which  
6 shall be clearly noted on the voter's original and duplicate  
7 registration record cards. In the event the holder becomes  
8 physically capable of resuming normal voting, he must surrender  
9 his disabled voter's or nursing home resident's identification  
10 card to the county clerk or board of election commissioners  
11 before the next election.

12 The holder of a disabled voter's or nursing home resident's  
13 identification card may make application by mail for an  
14 official ballot within the time prescribed by Section 19-2.  
15 Such application shall contain the same information as is  
16 included in the form of application for ballot by a physically  
17 incapacitated elector prescribed in Section 19-3 except that it  
18 shall also include the applicant's disabled voter's  
19 identification card number and except that it need not be sworn  
20 to. If an examination of the records discloses that the  
21 applicant is lawfully entitled to vote, he shall be mailed a  
22 ballot as provided in Section 19-4. The ballot envelope shall  
23 be the same as that prescribed in Section 19-5 for physically  
24 disabled voters, and the manner of voting and returning the  
25 ballot shall be the same as that provided in this Article for  
26 other absentee ballots, except that a statement to be

1 subscribed to by the voter but which need not be sworn to shall  
2 be placed on the ballot envelope in lieu of the affidavit  
3 prescribed by Section 19-5.

4 Any person who knowingly subscribes to a false statement in  
5 connection with voting under this Section shall be guilty of a  
6 Class A misdemeanor.

7 For the purposes of this Section, "nursing home resident"  
8 includes a resident of (i) a federally operated veterans' home,  
9 hospital, or facility located in Illinois or (ii) a facility  
10 licensed under the ID/DD ~~MR/DD~~ Community Care Act or the  
11 Specialized Mental Health Rehabilitation Act. For the purposes  
12 of this Section, "federally operated veterans' home, hospital,  
13 or facility" means the long-term care facilities at the Jesse  
14 Brown VA Medical Center, Illiana Health Care System, Edward  
15 Hines, Jr. VA Hospital, Marion VA Medical Center, and Captain  
16 James A. Lovell Federal Health Care Center.

17 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
18 eff. 1-1-12; 97-275, eff. 1-1-12; revised 9-2-11.)

19 (10 ILCS 5/19-12.2) (from Ch. 46, par. 19-12.2)

20 Sec. 19-12.2. Voting by physically incapacitated electors  
21 who have made proper application to the election authority not  
22 later than 5 days before the regular primary and general  
23 election of 1980 and before each election thereafter shall be  
24 conducted on the premises of (i) federally operated veterans'  
25 homes, hospitals, and facilities located in Illinois or (ii)

1 facilities licensed or certified pursuant to the Nursing Home  
2 Care Act, the Specialized Mental Health Rehabilitation Act, or  
3 the ID/DD Community Care Act for the sole benefit of residents  
4 of such homes, hospitals, and facilities. For the purposes of  
5 this Section, "federally operated veterans' home, hospital, or  
6 facility" means the long-term care facilities at the Jesse  
7 Brown VA Medical Center, Illiana Health Care System, Edward  
8 Hines, Jr. VA Hospital, Marion VA Medical Center, and Captain  
9 James A. Lovell Federal Health Care Center. Such voting shall  
10 be conducted during any continuous period sufficient to allow  
11 all applicants to cast their ballots between the hours of 9  
12 a.m. and 7 p.m. either on the Friday, Saturday, Sunday or  
13 Monday immediately preceding the regular election. This  
14 absentee voting on one of said days designated by the election  
15 authority shall be supervised by two election judges who must  
16 be selected by the election authority in the following order of  
17 priority: (1) from the panel of judges appointed for the  
18 precinct in which such home, hospital, or facility is located,  
19 or from a panel of judges appointed for any other precinct  
20 within the jurisdiction of the election authority in the same  
21 ward or township, as the case may be, in which the home,  
22 hospital, or facility is located or, only in the case where a  
23 judge or judges from the precinct, township or ward are  
24 unavailable to serve, (3) from a panel of judges appointed for  
25 any other precinct within the jurisdiction of the election  
26 authority. The two judges shall be from different political

1 parties. Not less than 30 days before each regular election,  
2 the election authority shall have arranged with the chief  
3 administrative officer of each home, hospital, or facility in  
4 his or its election jurisdiction a mutually convenient time  
5 period on the Friday, Saturday, Sunday or Monday immediately  
6 preceding the election for such voting on the premises of the  
7 home, hospital, or facility and shall post in a prominent place  
8 in his or its office a notice of the agreed day and time period  
9 for conducting such voting at each home, hospital, or facility;  
10 provided that the election authority shall not later than noon  
11 on the Thursday before the election also post the names and  
12 addresses of those homes, hospitals, and facilities from which  
13 no applications were received and in which no supervised  
14 absentee voting will be conducted. All provisions of this Code  
15 applicable to pollwatchers shall be applicable herein. To the  
16 maximum extent feasible, voting booths or screens shall be  
17 provided to insure the privacy of the voter. Voting procedures  
18 shall be as described in Article 17 of this Code, except that  
19 ballots shall be treated as absentee ballots and shall not be  
20 counted until the close of the polls on the following day.  
21 After the last voter has concluded voting, the judges shall  
22 seal the ballots in an envelope and affix their signatures  
23 across the flap of the envelope. Immediately thereafter, the  
24 judges shall bring the sealed envelope to the office of the  
25 election authority who shall deliver such ballots to the  
26 election authority's central ballot counting location prior to

1 the closing of the polls on the day of election. The judges of  
2 election shall also report to the election authority the name  
3 of any applicant in the home, hospital, or facility who, due to  
4 unforeseen circumstance or condition or because of a religious  
5 holiday, was unable to vote. In this event, the election  
6 authority may appoint a qualified person from his or its staff  
7 to deliver the ballot to such applicant on the day of election.  
8 This staff person shall follow the same procedures prescribed  
9 for judges conducting absentee voting in such homes, hospitals,  
10 or facilities and shall return the ballot to the central ballot  
11 counting location before the polls close. However, if the home,  
12 hospital, or facility from which the application was made is  
13 also used as a regular precinct polling place for that voter,  
14 voting procedures heretofore prescribed may be implemented by 2  
15 of the election judges of opposite party affiliation assigned  
16 to that polling place during the hours of voting on the day of  
17 the election. Judges of election shall be compensated not less  
18 than \$25.00 for conducting absentee voting in such homes,  
19 hospitals, or facilities.

20 Not less than 120 days before each regular election, the  
21 Department of Public Health shall certify to the State Board of  
22 Elections a list of the facilities licensed or certified  
23 pursuant to the Nursing Home Care Act, the Specialized Mental  
24 Health Rehabilitation Act, or the ID/DD Community Care Act. The  
25 lists shall indicate the approved bed capacity and the name of  
26 the chief administrative officer of each such home, hospital,

1 or facility, and the State Board of Elections shall certify the  
2 same to the appropriate election authority within 20 days  
3 thereafter.

4 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
5 eff. 1-1-12; 97-275, eff. 1-1-12; revised 9-2-11.)

6 (10 ILCS 5/24-11) (from Ch. 46, par. 24-11)

7 Sec. 24-11. That portion of cardboard, paper or other  
8 material, placed on the front of the machine and containing the  
9 names of the candidates shall be known in this Article as a  
10 ballot label. The ballot labels shall be supplied by the  
11 election authority, and shall be printed in black ink on clear  
12 white material of such size as will fit the machine and in  
13 plain, clear type, and shall provide space, not less than  
14 one-half inch in height and one and one-half inches in width  
15 for the printing of each candidate's name with such other  
16 wording as is required by law. However, ballot labels for use  
17 at the nonpartisan and consolidated elections may be printed on  
18 different color material, except blue material, whenever  
19 necessary or desirable to facilitate distinguishing between  
20 different political subdivisions on the machine. The names of  
21 all candidates shall be printed in uniform size in boldface  
22 type. The party name or other designation shall be prefixed to  
23 the list of the candidates of such party. The order of the  
24 lists of candidates of the several parties shall be arranged as  
25 is in this Act provided, except that the lists may be placed in

1 horizontal rows or vertical columns, which parties may, if  
2 desired be divided into parallel and contiguous rows or  
3 columns. Where presidential electors are to be voted for at any  
4 election, then there may be placed on the ballot labels a  
5 bracket in which are the names of the candidates for President  
6 and Vice President of the party or group. Each question or  
7 other proposition, to be submitted to a vote of the electors  
8 shall appear on the ballot labels, in the form prescribed  
9 therefor, but if no such form is prescribed then they shall be  
10 in brief form, not to exceed 75 words. The ballot label for  
11 each candidate or group of candidates nominated or seeking  
12 nomination by a political party shall contain the name of the  
13 political party.

14 In any election in which there is submitted a proposal or  
15 proposals for a constitutional amendment or amendments or for  
16 calling of a constitutional convention the ballot label for the  
17 separate ballot for such proposals shall be printed on blue,  
18 rather than white, material.

19 In elections held pursuant to the provisions of Section 12  
20 of Article VI of the Constitution relating to retention of  
21 judges in office, the ballot label for the judicial retention  
22 propositions shall be printed on green, rather than white,  
23 material.

24 If any voting machine being used in an election or primary  
25 shall become out of order during such election or primary, it  
26 shall, if possible, be repaired or another machine substituted



1 by the custodian or election authority, for which purpose the  
2 proper authorities may purchase as many extra voting machines  
3 as they may deem necessary, but in case such necessary repairs  
4 or substitution cannot be made immediately, paper ballots,  
5 printed or written and of suitable form, shall be used for the  
6 taking of votes. The paper ballots to be used in such event  
7 shall be prepared and distributed to the various precincts in  
8 the manner provided for in Sections 16-3 and 16-4 of this  
9 Election Code; except that the election authority shall supply  
10 a number of ballots to each precinct equal to at least 20% of  
11 the number of voters registered to vote in that precinct. If a  
12 method of election for any candidates is prescribed by law, in  
13 which the use of voting machines is not possible or  
14 practicable, or in case, at any election the number of  
15 candidates nominated or seeking nomination for any office  
16 renders the use of the voting machine for such office at such  
17 election impracticable, or if for any reason, at any election  
18 the use of voting machines is not practicable or possible, the  
19 proper officer or officers having charge of the preparation of  
20 the ballot labels for the machines may arrange to have the  
21 voting for such or all candidates for offices ~~officers~~  
22 conducted by paper ballots. In such cases ballots shall be  
23 printed for such or all candidates, and the election conducted  
24 by the election officers herein provided for, and the ballots  
25 counted and return thereof made in the manner required by law  
26 for such candidate or candidates or offices, insofar as paper

1 ballots are used.

2 (Source: P.A. 80-1469; revised 11-21-11.)

3 Section 35. The State Budget Law of the Civil  
4 Administrative Code of Illinois is amended by changing Section  
5 50-5 as follows:

6 (15 ILCS 20/50-5)

7 Sec. 50-5. Governor to submit State budget.

8 (a) The Governor shall, as soon as possible and not later  
9 than the second Wednesday in March in 2010 (March 10, 2010) and  
10 the third Wednesday in February of each year beginning in 2011,  
11 except as otherwise provided in this Section, submit a State  
12 budget, embracing therein the amounts recommended by the  
13 Governor to be appropriated to the respective departments,  
14 offices, and institutions, and for all other public purposes,  
15 the estimated revenues from taxation, and the estimated  
16 revenues from sources other than taxation. Except with respect  
17 to the capital development provisions of the State budget,  
18 beginning with the revenue estimates prepared for fiscal year  
19 2012, revenue estimates shall be based solely on: (i) revenue  
20 sources (including non-income resources), rates, and levels  
21 that exist as of the date of the submission of the State budget  
22 for the fiscal year and (ii) revenue sources (including  
23 non-income resources), rates, and levels that have been passed  
24 by the General Assembly as of the date of the submission of the

1 State budget for the fiscal year and that are authorized to  
2 take effect in that fiscal year. Except with respect to the  
3 capital development provisions of the State budget, the  
4 Governor shall determine available revenue, deduct the cost of  
5 essential government services, including, but not limited to,  
6 pension payments and debt service, and assign a percentage of  
7 the remaining revenue to each statewide prioritized goal, as  
8 established in Section 50-25 of this Law, taking into  
9 consideration the proposed goals set forth in the report of the  
10 Commission established under that Section. The Governor shall  
11 also demonstrate how spending priorities for the fiscal year  
12 fulfill those statewide goals. The amounts recommended by the  
13 Governor for appropriation to the respective departments,  
14 offices and institutions shall be formulated according to each  
15 department's, office's, and institution's ability to  
16 effectively deliver services that meet the established  
17 statewide goals. The amounts relating to particular functions  
18 and activities shall be further formulated in accordance with  
19 the object classification specified in Section 13 of the State  
20 Finance Act. In addition, the amounts recommended by the  
21 Governor for appropriation shall take into account each State  
22 agency's effectiveness in achieving its prioritized goals for  
23 the previous fiscal year, as set forth in Section 50-25 of this  
24 Law, giving priority to agencies and programs that have  
25 demonstrated a focus on the prevention of waste and the maximum  
26 yield from resources.

1           Beginning in fiscal year 2011, the Governor shall  
2 distribute written quarterly financial reports on operating  
3 funds, which may include general, State, or federal funds and  
4 may include funds related to agencies that have significant  
5 impacts on State operations, and budget statements on all  
6 appropriated funds to the General Assembly and the State  
7 Comptroller. The reports shall be submitted no later than 45  
8 days after the last day of each quarter of the fiscal year and  
9 shall be posted on the Governor's Office of Management and  
10 Budget's website on the same day. The reports shall be prepared  
11 and presented for each State agency and on a statewide level in  
12 an executive summary format that may include, for the fiscal  
13 year to date, individual itemizations for each significant  
14 revenue type as well as itemizations of expenditures and  
15 obligations, by agency, with an appropriate level of detail.  
16 The reports shall include a calculation of the actual total  
17 budget surplus or deficit for the fiscal year to date. The  
18 Governor shall also present periodic budget addresses  
19 throughout the fiscal year at the invitation of the General  
20 Assembly.

21           The Governor shall not propose expenditures and the General  
22 Assembly shall not enact appropriations that exceed the  
23 resources estimated to be available, as provided in this  
24 Section. Appropriations may be adjusted during the fiscal year  
25 by means of one or more supplemental appropriation bills if any  
26 State agency either fails to meet or exceeds the goals set

1     forth in Section 50-25 of this Law.

2             For the purposes of Article VIII, Section 2 of the 1970  
3     Illinois Constitution, the State budget for the following funds  
4     shall be prepared on the basis of revenue and expenditure  
5     measurement concepts that are in concert with generally  
6     accepted accounting principles for governments:

7             (1) General Revenue Fund.

8             (2) Common School Fund.

9             (3) Educational Assistance Fund.

10            (4) Road Fund.

11            (5) Motor Fuel Tax Fund.

12            (6) Agricultural Premium Fund.

13            These funds shall be known as the "budgeted funds". The  
14     revenue estimates used in the State budget for the budgeted  
15     funds shall include the estimated beginning fund balance, plus  
16     revenues estimated to be received during the budgeted year,  
17     plus the estimated receipts due the State as of June 30 of the  
18     budgeted year that are expected to be collected during the  
19     lapse period following the budgeted year, minus the receipts  
20     collected during the first 2 months of the budgeted year that  
21     became due to the State in the year before the budgeted year.  
22     Revenues shall also include estimated federal reimbursements  
23     associated with the recognition of Section 25 of the State  
24     Finance Act liabilities. For any budgeted fund for which  
25     current year revenues are anticipated to exceed expenditures,  
26     the surplus shall be considered to be a resource available for

1 expenditure in the budgeted fiscal year.

2 Expenditure estimates for the budgeted funds included in  
3 the State budget shall include the costs to be incurred by the  
4 State for the budgeted year, to be paid in the next fiscal  
5 year, excluding costs paid in the budgeted year which were  
6 carried over from the prior year, where the payment is  
7 authorized by Section 25 of the State Finance Act. For any  
8 budgeted fund for which expenditures are expected to exceed  
9 revenues in the current fiscal year, the deficit shall be  
10 considered as a use of funds in the budgeted fiscal year.

11 Revenues and expenditures shall also include transfers  
12 between funds that are based on revenues received or costs  
13 incurred during the budget year.

14 Appropriations for expenditures shall also include all  
15 anticipated statutory continuing appropriation obligations  
16 that are expected to be incurred during the budgeted fiscal  
17 year.

18 By March 15 of each year, the Commission on Government  
19 Forecasting and Accountability shall prepare revenue and fund  
20 transfer estimates in accordance with the requirements of this  
21 Section and report those estimates to the General Assembly and  
22 the Governor.

23 For all funds other than the budgeted funds, the proposed  
24 expenditures shall not exceed funds estimated to be available  
25 for the fiscal year as shown in the budget. Appropriation for a  
26 fiscal year shall not exceed funds estimated by the General

1 Assembly to be available during that year.

2 (b) By February 24, 2010, the Governor must file a written  
3 report with the Secretary of the Senate and the Clerk of the  
4 House of Representatives containing the following:

5 (1) for fiscal year 2010, the revenues for all budgeted  
6 funds, both actual to date and estimated for the full  
7 fiscal year;

8 (2) for fiscal year 2010, the expenditures for all  
9 budgeted funds, both actual to date and estimated for the  
10 full fiscal year;

11 (3) for fiscal year 2011, the estimated revenues for  
12 all budgeted funds, including without limitation the  
13 affordable General Revenue Fund appropriations, for the  
14 full fiscal year; and

15 (4) for fiscal year 2011, an estimate of the  
16 anticipated liabilities for all budgeted funds, including  
17 without limitation the affordable General Revenue Fund  
18 appropriations, debt service on bonds issued, and the  
19 State's contributions to the pension systems, for the full  
20 fiscal year.

21 Between July 1 and August 31 of each fiscal year, the  
22 members of the General Assembly and members of the public may  
23 make written budget recommendations to the Governor.

24 Beginning with budgets prepared for fiscal year 2013, the  
25 budgets submitted by the Governor and appropriations made by  
26 the General Assembly for all executive branch State agencies

1 must adhere to a method of budgeting where each priority must  
2 be justified each year according to merit rather than according  
3 to the amount appropriated for the preceding year.

4 (Source: P.A. 96-1, eff. 2-17-09; 96-320, eff. 1-1-10; 96-881,  
5 eff. 2-11-10; 96-958, eff. 7-1-10; 96-1000, eff. 7-2-10;  
6 96-1529, eff. 2-16-11; 96-1531, eff. 2-16-11; revised  
7 2-17-11.)

8 Section 40. The Comptroller's Records Act is amended by  
9 changing Section 3 as follows:

10 (15 ILCS 415/3) (from Ch. 15, par. 27)

11 Sec. 3. Records to be photographed or reproduced on film or  
12 in any electronic media. The State Comptroller may have any  
13 records kept by him photographed, microfilmed, or otherwise  
14 reproduced on film or in any electronic media prior to  
15 destruction; provided, that prior to the destruction of any  
16 warrants, the Comptroller shall have those warrants  
17 photographed, microfilmed or otherwise reproduced on film or in  
18 any electronic media, in 2 copies.

19 Reproductions shall be placed in conveniently accessible  
20 files and ~~and~~ provisions made for preserving, examining and  
21 using them.

22 (Source: P.A. 90-24, eff. 6-20-97; revised 11-18-11.)

23 Section 45. The State Treasurer Act is amended by changing



1 Section 16.5 as follows:

2 (15 ILCS 505/16.5)

3 Sec. 16.5. College Savings Pool. The State Treasurer may  
4 establish and administer a College Savings Pool to supplement  
5 and enhance the investment opportunities otherwise available  
6 to persons seeking to finance the costs of higher education.  
7 The State Treasurer, in administering the College Savings Pool,  
8 may receive moneys paid into the pool by a participant and may  
9 serve as the fiscal agent of that participant for the purpose  
10 of holding and investing those moneys.

11 "Participant", as used in this Section, means any person  
12 who has authority to withdraw funds, change the designated  
13 beneficiary, or otherwise exercise control over an account.  
14 "Donor", as used in this Section, means any person who makes  
15 investments in the pool. "Designated beneficiary", as used in  
16 this Section, means any person on whose behalf an account is  
17 established in the College Savings Pool by a participant. Both  
18 in-state and out-of-state persons may be participants, donors,  
19 and designated beneficiaries in the College Savings Pool. The  
20 College Savings Pool must be available to any individual with a  
21 valid social security number or taxpayer identification number  
22 for the benefit of any individual with a valid social security  
23 number or taxpayer identification number, unless a contract in  
24 effect on August 1, 2011 (the effective date of Public Act  
25 97-233) ~~this amendatory Act of the 97th General Assembly~~ does

1 not allow for taxpayer identification numbers, in which case  
2 taxpayer identification numbers must be allowed upon the  
3 expiration of the contract.

4 New accounts in the College Savings Pool may be processed  
5 through participating financial institutions. "Participating  
6 financial institution", as used in this Section, means any  
7 financial institution insured by the Federal Deposit Insurance  
8 Corporation and lawfully doing business in the State of  
9 Illinois and any credit union approved by the State Treasurer  
10 and lawfully doing business in the State of Illinois that  
11 agrees to process new accounts in the College Savings Pool.  
12 Participating financial institutions may charge a processing  
13 fee to participants to open an account in the pool that shall  
14 not exceed \$30 until the year 2001. Beginning in 2001 and every  
15 year thereafter, the maximum fee limit shall be adjusted by the  
16 Treasurer based on the Consumer Price Index for the North  
17 Central Region as published by the United States Department of  
18 Labor, Bureau of Labor Statistics for the immediately preceding  
19 calendar year. Every contribution received by a financial  
20 institution for investment in the College Savings Pool shall be  
21 transferred from the financial institution to a location  
22 selected by the State Treasurer within one business day  
23 following the day that the funds must be made available in  
24 accordance with federal law. All communications from the State  
25 Treasurer to participants and donors shall reference the  
26 participating financial institution at which the account was

1 processed.

2       The Treasurer may invest the moneys in the College Savings  
3 Pool in the same manner and in the same types of investments  
4 provided for the investment of moneys by the Illinois State  
5 Board of Investment. To enhance the safety and liquidity of the  
6 College Savings Pool, to ensure the diversification of the  
7 investment portfolio of the pool, and in an effort to keep  
8 investment dollars in the State of Illinois, the State  
9 Treasurer may make a percentage of each account available for  
10 investment in participating financial institutions doing  
11 business in the State. The State Treasurer may deposit with the  
12 participating financial institution at which the account was  
13 processed the following percentage of each account at a  
14 prevailing rate offered by the institution, provided that the  
15 deposit is federally insured or fully collateralized and the  
16 institution accepts the deposit: 10% of the total amount of  
17 each account for which the current age of the beneficiary is  
18 less than 7 years of age, 20% of the total amount of each  
19 account for which the beneficiary is at least 7 years of age  
20 and less than 12 years of age, and 50% of the total amount of  
21 each account for which the current age of the beneficiary is at  
22 least 12 years of age. The Treasurer shall develop, publish,  
23 and implement an investment policy covering the investment of  
24 the moneys in the College Savings Pool. The policy shall be  
25 published each year as part of the audit of the College Savings  
26 Pool by the Auditor General, which shall be distributed to all

1 participants. The Treasurer shall notify all participants in  
2 writing, and the Treasurer shall publish in a newspaper of  
3 general circulation in both Chicago and Springfield, any  
4 changes to the previously published investment policy at least  
5 30 calendar days before implementing the policy. Any investment  
6 policy adopted by the Treasurer shall be reviewed and updated  
7 if necessary within 90 days following the date that the State  
8 Treasurer takes office.

9 Participants shall be required to use moneys distributed  
10 from the College Savings Pool for qualified expenses at  
11 eligible educational institutions. "Qualified expenses", as  
12 used in this Section, means the following: (i) tuition, fees,  
13 and the costs of books, supplies, and equipment required for  
14 enrollment or attendance at an eligible educational  
15 institution and (ii) certain room and board expenses incurred  
16 while attending an eligible educational institution at least  
17 half-time. "Eligible educational institutions", as used in  
18 this Section, means public and private colleges, junior  
19 colleges, graduate schools, and certain vocational  
20 institutions that are described in Section 481 of the Higher  
21 Education Act of 1965 (20 U.S.C. 1088) and that are eligible to  
22 participate in Department of Education student aid programs. A  
23 student shall be considered to be enrolled at least half-time  
24 if the student is enrolled for at least half the full-time  
25 academic work load for the course of study the student is  
26 pursuing as determined under the standards of the institution

1 at which the student is enrolled. Distributions made from the  
2 pool for qualified expenses shall be made directly to the  
3 eligible educational institution, directly to a vendor, or in  
4 the form of a check payable to both the beneficiary and the  
5 institution or vendor. Any moneys that are distributed in any  
6 other manner or that are used for expenses other than qualified  
7 expenses at an eligible educational institution shall be  
8 subject to a penalty of 10% of the earnings unless the  
9 beneficiary dies, becomes disabled, or receives a scholarship  
10 that equals or exceeds the distribution. Penalties shall be  
11 withheld at the time the distribution is made.

12 The Treasurer shall limit the contributions that may be  
13 made on behalf of a designated beneficiary based on the  
14 limitations established by the Internal Revenue Service. The  
15 contributions made on behalf of a beneficiary who is also a  
16 beneficiary under the Illinois Prepaid Tuition Program shall be  
17 further restricted to ensure that the contributions in both  
18 programs combined do not exceed the limit established for the  
19 College Savings Pool. The Treasurer shall provide the Illinois  
20 Student Assistance Commission each year at a time designated by  
21 the Commission, an electronic report of all participant  
22 accounts in the Treasurer's College Savings Pool, listing total  
23 contributions and disbursements from each individual account  
24 during the previous calendar year. As soon thereafter as is  
25 possible following receipt of the Treasurer's report, the  
26 Illinois Student Assistance Commission shall, in turn, provide

1 the Treasurer with an electronic report listing those College  
2 Savings Pool participants who also participate in the State's  
3 prepaid tuition program, administered by the Commission. The  
4 Commission shall be responsible for filing any combined tax  
5 reports regarding State qualified savings programs required by  
6 the United States Internal Revenue Service. The Treasurer shall  
7 work with the Illinois Student Assistance Commission to  
8 coordinate the marketing of the College Savings Pool and the  
9 Illinois Prepaid Tuition Program when considered beneficial by  
10 the Treasurer and the Director of the Illinois Student  
11 Assistance Commission. The Treasurer's office shall not  
12 publicize or otherwise market the College Savings Pool or  
13 accept any moneys into the College Savings Pool prior to March  
14 1, 2000. The Treasurer shall provide a separate accounting for  
15 each designated beneficiary to each participant, the Illinois  
16 Student Assistance Commission, and the participating financial  
17 institution at which the account was processed. No interest in  
18 the program may be pledged as security for a loan. Moneys held  
19 in an account invested in the Illinois College Savings Pool  
20 shall be exempt from all claims of the creditors of the  
21 participant, donor, or designated beneficiary of that account,  
22 except for the non-exempt College Savings Pool transfers to or  
23 from the account as defined under subsection (j) of Section  
24 12-1001 of the Code of Civil Procedure (735 ILCS 5/12-1001(j)).

25 The assets of the College Savings Pool and its income and  
26 operation shall be exempt from all taxation by the State of

1 Illinois and any of its subdivisions. The accrued earnings on  
2 investments in the Pool once disbursed on behalf of a  
3 designated beneficiary shall be similarly exempt from all  
4 taxation by the State of Illinois and its subdivisions, so long  
5 as they are used for qualified expenses. Contributions to a  
6 College Savings Pool account during the taxable year may be  
7 deducted from adjusted gross income as provided in Section 203  
8 of the Illinois Income Tax Act. The provisions of this  
9 paragraph are exempt from Section 250 of the Illinois Income  
10 Tax Act.

11 The Treasurer shall adopt rules he or she considers  
12 necessary for the efficient administration of the College  
13 Savings Pool. The rules shall provide whatever additional  
14 parameters and restrictions are necessary to ensure that the  
15 College Savings Pool meets all of the requirements for a  
16 qualified state tuition program under Section 529 of the  
17 Internal Revenue Code (26 U.S.C. 529). The rules shall provide  
18 for the administration expenses of the pool to be paid from its  
19 earnings and for the investment earnings in excess of the  
20 expenses and all moneys collected as penalties to be credited  
21 or paid monthly to the several participants in the pool in a  
22 manner which equitably reflects the differing amounts of their  
23 respective investments in the pool and the differing periods of  
24 time for which those amounts were in the custody of the pool.  
25 Also, the rules shall require the maintenance of records that  
26 enable the Treasurer's office to produce a report for each

1 account in the pool at least annually that documents the  
2 account balance and investment earnings. Notice of any proposed  
3 amendments to the rules and regulations shall be provided to  
4 all participants prior to adoption. Amendments to rules and  
5 regulations shall apply only to contributions made after the  
6 adoption of the amendment.

7       Upon creating the College Savings Pool, the State Treasurer  
8 shall give bond with 2 or more sufficient sureties, payable to  
9 and for the benefit of the participants in the College Savings  
10 Pool, in the penal sum of \$1,000,000, conditioned upon the  
11 faithful discharge of his or her duties in relation to the  
12 College Savings Pool.

13 (Source: P.A. 97-233, eff. 8-1-11; 97-537, eff. 8-23-11;  
14 revised 9-7-11.)

15       Section 50. The Civil Administrative Code of Illinois is  
16 amended by changing Section 5-20 as follows:

17       (20 ILCS 5/5-20) (was 20 ILCS 5/4)

18       Sec. 5-20. Heads of departments. Each department shall have  
19 an officer as its head who shall be known as director or  
20 secretary and who shall, subject to the provisions of the Civil  
21 Administrative Code of Illinois, execute the powers and  
22 discharge the duties vested by law in his or her respective  
23 department.

24       The following officers are hereby created:



1 Director of Aging, for the Department on Aging.

2 Director of Agriculture, for the Department of  
3 Agriculture.

4 Director of Central Management Services, for the  
5 Department of Central Management Services.

6 Director of Children and Family Services, for the  
7 Department of Children and Family Services.

8 Director of Commerce and Economic Opportunity, for the  
9 Department of Commerce and Economic Opportunity.

10 Director of Corrections, for the Department of  
11 Corrections.

12 Director of the Illinois Emergency Management Agency, for  
13 the Illinois Emergency Management Agency.

14 Director of Employment Security, for the Department of  
15 Employment Security.

16 Secretary of Financial and Professional Regulation, for  
17 the Department of Financial and Professional Regulation.

18 Director of Healthcare and Family Services, for the  
19 Department of Healthcare and Family Services.

20 Director of Human Rights, for the Department of Human  
21 Rights.

22 Secretary of Human Services, for the Department of Human  
23 Services.

24 Director of Juvenile Justice, for the Department of  
25 Juvenile Justice.

26 Director of Labor, for the Department of Labor.

1 Director of Natural Resources, for the Department of  
2 Natural Resources.

3 Director of Public Health, for the Department of Public  
4 Health.

5 Director of Revenue, for the Department of Revenue.

6 Director of State Police, for the Department of State  
7 Police.

8 Secretary of Transportation, for the Department of  
9 Transportation.

10 Director of Veterans' Affairs, for the Department of  
11 Veterans' Affairs.

12 (Source: P.A. 96-328, eff. 8-11-09; 97-464, eff. 10-15-11;  
13 97-618, eff. 10-26-11; revised 11-9-11.)

14 Section 55. The Illinois Act on the Aging is amended by  
15 changing Section 8.08 as follows:

16 (20 ILCS 105/8.08)

17 Sec. 8.08. Older direct care worker recognition. The  
18 Department shall present one award annually to older direct  
19 care workers in each of the following categories: Older  
20 American Act Services, Home Health Services, Community Care  
21 Program Services, Nursing Homes, and programs that provide  
22 housing with services licensed or certified by the State. The  
23 Department shall solicit nominations from associations  
24 representing providers of the named services or settings and

1 trade associations representing applicable direct care  
2 workers. Nominations shall be presented in a format designated  
3 by the Department. Direct care workers honored with this award  
4 must be 55 years of age or older and shall be recognized for  
5 their dedication and commitment to improving the quality of  
6 aging in Illinois above and beyond the confines of their job  
7 description. Award recipients shall be honored before their  
8 peers at the Governor's Conference on Aging or at a similar  
9 venue, shall have their pictures displayed on the Department's  
10 website with their permission, and shall receive a letter of  
11 commendation from the Governor. The Department shall include  
12 the recipients of these awards in all Senior Hall of Fame  
13 displays required by this ~~the Act on Aging~~. Except as otherwise  
14 prohibited by law, the Department may solicit private sector  
15 funding to underwrite the cost of all awards and recognition  
16 materials and shall request that all associations representing  
17 providers of the named services or settings and trade  
18 associations applicable to direct care workers publicize the  
19 awards and the award recipients in communications with their  
20 members.

21 (Source: P.A. 96-376, eff. 8-13-09; 96-918, eff. 6-9-10;  
22 revised 11-18-11.)

23 Section 60. The Child Death Review Team Act is amended by  
24 changing Section 35 as follows:

1 (20 ILCS 515/35)

2 Sec. 35. Indemnification. The State shall indemnify and  
3 hold harmless members of a child death review team and the  
4 Executive Council for all their acts, omissions, decisions, or  
5 other conduct arising out of the scope of their service on the  
6 team or Executive Council, except those involving willful or  
7 wanton misconduct. The method of providing indemnification  
8 shall be as provided in the State Employee Indemnification Act  
9 (5 ILCS 350/0.01 ~~(5 ILCS 350/1~~ et seq.).

10 (Source: P.A. 92-468, eff. 8-22-01; revised 11-18-11.)

11 Section 65. The Illinois Emergency Employment Development  
12 Act is amended by changing Sections 9 and 17 as follows:

13 (20 ILCS 630/9) (from Ch. 48, par. 2409)

14 Sec. 9. ~~(a)~~ Eligible businesses.

15 (a) A business employer is an eligible employer if it  
16 enters into a written contract, signed and subscribed to under  
17 oath, with the employment administrator for its service  
18 delivery area containing assurances that:

19 (1) funds received by a business shall be used only as  
20 permitted under the program;

21 (2) the business has submitted a plan to the employment  
22 administrator (A) ~~(1)~~ describing the duties and proposed  
23 compensation of each employee proposed to be hired under  
24 the program; and (B) ~~(2)~~ demonstrating that with the funds

1 provided under the program the business is likely to  
2 succeed and continue to employ persons hired under the  
3 program;

4 (3) the business will use funds exclusively for  
5 compensation and fringe benefits of eligible job  
6 applicants and will provide employees hired with these  
7 funds with fringe benefits and other terms and conditions  
8 of employment comparable to those provided to other  
9 employees of the business who do comparable work;

10 (4) the funds are necessary to allow the business to  
11 begin, or to employ additional people, but not to fill  
12 positions which would be filled even in the absence of  
13 funds from this program;

14 (5) the business will cooperate with the coordinator in  
15 collecting data to assess the result of the program; and

16 (6) the business is in compliance with all applicable  
17 affirmative action, fair labor, health, safety, and  
18 environmental standards.

19 (b) In allocating funds among eligible businesses, the  
20 employment administrator shall give priority to businesses  
21 which best satisfy the following criteria:

22 (1) have a high potential for growth and long-term job  
23 creation;

24 (2) are labor intensive;

25 (3) make high use of local and State resources;

26 (4) are under ownership of women and minorities;

1           (4.5) ~~(4-5)~~ meet the definition of a small business as  
2 defined in Section 5 of the Small Business Advisory Act;

3           (4.10) ~~(4-10)~~ produce energy conserving materials or  
4 services or are involved in development of renewable  
5 sources of energy;

6           (5) have their primary places of business in the State;  
7 and

8           (6) intend to continue the employment of the eligible  
9 applicant for at least 6 months of unsubsidized employment.

10          (c) (Blank).

11          (d) A business receiving funds under this program shall  
12 repay 70% of the amount received for each eligible job  
13 applicant employed who does not continue in the employment of  
14 the business for at least 6 months beyond the subsidized period  
15 unless the employer dismisses an employee for good cause and  
16 works with the Employment Administrator to employ and train  
17 another person referred by the Employment Administrator. The  
18 Employment Administrator shall forward payments received under  
19 this subsection to the Coordinator on a monthly basis. The  
20 Coordinator shall deposit these payments into the Illinois 21st  
21 Century Workforce Development Fund.

22          (Source: P.A. 97-581, eff. 8-26-11; revised 11-18-11.)

23          (20 ILCS 630/17)

24          Sec. 17. Work incentive demonstration project. The  
25 coordinator and members of the Advisory Committee shall explore

1 available ~~available~~ resources to leverage in combination with  
2 the wage subsidies in this Act to develop a Transitional Jobs  
3 program. This Transitional Jobs program would prioritize  
4 services for individuals with limited experience in the labor  
5 market and barriers to employment, including but not limited  
6 to, recipients of Temporary Assistance to Needy Families,  
7 Supplemental Nutrition Assistance Program, or other related  
8 public assistance, and people with criminal records.

9 (Source: P.A. 97-581, eff. 8-26-11; revised 11-18-11.)

10 Section 70. The Department of Human Services Act is amended  
11 by changing and renumbering multiple versions of Section 1-37a  
12 as follows:

13 (20 ILCS 1305/1-37a)

14 Sec. 1-37a. Cross-agency prequalification and master  
15 service agreements.

16 (a) "State human services agency" means the Department on  
17 Aging, the Department of Children and Family Services, the  
18 Department of Human Services, the Department of Healthcare and  
19 Family Services, and the Department of Public Health.

20 (b) Intent. Per the requirements of Public Act 96-1141, on  
21 January 1, 2011 a report titled "Streamlined Auditing and  
22 Monitoring for Community Based Services: First Steps Toward a  
23 More Efficient System for Providers, State Government, and the  
24 Community" was provided to members of the General Assembly. The

1 report, which was developed by a steering committee of  
2 community providers, trade associations, and designated  
3 representatives from the Departments of Children and Family  
4 Services, Healthcare and Family Services, Human Services, and  
5 Public Health, issued a series of recommendations, including  
6 recommended changes to Administrative Rules and Illinois  
7 statutes, on the categories of deemed status for accreditation,  
8 fiscal audits, centralized repository of information,  
9 Medicaid, technology, contracting, and streamlined monitoring  
10 procedures. It is the intent of the 97th General Assembly to  
11 pursue implementation of those recommendations that have been  
12 determined to require Acts of the General Assembly.

13 (c) Cross-Agency Prequalification of Human Service  
14 Providers. Each State human services agency shall have the  
15 authority and is hereby directed to collaboratively adopt joint  
16 rules to establish a cross-agency prequalification process for  
17 contracting with human service providers. This process shall  
18 include a mechanism for the State human services agencies to  
19 collect information from human service providers including,  
20 but not limited to, provider organizational experience,  
21 capability to perform services, and organizational integrity  
22 in order for the agencies to screen potential human service  
23 providers as vendors to contract with the agencies.

24 (d) Master Service Agreements for human service providers.  
25 Each State human services agency shall have the authority and  
26 is hereby directed to collaboratively adopt joint rules to



1 establish a cross-agency master service agreement of standard  
2 terms and conditions for contracting with human service  
3 providers. The master service agreement shall be awarded to  
4 prequalified providers as determined through the cross-agency  
5 prequalification process outlined in subsection (c) of this  
6 Act. The master service agreement shall not replace or serve as  
7 the equivalent of a contract between an agency and a human  
8 service provider, but only those human service providers that  
9 are prequalified with a master service agreement may contract  
10 with an agency to provide services.

11 (e) Common Service Taxonomy for human service providers.  
12 Each State human services agency shall have the authority and  
13 is hereby directed to collaboratively adopt joint rules to  
14 establish a cross-agency common service taxonomy for human  
15 service providers to streamline the processes outlined in  
16 subsections (c) and (d) of this Act. The taxonomy shall  
17 include, but not be limited to, a common list of terms to  
18 define services, processes, and client populations.

19 (f) ~~Notwithstanding~~ ~~Notwithstanding~~ any provision in this  
20 Section to the contrary, the Department of Human Services shall  
21 serve as the lead agency on all matters provided in subsections  
22 (c), (d), and (e).

23 (Source: P.A. 97-210, eff. 7-28-11; revised 10-28-11.)

24 (20 ILCS 1305/1-37b)

25 (Section scheduled to be repealed on December 31, 2014)

1           Sec. 1-37b ~~1-37a~~. Management Improvement Initiative  
2 Committee.

3           (a) As used in this Section, unless the context indicates  
4 otherwise:

5           "Departments" means the Department on Aging, the  
6 Department of Children and Family Services, the Department of  
7 Healthcare and Family Services, the Department of Human  
8 Services, and the Department of Public Health.

9           "Management Improvement Initiative Committee" or  
10 "Committee" means the Management Improvement Initiative  
11 Committee created under this Section.

12           "Management Improvement Initiative Departmental Leadership  
13 Team" or "Team" means the Management Improvement Initiative  
14 Departmental Leadership Team created under this Section.

15           (b) The Governor, or his or her designee, shall create a  
16 Management Improvement Initiative Committee that shall include  
17 the Management Improvement Initiative Departmental Leadership  
18 Team to implement the recommendations made in the report  
19 submitted to the General Assembly on January 1, 2011 as  
20 required under Public Act 96-1141, and to continue the work of  
21 the group formed under the auspices of Public Act 96-1141.

22           The Team shall be comprised of a representative from each  
23 of the Departments.

24           The Team members shall integrate the Committee's  
25 objectives into their respective departmental operations and  
26 continue the work of the group formed under the auspices of

1 Public Act 96-1141 including:

2 (1) Implementing the recommendations of the report  
3 submitted to the General Assembly on January 1, 2011 under  
4 Public Act 96-1141.

5 (2) Submitting a progress report to the General  
6 Assembly by November 1, 2011 on the progress made in  
7 implementing the recommendations made in the report  
8 submitted to the General Assembly on January 1, 2011 under  
9 Public Act 96-1141.

10 (3) Reviewing contracts held with community health and  
11 human service providers on the regulations and work  
12 processes, including reporting, monitoring, compliance,  
13 auditing, certification, and licensing processes, required  
14 by the departments and their divisions.

15 (4) Eliminating obsolete, redundant, or unreasonable  
16 regulations, reporting, monitoring, compliance, auditing,  
17 certifications, licensing, and work processes.

18 (5) Implementing reciprocity across divisions and  
19 departments. Reciprocity shall be used to accept other  
20 division or department regulations, reporting, monitoring,  
21 compliance, auditing, certification, and licensing  
22 processes.

23 (6) Implementing integrated work processes across  
24 divisions and departments that will be used for efficient  
25 and effective work processes including regulations,  
26 reporting, monitoring, compliance, auditing, licensing,

1 and certification processes.

2 (7) Implementing the deemed status for accredited  
3 community health and human service providers.

4 (8) Reviewing work products meant to address the  
5 Committee's objectives as set forth in this Section. The  
6 review shall be done in concert with similar reviews  
7 conducted by the divisions under the Department of Human  
8 Services and other department steering committees,  
9 committees, and work groups as appropriate and necessary to  
10 eliminate redundant work processes including reporting,  
11 monitoring, compliance, auditing, licensing, and  
12 certification processes.

13 (9) Describing how improved regulations, reporting,  
14 monitoring, compliance, auditing, certification,  
15 licensing, and work processes are measured at the community  
16 vendor, contractor, and departmental levels, and how they  
17 have reduced redundant regulations, reporting, monitoring,  
18 compliance, auditing, certification, licensing, and work  
19 processes.

20 (c) The Team shall examine the entire body of regulations,  
21 reporting, monitoring, compliance, auditing, certification,  
22 licensing, and work processes that guide departmental  
23 operations and contracts to eliminate obsolete, redundant, or  
24 unreasonable regulations, reporting, monitoring, compliance,  
25 auditing, licensing, and certifications.

26 (d) The Team shall identify immediate, near-term, and

1 long-term opportunities to improve accountable, non-redundant,  
2 effective, and efficient accountability, regulations,  
3 reporting, monitoring, compliance, auditing, certification,  
4 and licensing processes that are necessary, appropriate, and  
5 sufficient to determine the success and quality of contracts  
6 with community health and human service vendors and providers.

7 (e) The Team shall develop performance measures to assess  
8 progress towards accomplishing the Committee's objectives and  
9 shall develop procedures to provide feedback on the impact of  
10 the State's operational improvements meant to achieve  
11 management improvement initiative objectives.

12 (f) The Team shall report operational improvements and  
13 document efforts that address the Committee's objectives.  
14 These reports shall be submitted to the Governor and the  
15 General Assembly semi-annually and shall:

16 (1) Include the results made to maintain efficient  
17 accountability while eliminating obsolete, redundant, or  
18 unreasonable regulations, reporting, monitoring,  
19 compliance, auditing, licensing, and certifications.

20 (2) Specify improved regulations, reporting,  
21 monitoring, compliance, auditing, certification,  
22 licensing, and work processes.

23 (3) Describe how improved regulations, reporting,  
24 monitoring, compliance, auditing, certification,  
25 licensing, and work processes are measured at the community  
26 vendor, contractor, and departmental levels, and how they

1           have reduced redundant regulations, reporting, monitoring,  
2           compliance, auditing, certification, licensing, and work  
3           processes.

4           (4) Include the methods used to engage health and human  
5           service providers in the management improvement initiative  
6           to improve regulations, reporting, monitoring, compliance,  
7           auditing, certification, licensing, and work processes.

8           (5) Describe how departmental practices have been  
9           changed to improve non-redundant accountability,  
10          efficiency, effectiveness, and quality.

11          (g) Beginning in State Fiscal Year 2012, regulations,  
12          reporting, monitoring, compliance, auditing, certification,  
13          licensing, and work processes, including each new departmental  
14          initiative, shall be linked directly to non-redundant,  
15          accountable, efficient, and effective outcome indicators which  
16          can be used to evaluate the success of the new initiative.

17          (h) The Management Improvement Initiative Committee.

18           (1) The Committee shall be comprised of Team members  
19           from each of the Departments to manage the overall  
20           implementation process and to ensure that any new  
21           monitoring and compliance activities are developed as  
22           recommended in the report submitted to the General Assembly  
23           on January 1, 2011.

24           (2) Team members shall be able to access available  
25           resources within their respective departments, to set  
26           priorities, manage the overall implementation process, and

1 ensure that any new monitoring and compliance activities  
2 are developed as recommended in the report submitted to the  
3 General Assembly on January 1, 2011.

4 (3) The Departments shall each designate a member to  
5 serve as a member of the Committee.

6 (4) The Committee shall also consist of the community  
7 organizations, community providers, associations, and  
8 private philanthropic organizations appointed under Public  
9 Act 96-1141, and shall be charged with overseeing  
10 implementation of the Committee's objectives and ensuring  
11 that provider prospective is incorporated.

12 (5) The Committee shall be co-chaired by department and  
13 community representatives, with leadership responsibility  
14 resting with the Governor in order to increase the priority  
15 and accountability for implementation of the Committee's  
16 objectives and recommendations.

17 (6) The Team shall be responsible for establishing  
18 within the Committee workgroups consisting of subject  
19 matter experts necessary to reach the Committee's  
20 objectives, including the recommendations made in the  
21 report submitted to the General Assembly on January 1, 2011  
22 under Public Act 96-1141. Those subject matter experts,  
23 including those with necessary technological expertise,  
24 shall include outside experts, departmental, association,  
25 and community providers.

26 (7) Recommendations of the Committee shall be reviewed

1 and its efforts integrated into existing as well as ongoing  
2 initiatives as appropriate, including the implementation  
3 of Public Act 96-1501, the Illinois Frameworks planning and  
4 implementation efforts, and any other task force that may  
5 make proposals that impact community provider work  
6 processes and contract deliverables.

7 (8) The Department of Human Services shall be  
8 designated as the lead support agency and provide  
9 administrative staffing for the Committee. Other  
10 Departments, as defined by this Section, shall provide  
11 additional administrative staffing in conjunction with the  
12 Department of Human Services to support the Committee.

13 (i) This Section is repealed on December 31, 2014.

14 (Source: P.A. 97-558, eff. 8-25-11; revised 10-28-11.)

15 Section 75. The Illinois Lottery Law is amended by changing  
16 Sections 21.5 and 29 as follows:

17 (20 ILCS 1605/21.5)

18 Sec. 21.5. Carolyn Adams Ticket For The Cure.

19 (a) The Department shall offer a special instant  
20 scratch-off game with the title of "Carolyn Adams Ticket For  
21 The Cure". The game shall commence on January 1, 2006 or as  
22 soon thereafter, in the discretion of the Superintendent, as is  
23 reasonably practical, and shall be discontinued on December 31,  
24 2016. The operation of the game shall be governed by this Act



1 and any rules adopted by the Department. The Department must  
2 consult with the Carolyn Adams Ticket For The Cure Board, which  
3 is established under Section 2310-347 of the Department of  
4 Public Health Powers and Duties Law of the Civil Administrative  
5 Code of Illinois, regarding the design and promotion of the  
6 game. If any provision of this Section is inconsistent with any  
7 other provision of this Act, then this Section governs.

8 (b) The Carolyn Adams Ticket For The Cure Grant Fund is  
9 created as a special fund in the State treasury. The net  
10 revenue from the Carolyn Adams Ticket For The Cure special  
11 instant scratch-off game shall be deposited into the Fund for  
12 appropriation by the General Assembly solely to the Department  
13 of Public Health for the purpose of making grants to public or  
14 private entities in Illinois for the purpose of funding breast  
15 cancer research, and supportive services for breast cancer  
16 survivors and those impacted by breast cancer and breast cancer  
17 education. In awarding grants, the Department of Public Health  
18 shall consider criteria that includes, but is not limited to,  
19 projects and initiatives that address disparities in incidence  
20 and mortality rates of breast cancer, based on data from the  
21 Illinois Cancer Registry, and populations facing barriers to  
22 care. The Department of Public Health shall, before grants are  
23 awarded, provide copies of all grant applications to the  
24 Carolyn Adams Ticket For The Cure Board, receive and review the  
25 Board's recommendations and comments, and consult with the  
26 Board regarding the grants. For purposes of this Section, the

1 term "research" includes, without limitation, expenditures to  
2 develop and advance the understanding, techniques, and  
3 modalities effective in the detection, prevention, screening,  
4 and treatment of breast cancer and may include clinical trials.  
5 The grant funds may not be used for institutional,  
6 organizational, or community-based overhead costs, indirect  
7 costs, or levies.

8 Moneys received for the purposes of this Section,  
9 including, without limitation, net revenue from the special  
10 instant scratch-off game and gifts, grants, and awards from any  
11 public or private entity, must be deposited into the Fund. Any  
12 interest earned on moneys in the Fund must be deposited into  
13 the Fund.

14 For purposes of this subsection, "net revenue" means the  
15 total amount for which tickets have been sold less the sum of  
16 the amount paid out in prizes and the actual administrative  
17 expenses of the Department solely related to the Ticket For The  
18 Cure game.

19 (c) During the time that tickets are sold for the Carolyn  
20 Adams Ticket For The Cure game, the Department shall not  
21 unreasonably diminish the efforts devoted to marketing any  
22 other instant scratch-off lottery game.

23 (d) The Department may adopt any rules necessary to  
24 implement and administer the provisions of this Section.

25 (Source: P.A. 96-1290, eff. 7-26-10; 97-92, eff. 7-11-11;  
26 97-464, eff. 10-15-11; revised 9-7-11.)

1 (20 ILCS 1605/29)

2 Sec. 29. The Department of the Lottery.

3 (a) Executive Order No. 2003-09 is hereby superseded by  
4 this amendatory Act of the 97th General Assembly to the extent  
5 that Executive Order No. 2003-09 transfers the powers, duties,  
6 rights, and responsibilities of the Department of the Lottery  
7 to the Division of the Lottery within the Department of  
8 Revenue.

9 (b) The Division of the Lottery within the Department of  
10 Revenue is hereby abolished and the Department of the Lottery  
11 is created as an independent department. On the effective date  
12 of this amendatory Act of the 97th General Assembly, all  
13 powers, duties, rights, and responsibilities of the Division of  
14 the Lottery within the Department of Revenue shall be  
15 transferred to the Department of the Lottery.

16 (c) The personnel of the Division of the Lottery within the  
17 Department of Revenue shall be transferred to the Department of  
18 the Lottery. The status and rights of such employees under the  
19 Personnel Code shall not be affected by the transfer. The  
20 rights of the employees and the State of Illinois and its  
21 agencies under the Personnel Code and applicable collective  
22 bargaining agreements or under any pension, retirement, or  
23 annuity plan shall not be affected by this amendatory Act of  
24 the 97th General Assembly. To the extent that an employee  
25 performs duties for the Division of the Lottery within the

1 Department of Revenue and the Department of Revenue itself or  
2 any other division or agency within the Department of Revenue,  
3 that employee shall be transferred at the Governor's  
4 discretion.

5 (d) All books, records, papers, documents, property (real  
6 and personal), contracts, causes of action, and pending  
7 business pertaining to the powers, duties, rights, and  
8 responsibilities transferred by this amendatory Act of the 97th  
9 General Assembly from the Division of the Lottery within the  
10 Department of Revenue to the Department of the Lottery,  
11 including, but not limited to, material in electronic or  
12 magnetic format and necessary computer hardware and software,  
13 shall be transferred to the Department of the Lottery.

14 (e) All unexpended appropriations and balances and other  
15 funds available for use by the Division of the Lottery within  
16 the Department of Revenue shall be transferred for use by the  
17 Department of the Lottery pursuant to the direction of the  
18 Governor. Unexpended balances so transferred shall be expended  
19 only for the purpose for which the appropriations were  
20 originally made.

21 (f) The powers, duties, rights, and responsibilities  
22 transferred from the Division of the Lottery within the  
23 Department of Revenue by this amendatory Act of the 97th  
24 General Assembly shall be vested in and shall be exercised by  
25 the Department of the Lottery.

26 (g) Whenever reports or notices are now required to be made

1 or given or papers or documents furnished or served by any  
2 person to or upon the Division of the Lottery within the  
3 Department of Revenue in connection with any of the powers,  
4 duties, rights, and responsibilities transferred by this  
5 amendatory Act of the 97th General Assembly, the same shall be  
6 made, given, furnished, or served in the same manner to or upon  
7 the Department of the Lottery.

8 (h) This amendatory Act of the 97th General Assembly does  
9 not affect any act done, ratified, or canceled or any right  
10 occurring or established or any action or proceeding had or  
11 commenced in an administrative, civil, or criminal cause by the  
12 Division of the Lottery within the Department of Revenue before  
13 this amendatory Act of the 97th General Assembly takes effect;  
14 such actions or proceedings may be prosecuted and continued by  
15 the Department of the Lottery.

16 (i) Any rules of the Division of the Lottery within the  
17 Department of Revenue, including any rules of its predecessor  
18 Department of the Lottery, that relate to its powers, duties,  
19 rights, and responsibilities and are in full force on the  
20 effective date of this amendatory Act of the 97th General  
21 Assembly shall become the rules of the recreated Department of  
22 the Lottery. This amendatory Act of the 97th General Assembly  
23 does not affect the legality of any such rules in the Illinois  
24 Administrative Code.

25 Any proposed rules filed with the Secretary of State by the  
26 Division of the Lottery within the Department of Revenue that

1 are pending in the rulemaking process on the effective date of  
2 this amendatory Act of the 97th General Assembly and pertain to  
3 the powers, duties, rights, and responsibilities transferred,  
4 shall be deemed to have been filed by the Department of the  
5 Lottery. As soon as practicable hereafter, the Department of  
6 the Lottery shall revise and clarify the rules transferred to  
7 it under this amendatory Act of the 97th General Assembly to  
8 reflect the reorganization of powers, duties, rights, and  
9 responsibilities affected by this amendatory Act, using the  
10 procedures for recodification of rules available under the  
11 Illinois Administrative Procedure ~~Procedures~~ Act, except that  
12 existing title, part, and section numbering for the affected  
13 rules may be retained. The Department of the Lottery may  
14 propose and adopt under the Illinois Administrative Procedure  
15 ~~Procedures~~ Act such other rules of the Division of the Lottery  
16 within the Department of Revenue that will now be administered  
17 by the Department of the Lottery.

18 To the extent that, prior to the effective date of this  
19 amendatory Act of the 97th General Assembly, the Superintendent  
20 of the Division of the Lottery within the Department of Revenue  
21 had been empowered to prescribe rules or had other rulemaking  
22 authority jointly with the Director of the Department of  
23 Revenue with regard to the powers, duties, rights, and  
24 responsibilities of the Division of the Lottery within the  
25 Department of Revenue, such duties shall be exercised from and  
26 after the effective date of this amendatory Act of the 97th

1 General Assembly solely by the Superintendent of the Department  
2 of the Lottery.

3 (Source: P.A. 97-464, eff. 10-15-11; revised 11-18-11.)

4 Section 80. The Mental Health and Developmental  
5 Disabilities Administrative Act is amended by changing  
6 Sections 15 and 73 as follows:

7 (20 ILCS 1705/15) (from Ch. 91 1/2, par. 100-15)

8 Sec. 15. Before any person is released from a facility  
9 operated by the State pursuant to an absolute discharge or a  
10 conditional discharge from hospitalization under this Act, the  
11 facility director of the facility in which such person is  
12 hospitalized shall determine that such person is not currently  
13 in need of hospitalization and:

14 (a) is able to live independently in the community; or

15 (b) requires further oversight and supervisory care  
16 for which arrangements have been made with responsible  
17 relatives or supervised residential program approved by  
18 the Department; or

19 (c) requires further personal care or general  
20 oversight as defined by the ID/DD Community Care Act or the  
21 Specialized Mental Health Rehabilitation Act, for which  
22 placement arrangements have been made with a suitable  
23 family home or other licensed facility approved by the  
24 Department under this Section; or

1           (d) requires community mental health services for  
2           which arrangements have been made with a community mental  
3           health provider in accordance with criteria, standards,  
4           and procedures promulgated by rule.

5           Such determination shall be made in writing and shall  
6           become a part of the facility record of such absolutely or  
7           conditionally discharged person. When the determination  
8           indicates that the condition of the person to be granted an  
9           absolute discharge or a conditional discharge is described  
10          under subparagraph (c) or (d) of this Section, the name and  
11          address of the continuing care facility or home to which such  
12          person is to be released shall be entered in the facility  
13          record. Where a discharge from a mental health facility is made  
14          under subparagraph (c), the Department shall assign the person  
15          so discharged to an existing community based not-for-profit  
16          agency for participation in day activities suitable to the  
17          person's needs, such as but not limited to social and  
18          vocational rehabilitation, and other recreational, educational  
19          and financial activities unless the community based  
20          not-for-profit agency is unqualified to accept such  
21          assignment. Where the clientele of any not-for-profit agency  
22          increases as a result of assignments under this amendatory Act  
23          of 1977 by more than 3% over the prior year, the Department  
24          shall fully reimburse such agency for the costs of providing  
25          services to such persons in excess of such 3% increase. The  
26          Department shall keep written records detailing how many



1 persons have been assigned to a community based not-for-profit  
2 agency and how many persons were not so assigned because the  
3 community based agency was unable to accept the assignments, in  
4 accordance with criteria, standards, and procedures  
5 promulgated by rule. Whenever a community based agency is found  
6 to be unable to accept the assignments, the name of the agency  
7 and the reason for the finding shall be included in the report.

8 Insofar as desirable in the interests of the former  
9 recipient, the facility, program or home in which the  
10 discharged person is to be placed shall be located in or near  
11 the community in which the person resided prior to  
12 hospitalization or in the community in which the person's  
13 family or nearest next of kin presently reside. Placement of  
14 the discharged person in facilities, programs or homes located  
15 outside of this State shall not be made by the Department  
16 unless there are no appropriate facilities, programs or homes  
17 available within this State. Out-of-state placements shall be  
18 subject to return of recipients so placed upon the availability  
19 of facilities, programs or homes within this State to  
20 accommodate these recipients, except where placement in a  
21 contiguous state results in locating a recipient in a facility  
22 or program closer to the recipient's home or family. If an  
23 appropriate facility or program becomes available equal to or  
24 closer to the recipient's home or family, the recipient shall  
25 be returned to and placed at the appropriate facility or  
26 program within this State.

1           To place any person who is under a program of the  
2 Department at board in a suitable family home or in such other  
3 facility or program as the Department may consider desirable.  
4 The Department may place in licensed nursing homes, sheltered  
5 care homes, or homes for the aged those persons whose  
6 behavioral manifestations and medical and nursing care needs  
7 are such as to be substantially indistinguishable from persons  
8 already living in such facilities. Prior to any placement by  
9 the Department under this Section, a determination shall be  
10 made by the personnel of the Department, as to the capability  
11 and suitability of such facility to adequately meet the needs  
12 of the person to be discharged. When specialized programs are  
13 necessary in order to enable persons in need of supervised  
14 living to develop and improve in the community, the Department  
15 shall place such persons only in specialized residential care  
16 facilities which shall meet Department standards including  
17 restricted admission policy, special staffing and programming  
18 for social and vocational rehabilitation, in addition to the  
19 requirements of the appropriate State licensing agency. The  
20 Department shall not place any new person in a facility the  
21 license of which has been revoked or not renewed on grounds of  
22 inadequate programming, staffing, or medical or adjunctive  
23 services, regardless of the pendency of an action for  
24 administrative review regarding such revocation or failure to  
25 renew. Before the Department may transfer any person to a  
26 licensed nursing home, sheltered care home or home for the aged

1 or place any person in a specialized residential care facility  
2 the Department shall notify the person to be transferred, or a  
3 responsible relative of such person, in writing, at least 30  
4 days before the proposed transfer, with respect to all the  
5 relevant facts concerning such transfer, except in cases of  
6 emergency when such notice is not required. If either the  
7 person to be transferred or a responsible relative of such  
8 person objects to such transfer, in writing to the Department,  
9 at any time after receipt of notice and before the transfer,  
10 the facility director of the facility in which the person was a  
11 recipient shall immediately schedule a hearing at the facility  
12 with the presence of the facility director, the person who  
13 objected to such proposed transfer, and a psychiatrist who is  
14 familiar with the record of the person to be transferred. Such  
15 person to be transferred or a responsible relative may be  
16 represented by such counsel or interested party as he may  
17 appoint, who may present such testimony with respect to the  
18 proposed transfer. Testimony presented at such hearing shall  
19 become a part of the facility record of the  
20 person-to-be-transferred. The record of testimony shall be  
21 held in the person-to-be-transferred's record in the central  
22 files of the facility. If such hearing is held a transfer may  
23 only be implemented, if at all, in accordance with the results  
24 of such hearing. Within 15 days after such hearing the facility  
25 director shall deliver his findings based on the record of the  
26 case and the testimony presented at the hearing, by registered

1 or certified mail, to the parties to such hearing. The findings  
2 of the facility director shall be deemed a final administrative  
3 decision of the Department. For purposes of this Section, "case  
4 of emergency" means those instances in which the health of the  
5 person to be transferred is imperiled and the most appropriate  
6 mental health care or medical care is available at a licensed  
7 nursing home, sheltered care home or home for the aged or a  
8 specialized residential care facility.

9 Prior to placement of any person in a facility under this  
10 Section the Department shall ensure that an appropriate  
11 training plan for staff is provided by the facility. Said  
12 training may include instruction and demonstration by  
13 Department personnel qualified in the area of mental illness or  
14 intellectual disabilities, as applicable to the person to be  
15 placed. Training may be given both at the facility from which  
16 the recipient is transferred and at the facility receiving the  
17 recipient, and may be available on a continuing basis  
18 subsequent to placement. In a facility providing services to  
19 former Department recipients, training shall be available as  
20 necessary for facility staff. Such training will be on a  
21 continuing basis as the needs of the facility and recipients  
22 change and further training is required.

23 The Department shall not place any person in a facility  
24 which does not have appropriately trained staff in sufficient  
25 numbers to accommodate the recipient population already at the  
26 facility. As a condition of further or future placements of

1 persons, the Department shall require the employment of  
2 additional trained staff members at the facility where said  
3 persons are to be placed. The Secretary, or his or her  
4 designate, shall establish written guidelines for placement of  
5 persons in facilities under this Act. The Department shall keep  
6 written records detailing which facilities have been  
7 determined to have staff who have been appropriately trained by  
8 the Department and all training which it has provided or  
9 required under this Section.

10 Bills for the support for a person boarded out shall be  
11 payable monthly out of the proper maintenance funds and shall  
12 be audited as any other accounts of the Department. If a person  
13 is placed in a facility or program outside the Department, the  
14 Department may pay the actual costs of residence, treatment or  
15 maintenance in such facility and may collect such actual costs  
16 or a portion thereof from the recipient or the estate of a  
17 person placed in accordance with this Section.

18 Other than those placed in a family home the Department  
19 shall cause all persons who are placed in a facility, as  
20 defined by the ID/DD Community Care Act or the Specialized  
21 Mental Health Rehabilitation Act, or in designated community  
22 living situations or programs, to be visited at least once  
23 during the first month following placement, and once every  
24 month thereafter for the first year following placement when  
25 indicated, but at least quarterly. After the first year, the  
26 Department shall determine at what point the appropriate

1 licensing entity for the facility or designated community  
2 living situation or program will assume the responsibility of  
3 ensuring that appropriate services are being provided to the  
4 resident. Once that responsibility is assumed, the Department  
5 may discontinue such visits. If a long term care facility has  
6 periodic care plan conferences, the visitor may participate in  
7 those conferences, if such participation is approved by the  
8 resident or the resident's guardian. Visits shall be made by  
9 qualified and trained Department personnel, or their designee,  
10 in the area of mental health or developmental disabilities  
11 applicable to the person visited, and shall be made on a more  
12 frequent basis when indicated. The Department may not use as  
13 designee any personnel connected with or responsible to the  
14 representatives of any facility in which persons who have been  
15 transferred under this Section are placed. In the course of  
16 such visit there shall be consideration of the following areas,  
17 but not limited thereto: effects of transfer on physical and  
18 mental health of the person, sufficiency of nursing care and  
19 medical coverage required by the person, sufficiency of staff  
20 personnel and ability to provide basic care for the person,  
21 social, recreational and programmatic activities available for  
22 the person, and other appropriate aspects of the person's  
23 environment.

24 A report containing the above observations shall be made to  
25 the Department, to the licensing agency, and to any other  
26 appropriate agency subsequent to each visitation. The report

1 shall contain recommendations to improve the care and treatment  
2 of the resident, as necessary, which shall be reviewed by the  
3 facility's interdisciplinary team and the resident or the  
4 resident's legal guardian.

5       Upon the complaint of any person placed in accordance with  
6 this Section or any responsible citizen or upon discovery that  
7 such person has been abused, neglected, or improperly cared  
8 for, or that the placement does not provide the type of care  
9 required by the recipient's current condition, the Department  
10 immediately shall investigate, and determine if the  
11 well-being, health, care, or safety of any person is affected  
12 by any of the above occurrences, and if any one of the above  
13 occurrences is verified, the Department shall remove such  
14 person at once to a facility of the Department or to another  
15 facility outside the Department, provided such person's needs  
16 can be met at said facility. The Department may also provide  
17 any person placed in accordance with this Section who is  
18 without available funds, and who is permitted to engage in  
19 employment outside the facility, such sums for the  
20 transportation, and other expenses as may be needed by him  
21 until he receives his wages for such employment.

22       The Department shall promulgate rules and regulations  
23 governing the purchase of care for persons who are wards of or  
24 who are receiving services from the Department. Such rules and  
25 regulations shall apply to all monies expended by any agency of  
26 the State of Illinois for services rendered by any person,

1 corporate entity, agency, governmental agency or political  
2 subdivision whether public or private outside of the Department  
3 whether payment is made through a contractual, per-diem or  
4 other arrangement. No funds shall be paid to any person,  
5 corporation, agency, governmental entity or political  
6 subdivision without compliance with such rules and  
7 regulations.

8 The rules and regulations governing purchase of care shall  
9 describe categories and types of service deemed appropriate for  
10 purchase by the Department.

11 Any provider of services under this Act may elect to  
12 receive payment for those services, and the Department is  
13 authorized to arrange for that payment, by means of direct  
14 deposit transmittals to the service provider's account  
15 maintained at a bank, savings and loan association, or other  
16 financial institution. The financial institution shall be  
17 approved by the Department, and the deposits shall be in  
18 accordance with rules and regulations adopted by the  
19 Department.

20 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
21 eff. 1-1-12; revised 9-7-11.)

22 (20 ILCS 1705/73)

23 Sec. 73. Report; Williams v. Quinn consent decree.

24 (a) Annual Report.

25 (1) No later than ~~that~~ December 31, 2011, and on



1 December 31st of each of the following 4 years, the  
2 Department of Human Services shall prepare and submit an  
3 annual report to the General Assembly concerning the  
4 implementation of the Williams v. Quinn consent decree and  
5 other efforts to move persons with mental illnesses from  
6 institutional settings to community-based settings. This  
7 report shall include:

8 (A) The number of persons who have been moved from  
9 long-term care facilities to community-based settings  
10 during the previous year and the number of persons  
11 projected to be moved during the next year.

12 (B) Any implementation or compliance reports  
13 prepared by the State for the Court or the  
14 court-appointed monitor in Williams v. Quinn.

15 (C) Any reports from the court-appointed monitor  
16 or findings by the Court reflecting the Department's  
17 compliance or failure to comply with the Williams v.  
18 Quinn consent decree and any other order issued during  
19 that proceeding.

20 (D) Statistics reflecting the number and types of  
21 community-based services provided to persons who have  
22 been moved from long-term care facilities to  
23 community-based settings.

24 (E) Any additional community-based services which  
25 are or will be needed in order to ensure maximum  
26 community integration as provided for by the Williams

1 v. Quinn consent decree, and the Department's plan for  
2 providing these services.

3 (F) Any and all costs associated with  
4 transitioning residents from institutional settings to  
5 community-based settings, including, but not limited  
6 to, the cost of residential services, the cost of  
7 outpatient treatment, and the cost of all community  
8 support services facilitating the community-based  
9 setting.

10 (2) The requirement for reporting to the General  
11 Assembly shall be satisfied by filing copies of the report  
12 with the Speaker, Minority Leader, and Clerk of the House  
13 of Representatives; the President, Minority Leader, and  
14 Secretary of the Senate; and the Legislative Research Unit,  
15 as required by Section 3.1 of the General Assembly  
16 Organization Act, and by filing additional copies with the  
17 State Government Report Distribution Center for the  
18 General Assembly as required under paragraph (t) of Section  
19 7 of the State Library Act.

20 (b) Department rule. The Department of Human Services shall  
21 draft and promulgate a new rule governing community-based  
22 residential settings. The new rule for community-based  
23 residential settings shall include settings that offer to  
24 persons with serious mental illness (i) community-based  
25 residential recovery-oriented mental health care, treatment,  
26 and services; and (ii) community-based residential mental

1 health and co-occurring substance use disorder care,  
2 treatment, and services.

3 Community-based residential settings shall honor a  
4 consumer's choice as well as a consumer's right to live in the:

5 (1) Least restrictive environment.

6 (2) Most appropriate integrated setting.

7 (3) Least restrictive environment and most appropriate  
8 integrated setting designed to assist the individual in  
9 living in a safe, appropriate, and therapeutic  
10 environment.

11 (4) Least restrictive environment and most appropriate  
12 integrated setting that affords the person the opportunity  
13 to live similarly to persons without serious mental  
14 illness.

15 The new rule for community-based residential settings  
16 shall be drafted in such a manner as to delineate  
17 State-supported care, treatment, and services appropriately  
18 governed within the new rule, and shall continue eligibility  
19 for eligible individuals in programs governed by Title 59, Part  
20 132 of the Illinois Administrative Code. The Department shall  
21 draft a new rule for community-based residential settings by  
22 January 1, 2012. The new rule must include, but shall not be  
23 limited to, standards for:

24 (i) Administrative requirements.

25 (ii) Monitoring, review, and reporting.

26 (iii) Certification requirements.

1 (iv) Life safety.

2 (c) Study of housing and residential services. By no later  
3 than October 1, 2011, the Department shall conduct a statewide  
4 study to assess the existing types of community-based housing  
5 and residential services currently being provided to  
6 individuals with mental illnesses in Illinois. This study shall  
7 include State-funded and federally funded housing and  
8 residential services. The results of this study shall be used  
9 to inform the rulemaking process outlined in subsection (b).

10 (Source: P.A. 97-529, eff. 8-23-11; revised 11-18-11.)

11 Section 85. The Department of Professional Regulation Law  
12 of the Civil Administrative Code of Illinois is amended by  
13 changing Section 2105-60 as follows:

14 (20 ILCS 2105/2105-60)

15 Sec. 2105-60. Payment by credit card or third-party payment  
16 agent.

17 (a) For the purposes of this Section, "credit card" has the  
18 meaning given to it in Section 10 of the Local Governmental  
19 ~~Government~~ Acceptance of Credit Cards Act.

20 (b) The Department may, but need not, accept payment by  
21 credit card for any fee, fine, or other charge that it is  
22 authorized by law to collect. The Department may adopt rules  
23 and procedures governing the acceptance of payment by credit  
24 card and may enter into such agreements as may be necessary to

1 accept payment by credit card.

2 (c) The Department may, but need not, accept payment  
3 through a third-party payment agent of any fee, fine, or other  
4 charges to the Department. The Department may adopt rules and  
5 procedures governing the acceptance of payments through  
6 third-party payment agents.

7 The Department may enter into agreements with one or more  
8 financial institutions, internet companies, or other business  
9 entities to act as third-party payment agents for the payment  
10 of fees, fines, or other charges to the Department. These  
11 agreements may authorize the third-party payment agent to  
12 retain a service fee out of the payments collected.

13 (d) Receipt by the Department of the amount of a fee, fine,  
14 or other charge paid by credit card or through a third-party  
15 payment agent authorized by the Department, less the amount of  
16 any service fee retained under the Department's agreement with  
17 the credit card service provider or the third-party payment  
18 agent, shall be deemed receipt of the full amount of the fee or  
19 other charge and shall discharge the payment obligation in  
20 full.

21 (e) In the event of a conflict between this Section and a  
22 provision of any other Act administered by the Department, this  
23 Section controls.

24 (Source: P.A. 92-565, eff. 6-24-02; revised 11-18-11.)

25 Section 90. The Illinois Health Finance Reform Act is

1 amended by changing Section 4-2 as follows:

2 (20 ILCS 2215/4-2) (from Ch. 111 1/2, par. 6504-2)

3 Sec. 4-2. Powers and duties.

4 (a) (Blank).

5 (b) (Blank).

6 (c) (Blank).

7 (d) Uniform Provider Utilization and Charge Information.

8 (1) The Department of Public Health shall require that  
9 all hospitals and ambulatory surgical treatment centers  
10 licensed to operate in the State of Illinois adopt a  
11 uniform system for submitting patient claims and encounter  
12 data for payment from public and private payors. This  
13 system shall be based upon adoption of the uniform  
14 electronic billing form pursuant to the Health Insurance  
15 Portability and Accountability Act.

16 (2) (Blank).

17 (3) The Department of Insurance shall require all  
18 third-party payors, including but not limited to, licensed  
19 insurers, medical and hospital service corporations,  
20 health maintenance organizations, and self-funded employee  
21 health plans, to accept the uniform billing form, without  
22 attachment as submitted by hospitals pursuant to paragraph  
23 (1) of subsection (d) above, effective January 1, 1985;  
24 provided, however, nothing shall prevent all such third  
25 party payors from requesting additional information

1           necessary to determine eligibility for benefits or  
2           liability for reimbursement for services provided.

3           (4) By no later than 60 days after the end of each  
4           calendar quarter, each hospital licensed in the State shall  
5           electronically submit to the Department inpatient and  
6           outpatient claims and encounter data related to surgical  
7           and invasive procedures collected under paragraph (5) for  
8           each patient.

9           By no later than 60 days after the end of each calendar  
10          quarter, each ambulatory surgical treatment center  
11          licensed in the State shall electronically submit to the  
12          Department outpatient claims and encounter data collected  
13          under paragraph (5) for each patient, provided however,  
14          that, until July 1, 2006, ambulatory surgical treatment  
15          centers who cannot electronically submit data may submit  
16          data by computer diskette. For hospitals, the claims and  
17          encounter data to be reported shall include all inpatient  
18          surgical cases. Claims and encounter data submitted under  
19          this Act shall not include a patient's Social Security  
20          number; provided, however, that the Department may  
21          require, by rule, the inclusion of a unique patient  
22          identifier that may be based upon the last four digits of  
23          the patient's Social Security number. The Department shall  
24          promulgate regulations to protect the patient's rights of  
25          confidentiality and privacy. The regulations shall ensure  
26          that patient names, addresses, Social Security numbers, or

1 any other data that the Department believes could be used  
2 to determine the identity of an individual patient shall be  
3 stored and processed in the most secure manner possible.

4 (5) By no later than January 1, 2006, the Department  
5 must collect and compile claims and encounter data related  
6 to surgical and invasive procedures according to uniform  
7 electronic submission formats as required under the Health  
8 Insurance Portability and Accountability Act. By no later  
9 than January 1, 2006, the Department must collect and  
10 compile from ambulatory surgical treatment centers the  
11 claims and encounter data according to uniform electronic  
12 data element formats as required under the Health Insurance  
13 Portability and Accountability Act of 1996 (HIPAA).

14 (6) The Department shall make available on its website  
15 the "Consumer Guide to Health Care" by January 1, 2006. The  
16 Department shall also make available on its website the  
17 Hospital Report Card Act. The "Consumer Guide to Health  
18 Care" and the Hospital Report Card Act were established to  
19 educate and assist Illinois health care consumers as they  
20 make health care choices for themselves, their families,  
21 and their loved ones. Significant and useful information is  
22 available through the "Consumer Guide to Health Care" and  
23 the Hospital Report Card Act. The links to the "Consumer  
24 Guide to Health Care" and the Hospital Report Card Act on  
25 the Department's website shall include a brief description  
26 of the information available in both. When the Department



1 creates new or updates existing consumer fact sheets and  
2 other information or materials for the purpose of educating  
3 the Illinois health care consumer, it shall reference the  
4 web pages of the "Consumer Guide to Health Care" and the  
5 Hospital Report Card Act when it is relevant and  
6 appropriate. The "Consumer Guide to Health Care" shall  
7 include information on at least 30 inpatient conditions and  
8 procedures identified by the Department that demonstrate  
9 the highest degree of variation in patient charges and  
10 quality of care. By no later than January 1, 2007, the  
11 "Consumer Guide to Health Care" shall also include  
12 information on at least 30 outpatient conditions and  
13 procedures identified by the Department that demonstrate  
14 the highest degree of variation in patient charges and  
15 quality care. As to each condition or procedure, the  
16 "Consumer Guide to Health Care" shall include up-to-date  
17 comparison information relating to volume of cases,  
18 average charges, risk-adjusted mortality rates, and  
19 nosocomial infection rates and, with respect to outpatient  
20 surgical and invasive procedures, shall include  
21 information regarding surgical infections, complications,  
22 and direct admissions of outpatient cases to hospitals for  
23 selected procedures, as determined by the Department,  
24 based on review by the Department of its own, local, or  
25 national studies. Information disclosed pursuant to this  
26 paragraph on mortality and infection rates shall be based

1 upon information hospitals and ambulatory surgical  
2 treatment centers have either (i) previously submitted to  
3 the Department pursuant to their obligations to report  
4 health care information under this Act or other public  
5 health reporting laws and regulations outside of this Act  
6 or (ii) submitted to the Department under the provisions of  
7 the Hospital Report Card Act.

8 (7) Publicly disclosed information must be provided in  
9 language that is easy to understand and accessible to  
10 consumers using an interactive query system. The guide  
11 shall include such additional information as is necessary  
12 to enhance decision making among consumer and health care  
13 purchasers, which shall include, at a minimum, appropriate  
14 guidance on how to interpret the data and an explanation of  
15 why the data may vary from provider to provider. The  
16 "Consumer Guide to Health Care" shall also cite standards  
17 that facilities meet under state and federal law and, if  
18 applicable, to achieve voluntary accreditation.

19 (8) None of the information the Department discloses to  
20 the public under this subsection may be made available  
21 unless the information has been reviewed, adjusted, and  
22 validated according to the following process:

23 (i) Hospitals, ambulatory surgical treatment  
24 centers, and organizations representing hospitals,  
25 ambulatory surgical treatment centers, purchasers,  
26 consumer groups, and health plans are meaningfully

1           involved in providing advice and consultation to the  
2           Department in the development of all aspects of the  
3           Department's methodology for collecting, analyzing,  
4           and disclosing the information collected under this  
5           Act, including collection methods, formatting, and  
6           methods and means for release and dissemination;

7           (ii) The entire methodology for collecting and  
8           analyzing the data is disclosed to all relevant  
9           organizations and to all providers that are the subject  
10          of any information to be made available to the public  
11          before any public disclosure of such information;

12          (iii) Data collection and analytical methodologies  
13          are used that meet accepted standards of validity and  
14          reliability before any information is made available  
15          to the public;

16          (iv) The limitations of the data sources and  
17          analytic methodologies used to develop comparative  
18          provider information are clearly identified and  
19          acknowledged, including, but not limited to,  
20          appropriate and inappropriate uses of the data;

21          (v) To the greatest extent possible, comparative  
22          hospital and ambulatory surgical treatment center  
23          information initiatives use standard-based norms  
24          derived from widely accepted provider-developed  
25          practice guidelines;

26          (vi) Comparative hospital and ambulatory surgical

1 treatment center information and other information  
2 that the Department has compiled regarding hospitals  
3 and ambulatory surgical treatment centers is shared  
4 with the hospitals and ambulatory surgical treatment  
5 centers under review prior to public dissemination of  
6 the information and these providers have an  
7 opportunity to make corrections and additions of  
8 helpful explanatory comments about the information  
9 before the publication;

10 (vii) Comparisons among hospitals and ambulatory  
11 surgical treatment centers adjust for patient case mix  
12 and other relevant risk factors and control for  
13 provider peer groups, if applicable;

14 (viii) Effective safeguards to protect against the  
15 unauthorized use or disclosure of hospital and  
16 ambulatory surgical treatment center information are  
17 developed and implemented;

18 (ix) Effective safeguards to protect against the  
19 dissemination of inconsistent, incomplete, invalid,  
20 inaccurate, or subjective provider data are developed  
21 and implemented;

22 (x) The quality and accuracy of hospital and  
23 ambulatory surgical treatment center information  
24 reported under this Act and its data collection,  
25 analysis, and dissemination methodologies are  
26 evaluated regularly; and

1           (xi) Only the most basic hospital or ambulatory  
2           surgical treatment center identifying information from  
3           mandatory reports is used. Information regarding a  
4           hospital or ambulatory surgical center may be released  
5           regardless of the number of employees or health care  
6           professionals whose data are reflected in the data for  
7           the hospital or ambulatory surgical treatment center  
8           as long as no specific information identifying an  
9           employee or a health care professional is released.  
10          Further, patient identifiable information is not  
11          released. The input data collected by the Department  
12          shall not be a public record under the Illinois Freedom  
13          of Information Act.

14          None of the information the Department discloses to the  
15          public under this Act may be used to establish a standard  
16          of care in a private civil action.

17          (9) The Department must develop and implement an  
18          outreach campaign to educate the public regarding the  
19          availability of the "Consumer Guide to Health Care".

20          (10) By January 1, 2006, the Department must study the  
21          most effective methods for public disclosure of patient  
22          claims and encounter data and health care quality  
23          information that will be useful to consumers in making  
24          health care decisions and report its recommendations to the  
25          Governor and to the General Assembly.

26          (11) The Department must undertake all steps necessary

1 under State and Federal law to protect patient  
2 confidentiality in order to prevent the identification of  
3 individual patient records.

4 (12) The Department must adopt rules for inpatient and  
5 outpatient data collection and reporting no later than  
6 January 1, 2006.

7 (13) In addition to the data products indicated above,  
8 the Department shall respond to requests by government  
9 agencies, academic research organizations, and private  
10 sector organizations for purposes of clinical performance  
11 measurements and analyses of data collected pursuant to  
12 this Section.

13 (14) The Department, with the advice of and in  
14 consultation with hospitals, ambulatory surgical treatment  
15 centers, organizations representing hospitals,  
16 organizations representing ambulatory treatment centers,  
17 purchasers, consumer groups, and health plans, must  
18 evaluate additional methods for comparing the performance  
19 of hospitals and ambulatory surgical treatment centers,  
20 including the value of disclosing additional measures that  
21 are adopted by the National Quality Forum, The Joint  
22 Commission on Accreditation of Healthcare Organizations,  
23 the Accreditation Association for Ambulatory Health Care,  
24 the Centers for Medicare and Medicaid Services, or similar  
25 national entities that establish standards to measure the  
26 performance of health care providers. The Department shall

1 report its findings and recommendations on its Internet  
2 website and to the Governor and General Assembly no later  
3 than July 1, 2006.

4 (e) (Blank).

5 (Source: P.A. 97-171, eff. 1-1-12; 97-180, eff. 1-1-12; revised  
6 9-7-11.)

7 Section 95. The Department of Public Health Powers and  
8 Duties Law of the Civil Administrative Code of Illinois is  
9 amended by changing Sections 2310-367, 2310-550, 2310-560,  
10 2310-565, and 2310-625 as follows:

11 (20 ILCS 2310/2310-367)

12 Sec. 2310-367. Health Data Task Force; purpose;  
13 implementation plan.

14 (a) In accordance with the recommendations of the 2007  
15 State Health Improvement Plan, it is the policy of the State  
16 that, to the extent possible and consistent with privacy and  
17 other laws, State public health data and health-related  
18 administrative data are to be used to understand and report on  
19 the scope of health problems, plan prevention programs, and  
20 evaluate program effectiveness at the State and community  
21 level. It is a priority to use data to address racial, ethnic,  
22 and other health disparities. This system is intended to  
23 support State and community level public health planning, and  
24 is not intended to supplant or replace data-use agreements

1 between State agencies and academic researchers for more  
2 specific research needs.

3 (b) Within 30 days after August 24, 2007 (the effective  
4 date of Public Act 95-418) ~~this amendatory Act of the 95th~~  
5 ~~General Assembly~~, a Health Data Task Force shall be convened to  
6 create a system for public access to integrated health data.  
7 The Task Force shall consist of the following: the Director of  
8 Public Health or his or her designee; the Director of  
9 Healthcare and Family Services or his or her designee; the  
10 Secretary of Human Services or his or her designee; the  
11 Director of the Department on Aging or his or her designee; the  
12 Director of Children and Family Services or his or her  
13 designee; the State Superintendent of Education or his or her  
14 designee; and other State officials as deemed appropriate by  
15 the Governor.

16 The Task Force shall be advised by a public advisory group  
17 consisting of community health data users, minority health  
18 advocates, local public health departments, and private data  
19 suppliers such as hospitals and other health care providers.  
20 Each member of the Task Force shall appoint 3 members of the  
21 public advisory group. The public advisory group shall assist  
22 the Task Force in setting goals, articulating user needs, and  
23 setting priorities for action.

24 The Department of Public Health is primarily responsible  
25 for providing staff and administrative support to the Task  
26 Force. The other State agencies represented on the Task Force



1 shall work cooperatively with the Department of Public Health  
2 to provide administrative support to the Task Force. The  
3 Department of Public Health shall have ongoing responsibility  
4 for monitoring the implementation of the plan and shall have  
5 ongoing responsibility to identify new or emerging data or  
6 technology needs.

7 The State agencies represented on the Task Force shall  
8 review their health data, data collection, and dissemination  
9 policies for opportunities to coordinate and integrate data and  
10 make data available within and outside State government in  
11 support of this State policy. To the extent possible, existing  
12 data infrastructure shall be used to create this system of  
13 public access to data. The Illinois Department of Health Care  
14 and Family Services data warehouse and the Illinois Department  
15 of Public Health IPLAN Data System may be the foundation of  
16 this system.

17 (c) The Task Force shall produce a plan with a phased and  
18 prioritized implementation timetable focusing on assuring  
19 access to improving the quality of data necessary to understand  
20 health disparities. The Task Force shall submit an initial  
21 report to the General Assembly no later than ~~that~~ July 1, 2008,  
22 and shall make annual reports to the General Assembly on or  
23 before July 1 of each year through 2011 of the progress toward  
24 implementing the plan.

25 (Source: P.A. 95-418, eff. 8-24-07; revised 11-18-11.)

1 (20 ILCS 2310/2310-550) (was 20 ILCS 2310/55.40)

2 Sec. 2310-550. Long-term care facilities. The Department  
3 may perform, in all long-term care facilities as defined in the  
4 Nursing Home Care Act, all facilities as defined in the  
5 Specialized Mental Health Rehabilitation Act, and all  
6 facilities as defined in the ID/DD Community Care Act, all  
7 inspection, evaluation, certification, and inspection of care  
8 duties that the federal government may require the State of  
9 Illinois to perform or have performed as a condition of  
10 participation in any programs under Title XVIII or Title XIX of  
11 the federal Social Security Act.

12 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
13 eff. 1-1-12; revised 9-7-11.)

14 (20 ILCS 2310/2310-560) (was 20 ILCS 2310/55.87)

15 Sec. 2310-560. Advisory committees concerning construction  
16 of facilities.

17 (a) The Director shall appoint an advisory committee. The  
18 committee shall be established by the Department by rule. The  
19 Director and the Department shall consult with the advisory  
20 committee concerning the application of building codes and  
21 Department rules related to those building codes to facilities  
22 under the Ambulatory Surgical Treatment Center Act, the Nursing  
23 Home Care Act, the Specialized Mental Health Rehabilitation  
24 Act, and the ID/DD Community Care Act.

25 (b) The Director shall appoint an advisory committee to

1 advise the Department and to conduct informal dispute  
2 resolution concerning the application of building codes for new  
3 and existing construction and related Department rules and  
4 standards under the Hospital Licensing Act, including without  
5 limitation rules and standards for (i) design and construction,  
6 (ii) engineering and maintenance of the physical plant, site,  
7 equipment, and systems (heating, cooling, electrical,  
8 ventilation, plumbing, water, sewer, and solid waste  
9 disposal), and (iii) fire and safety. The advisory committee  
10 shall be composed of all of the following members:

11 (1) The chairperson or an elected representative from  
12 the Hospital Licensing Board under the Hospital Licensing  
13 Act.

14 (2) Two health care architects with a minimum of 10  
15 years of experience in institutional design and building  
16 code analysis.

17 (3) Two engineering professionals (one mechanical and  
18 one electrical) with a minimum of 10 years of experience in  
19 institutional design and building code analysis.

20 (4) One commercial interior design professional with a  
21 minimum of 10 years of experience.

22 (5) Two representatives from provider associations.

23 (6) The Director or his or her designee, who shall  
24 serve as the committee moderator.

25 Appointments shall be made with the concurrence of the  
26 Hospital Licensing Board. The committee shall submit

1 recommendations concerning the application of building codes  
2 and related Department rules and standards to the Hospital  
3 Licensing Board for review and comment prior to submission to  
4 the Department. The committee shall submit recommendations  
5 concerning informal dispute resolution to the Director. The  
6 Department shall provide per diem and travel expenses to the  
7 committee members.

8 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
9 eff. 1-1-12; revised 9-7-11.)

10 (20 ILCS 2310/2310-565) (was 20 ILCS 2310/55.88)

11 Sec. 2310-565. Facility construction training program. The  
12 Department shall conduct, at least annually, a joint in-service  
13 training program for architects, engineers, interior  
14 designers, and other persons involved in the construction of a  
15 facility under the Ambulatory Surgical Treatment Center Act,  
16 the Nursing Home Care Act, the Specialized Mental Health  
17 Rehabilitation Act, the ID/DD Community Care Act, or the  
18 Hospital Licensing Act on problems and issues relating to the  
19 construction of facilities under any of those Acts.

20 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
21 eff. 1-1-12; revised 9-7-11.)

22 (20 ILCS 2310/2310-625)

23 Sec. 2310-625. Emergency Powers.

24 (a) Upon proclamation of a disaster by the Governor, as

1 provided for in the Illinois Emergency Management Agency Act,  
2 the Director of Public Health shall have the following powers,  
3 which shall be exercised only in coordination with the Illinois  
4 Emergency Management Agency and the Department of Financial and  
5 Professional Regulation:

6 (1) The power to suspend the requirements for temporary  
7 or permanent licensure or certification of persons who are  
8 licensed or certified in another state and are working  
9 under the direction of the Illinois Emergency Management  
10 Agency and the Illinois Department of Public Health  
11 pursuant to the declared disaster.

12 (2) The power to modify the scope of practice  
13 restrictions under the Emergency Medical Services (EMS)  
14 Systems Act for any persons who are licensed under that Act  
15 for any person working under the direction of the Illinois  
16 Emergency Management Agency and the Illinois Department of  
17 Public Health pursuant to the declared disaster.

18 (3) The power to modify the scope of practice  
19 restrictions under the Nursing Home Care Act, the  
20 Specialized Mental Health Rehabilitation Act, or the ID/DD  
21 Community Care Act for Certified Nursing Assistants for any  
22 person working under the direction of the Illinois  
23 Emergency Management Agency and the Illinois Department of  
24 Public Health pursuant to the declared disaster.

25 (b) Persons exempt from licensure or certification under  
26 paragraph (1) of subsection (a) and persons operating under

1 modified scope of practice provisions under paragraph (2) of  
2 subsection (a) and paragraph (3) of subsection (a) shall be  
3 exempt from licensure or certification or subject to modified  
4 scope of practice only until the declared disaster has ended as  
5 provided by law. For purposes of this Section, persons working  
6 under the direction of an emergency services and disaster  
7 agency accredited by the Illinois Emergency Management Agency  
8 and a local public health department, pursuant to a declared  
9 disaster, shall be deemed to be working under the direction of  
10 the Illinois Emergency Management Agency and the Department of  
11 Public Health.

12 (c) The Director shall exercise these powers by way of  
13 proclamation.

14 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
15 eff. 1-1-12; revised 9-7-11.)

16 Section 100. The Abuse of Adults with Disabilities  
17 Intervention Act is amended by changing Section 15 as follows:

18 (20 ILCS 2435/15) (from Ch. 23, par. 3395-15)

19 Sec. 15. Definitions. As used in this Act:

20 "Abuse" means causing any physical, sexual, or mental abuse  
21 to an adult with disabilities, including exploitation of the  
22 adult's financial resources. Nothing in this Act shall be  
23 construed to mean that an adult with disabilities is a victim  
24 of abuse or neglect for the sole reason that he or she is being

1 furnished with or relies upon treatment by spiritual means  
2 through prayer alone, in accordance with the tenets and  
3 practices of a recognized church or religious denomination.  
4 Nothing in this Act shall be construed to mean that an adult  
5 with disabilities is a victim of abuse because of health care  
6 services provided or not provided by licensed health care  
7 professionals.

8 "Adult with disabilities" means a person aged 18 through 59  
9 who resides in a domestic living situation and whose physical  
10 or mental disability impairs his or her ability to seek or  
11 obtain protection from abuse, neglect, or exploitation.

12 "Department" means the Department of Human Services.

13 "Adults with Disabilities Abuse Project" or "project"  
14 means that program within the Office of Inspector General  
15 designated by the Department of Human Services to receive and  
16 assess reports of alleged or suspected abuse, neglect, or  
17 exploitation of adults with disabilities.

18 "Domestic living situation" means a residence where the  
19 adult with disabilities lives alone or with his or her family  
20 or household members, a care giver, or others or at a board and  
21 care home or other community-based unlicensed facility, but is  
22 not:

23 (1) A licensed facility as defined in Section 1-113 of  
24 the Nursing Home Care Act or Section 1-113 of the ID/DD  
25 Community Care Act or Section 1-113 of the Specialized  
26 Mental Health Rehabilitation Act.

1           (2) A life care facility as defined in the Life Care  
2 Facilities Act.

3           (3) A home, institution, or other place operated by the  
4 federal government, a federal agency, or the State.

5           (4) A hospital, sanitarium, or other institution, the  
6 principal activity or business of which is the diagnosis,  
7 care, and treatment of human illness through the  
8 maintenance and operation of organized facilities and that  
9 is required to be licensed under the Hospital Licensing  
10 Act.

11           (5) A community living facility as defined in the  
12 Community Living Facilities Licensing Act.

13           (6) A community-integrated living arrangement as  
14 defined in the Community-Integrated Living Arrangements  
15 Licensure and Certification Act or community residential  
16 alternative as licensed under that Act.

17           "Emergency" means a situation in which an adult with  
18 disabilities is in danger of death or great bodily harm.

19           "Family or household members" means a person who as a  
20 family member, volunteer, or paid care provider has assumed  
21 responsibility for all or a portion of the care of an adult  
22 with disabilities who needs assistance with activities of daily  
23 living.

24           "Financial exploitation" means the illegal, including  
25 tortious, use of the assets or resources of an adult with  
26 disabilities. Exploitation includes, but is not limited to, the



1 misappropriation of assets or resources of an adult with  
2 disabilities by undue influence, by breach of a fiduciary  
3 relationship, by fraud, deception, or extortion, or by the use  
4 of the assets or resources in a manner contrary to law.

5 "Mental abuse" means the infliction of emotional or mental  
6 distress by a caregiver, a family member, or any person with  
7 ongoing access to a person with disabilities by threat of harm,  
8 humiliation, or other verbal or nonverbal conduct.

9 "Neglect" means the failure of another individual to  
10 provide an adult with disabilities with or the willful  
11 withholding from an adult with disabilities the necessities of  
12 life, including, but not limited to, food, clothing, shelter,  
13 or medical care.

14 Nothing in the definition of "neglect" shall be construed to  
15 impose a requirement that assistance be provided to an adult  
16 with disabilities over his or her objection in the absence of a  
17 court order, nor to create any new affirmative duty to provide  
18 support, assistance, or intervention to an adult with  
19 disabilities. Nothing in this Act shall be construed to mean  
20 that an adult with disabilities is a victim of neglect because  
21 of health care services provided or not provided by licensed  
22 health care professionals.

23 "Physical abuse" means any of the following acts:

24 (1) knowing or reckless use of physical force,  
25 confinement, or restraint;

26 (2) knowing, repeated, and unnecessary sleep

1 deprivation;

2 (3) knowing or reckless conduct which creates an  
3 immediate risk of physical harm; or

4 (4) when committed by a caregiver, a family member, or  
5 any person with ongoing access to a person with  
6 disabilities, directing another person to physically abuse  
7 a person with disabilities.

8 "Secretary" means the Secretary of Human Services.

9 "Sexual abuse" means touching, fondling, sexual threats,  
10 sexually inappropriate remarks, or any other sexual activity  
11 with an adult with disabilities when the adult with  
12 disabilities is unable to understand, unwilling to consent,  
13 threatened, or physically forced to engage in sexual behavior.  
14 Sexual abuse includes acts of sexual exploitation including,  
15 but not limited to, facilitating or compelling an adult with  
16 disabilities to become a prostitute, or receiving anything of  
17 value from an adult with disabilities knowing it was obtained  
18 in whole or in part from the practice of prostitution.

19 "Substantiated case" means a reported case of alleged or  
20 suspected abuse, neglect, or exploitation in which the Adults  
21 with Disabilities Abuse Project staff, after assessment,  
22 determines that there is reason to believe abuse, neglect, or  
23 exploitation has occurred.

24 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
25 eff. 1-1-12; 97-354, eff. 8-12-11; revised 9-7-11.)

1           Section 105. The Illinois Finance Authority Act is amended  
2 by changing Section 801-10 as follows:

3           (20 ILCS 3501/801-10)

4           Sec. 801-10. Definitions. The following terms, whenever  
5 used or referred to in this Act, shall have the following  
6 meanings, except in such instances where the context may  
7 clearly indicate otherwise:

8           (a) The term "Authority" means the Illinois Finance  
9 Authority created by this Act.

10           (b) The term "project" means an industrial project,  
11 conservation project, housing project, public purpose project,  
12 higher education project, health facility project, cultural  
13 institution project, agricultural facility or agribusiness,  
14 and "project" may include any combination of one or more of the  
15 foregoing undertaken jointly by any person with one or more  
16 other persons.

17           (c) The term "public purpose project" means any project or  
18 facility including without limitation land, buildings,  
19 structures, machinery, equipment and all other real and  
20 personal property, which is authorized or required by law to be  
21 acquired, constructed, improved, rehabilitated, reconstructed,  
22 replaced or maintained by any unit of government or any other  
23 lawful public purpose which is authorized or required by law to  
24 be undertaken by any unit of government.

25           (d) The term "industrial project" means the acquisition,

1 construction, refurbishment, creation, development or  
2 redevelopment of any facility, equipment, machinery, real  
3 property or personal property for use by any instrumentality of  
4 the State or its political subdivisions, for use by any person  
5 or institution, public or private, for profit or not for  
6 profit, or for use in any trade or business including, but not  
7 limited to, any industrial, manufacturing or commercial  
8 enterprise and which is (1) a capital project including but not  
9 limited to: (i) land and any rights therein, one or more  
10 buildings, structures or other improvements, machinery and  
11 equipment, whether now existing or hereafter acquired, and  
12 whether or not located on the same site or sites; (ii) all  
13 appurtenances and facilities incidental to the foregoing,  
14 including, but not limited to utilities, access roads, railroad  
15 sidings, track, docking and similar facilities, parking  
16 facilities, dockage, wharfage, railroad roadbed, track,  
17 trestle, depot, terminal, switching and signaling or related  
18 equipment, site preparation and landscaping; and (iii) all  
19 non-capital costs and expenses relating thereto or (2) any  
20 addition to, renovation, rehabilitation or improvement of a  
21 capital project or (3) any activity or undertaking which the  
22 Authority determines will aid, assist or encourage economic  
23 growth, development or redevelopment within the State or any  
24 area thereof, will promote the expansion, retention or  
25 diversification of employment opportunities within the State  
26 or any area thereof or will aid in stabilizing or developing

1 any industry or economic sector of the State economy. The term  
2 "industrial project" also means the production of motion  
3 pictures.

4 (e) The term "bond" or "bonds" shall include bonds, notes  
5 (including bond, grant or revenue anticipation notes),  
6 certificates and/or other evidences of indebtedness  
7 representing an obligation to pay money, including refunding  
8 bonds.

9 (f) The terms "lease agreement" and "loan agreement" shall  
10 mean: (i) an agreement whereby a project acquired by the  
11 Authority by purchase, gift or lease is leased to any person,  
12 corporation or unit of local government which will use or cause  
13 the project to be used as a project as heretofore defined upon  
14 terms providing for lease rental payments at least sufficient  
15 to pay when due all principal of, interest and premium, if any,  
16 on any bonds of the Authority issued with respect to such  
17 project, providing for the maintenance, insuring and operation  
18 of the project on terms satisfactory to the Authority,  
19 providing for disposition of the project upon termination of  
20 the lease term, including purchase options or abandonment of  
21 the premises, and such other terms as may be deemed desirable  
22 by the Authority, or (ii) any agreement pursuant to which the  
23 Authority agrees to loan the proceeds of its bonds issued with  
24 respect to a project or other funds of the Authority to any  
25 person which will use or cause the project to be used as a  
26 project as heretofore defined upon terms providing for loan

1 repayment installments at least sufficient to pay when due all  
2 principal of, interest and premium, if any, on any bonds of the  
3 Authority, if any, issued with respect to the project, and  
4 providing for maintenance, insurance and other matters as may  
5 be deemed desirable by the Authority.

6 (g) The term "financial aid" means the expenditure of  
7 Authority funds or funds provided by the Authority through the  
8 issuance of its bonds, notes or other evidences of indebtedness  
9 or from other sources for the development, construction,  
10 acquisition or improvement of a project.

11 (h) The term "person" means an individual, corporation,  
12 unit of government, business trust, estate, trust, partnership  
13 or association, 2 or more persons having a joint or common  
14 interest, or any other legal entity.

15 (i) The term "unit of government" means the federal  
16 government, the State or unit of local government, a school  
17 district, or any agency or instrumentality, office, officer,  
18 department, division, bureau, commission, college or  
19 university thereof.

20 (j) The term "health facility" means: (a) any public or  
21 private institution, place, building, or agency required to be  
22 licensed under the Hospital Licensing Act; (b) any public or  
23 private institution, place, building, or agency required to be  
24 licensed under the Nursing Home Care Act, the Specialized  
25 Mental Health Rehabilitation Act, or the ID/DD Community Care  
26 Act; (c) any public or licensed private hospital as defined in

1 the Mental Health and Developmental Disabilities Code; (d) any  
2 such facility exempted from such licensure when the Director of  
3 Public Health attests that such exempted facility meets the  
4 statutory definition of a facility subject to licensure; (e)  
5 any other public or private health service institution, place,  
6 building, or agency which the Director of Public Health attests  
7 is subject to certification by the Secretary, U.S. Department  
8 of Health and Human Services under the Social Security Act, as  
9 now or hereafter amended, or which the Director of Public  
10 Health attests is subject to standard-setting by a recognized  
11 public or voluntary accrediting or standard-setting agency;  
12 (f) any public or private institution, place, building or  
13 agency engaged in providing one or more supporting services to  
14 a health facility; (g) any public or private institution,  
15 place, building or agency engaged in providing training in the  
16 healing arts, including but not limited to schools of medicine,  
17 dentistry, osteopathy, optometry, podiatry, pharmacy or  
18 nursing, schools for the training of x-ray, laboratory or other  
19 health care technicians and schools for the training of  
20 para-professionals in the health care field; (h) any public or  
21 private congregate, life or extended care or elderly housing  
22 facility or any public or private home for the aged or infirm,  
23 including, without limitation, any Facility as defined in the  
24 Life Care Facilities Act; (i) any public or private mental,  
25 emotional or physical rehabilitation facility or any public or  
26 private educational, counseling, or rehabilitation facility or

1 home, for those persons with a developmental disability, those  
2 who are physically ill or disabled, the emotionally disturbed,  
3 those persons with a mental illness or persons with learning or  
4 similar disabilities or problems; (j) any public or private  
5 alcohol, drug or substance abuse diagnosis, counseling  
6 treatment or rehabilitation facility, (k) any public or private  
7 institution, place, building or agency licensed by the  
8 Department of Children and Family Services or which is not so  
9 licensed but which the Director of Children and Family Services  
10 attests provides child care, child welfare or other services of  
11 the type provided by facilities subject to such licensure; (l)  
12 any public or private adoption agency or facility; and (m) any  
13 public or private blood bank or blood center. "Health facility"  
14 also means a public or private structure or structures suitable  
15 primarily for use as a laboratory, laundry, nurses or interns  
16 residence or other housing or hotel facility used in whole or  
17 in part for staff, employees or students and their families,  
18 patients or relatives of patients admitted for treatment or  
19 care in a health facility, or persons conducting business with  
20 a health facility, physician's facility, surgicenter,  
21 administration building, research facility, maintenance,  
22 storage or utility facility and all structures or facilities  
23 related to any of the foregoing or required or useful for the  
24 operation of a health facility, including parking or other  
25 facilities or other supporting service structures required or  
26 useful for the orderly conduct of such health facility. "Health



1 facility" also means, with respect to a project located outside  
2 the State, any public or private institution, place, building,  
3 or agency which provides services similar to those described  
4 above, provided that such project is owned, operated, leased or  
5 managed by a participating health institution located within  
6 the State, or a participating health institution affiliated  
7 with an entity located within the State.

8 (k) The term "participating health institution" means (i) a  
9 private corporation or association or (ii) a public entity of  
10 this State, in either case authorized by the laws of this State  
11 or the applicable state to provide or operate a health facility  
12 as defined in this Act and which, pursuant to the provisions of  
13 this Act, undertakes the financing, construction or  
14 acquisition of a project or undertakes the refunding or  
15 refinancing of obligations, loans, indebtedness or advances as  
16 provided in this Act.

17 (l) The term "health facility project", means a specific  
18 health facility work or improvement to be financed or  
19 refinanced (including without limitation through reimbursement  
20 of prior expenditures), acquired, constructed, enlarged,  
21 remodeled, renovated, improved, furnished, or equipped, with  
22 funds provided in whole or in part hereunder, any accounts  
23 receivable, working capital, liability or insurance cost or  
24 operating expense financing or refinancing program of a health  
25 facility with or involving funds provided in whole or in part  
26 hereunder, or any combination thereof.

1           (m) The term "bond resolution" means the resolution or  
2 resolutions authorizing the issuance of, or providing terms and  
3 conditions related to, bonds issued under this Act and  
4 includes, where appropriate, any trust agreement, trust  
5 indenture, indenture of mortgage or deed of trust providing  
6 terms and conditions for such bonds.

7           (n) The term "property" means any real, personal or mixed  
8 property, whether tangible or intangible, or any interest  
9 therein, including, without limitation, any real estate,  
10 leasehold interests, appurtenances, buildings, easements,  
11 equipment, furnishings, furniture, improvements, machinery,  
12 rights of way, structures, accounts, contract rights or any  
13 interest therein.

14           (o) The term "revenues" means, with respect to any project,  
15 the rents, fees, charges, interest, principal repayments,  
16 collections and other income or profit derived therefrom.

17           (p) The term "higher education project" means, in the case  
18 of a private institution of higher education, an educational  
19 facility to be acquired, constructed, enlarged, remodeled,  
20 renovated, improved, furnished, or equipped, or any  
21 combination thereof.

22           (q) The term "cultural institution project" means, in the  
23 case of a cultural institution, a cultural facility to be  
24 acquired, constructed, enlarged, remodeled, renovated,  
25 improved, furnished, or equipped, or any combination thereof.

26           (r) The term "educational facility" means any property

1 located within the State, or any property located outside the  
2 State, provided that, if the property is located outside the  
3 State, it must be owned, operated, leased or managed by an  
4 entity located within the State or an entity affiliated with an  
5 entity located within the State, in each case constructed or  
6 acquired before or after the effective date of this Act, which  
7 is or will be, in whole or in part, suitable for the  
8 instruction, feeding, recreation or housing of students, the  
9 conducting of research or other work of a private institution  
10 of higher education, the use by a private institution of higher  
11 education in connection with any educational, research or  
12 related or incidental activities then being or to be conducted  
13 by it, or any combination of the foregoing, including, without  
14 limitation, any such property suitable for use as or in  
15 connection with any one or more of the following: an academic  
16 facility, administrative facility, agricultural facility,  
17 assembly hall, athletic facility, auditorium, boating  
18 facility, campus, communication facility, computer facility,  
19 continuing education facility, classroom, dining hall,  
20 dormitory, exhibition hall, fire fighting facility, fire  
21 prevention facility, food service and preparation facility,  
22 gymnasium, greenhouse, health care facility, hospital,  
23 housing, instructional facility, laboratory, library,  
24 maintenance facility, medical facility, museum, offices,  
25 parking area, physical education facility, recreational  
26 facility, research facility, stadium, storage facility,

1 student union, study facility, theatre or utility.

2 (s) The term "cultural facility" means any property located  
3 within the State, or any property located outside the State,  
4 provided that, if the property is located outside the State, it  
5 must be owned, operated, leased or managed by an entity located  
6 within the State or an entity affiliated with an entity located  
7 within the State, in each case constructed or acquired before  
8 or after the effective date of this Act, which is or will be,  
9 in whole or in part, suitable for the particular purposes or  
10 needs of a cultural institution, including, without  
11 limitation, any such property suitable for use as or in  
12 connection with any one or more of the following: an  
13 administrative facility, aquarium, assembly hall, auditorium,  
14 botanical garden, exhibition hall, gallery, greenhouse,  
15 library, museum, scientific laboratory, theater or zoological  
16 facility, and shall also include, without limitation, books,  
17 works of art or music, animal, plant or aquatic life or other  
18 items for display, exhibition or performance. The term  
19 "cultural facility" includes buildings on the National  
20 Register of Historic Places which are owned or operated by  
21 nonprofit entities.

22 (t) "Private institution of higher education" means a  
23 not-for-profit educational institution which is not owned by  
24 the State or any political subdivision, agency,  
25 instrumentality, district or municipality thereof, which is  
26 authorized by law to provide a program of education beyond the

1 high school level and which:

2 (1) Admits as regular students only individuals having  
3 a certificate of graduation from a high school, or the  
4 recognized equivalent of such a certificate;

5 (2) Provides an educational program for which it awards  
6 a bachelor's degree, or provides an educational program,  
7 admission into which is conditioned upon the prior  
8 attainment of a bachelor's degree or its equivalent, for  
9 which it awards a postgraduate degree, or provides not less  
10 than a 2-year program which is acceptable for full credit  
11 toward such a degree, or offers a 2-year program in  
12 engineering, mathematics, or the physical or biological  
13 sciences which is designed to prepare the student to work  
14 as a technician and at a semiprofessional level in  
15 engineering, scientific, or other technological fields  
16 which require the understanding and application of basic  
17 engineering, scientific, or mathematical principles or  
18 knowledge;

19 (3) Is accredited by a nationally recognized  
20 accrediting agency or association or, if not so accredited,  
21 is an institution whose credits are accepted, on transfer,  
22 by not less than 3 institutions which are so accredited,  
23 for credit on the same basis as if transferred from an  
24 institution so accredited, and holds an unrevoked  
25 certificate of approval under the Private College Act from  
26 the Board of Higher Education, or is qualified as a "degree

1 granting institution" under the Academic Degree Act; and

2 (4) Does not discriminate in the admission of students  
3 on the basis of race or color. "Private institution of  
4 higher education" also includes any "academic  
5 institution".

6 (u) The term "academic institution" means any  
7 not-for-profit institution which is not owned by the State or  
8 any political subdivision, agency, instrumentality, district  
9 or municipality thereof, which institution engages in, or  
10 facilitates academic, scientific, educational or professional  
11 research or learning in a field or fields of study taught at a  
12 private institution of higher education. Academic institutions  
13 include, without limitation, libraries, archives, academic,  
14 scientific, educational or professional societies,  
15 institutions, associations or foundations having such  
16 purposes.

17 (v) The term "cultural institution" means any  
18 not-for-profit institution which is not owned by the State or  
19 any political subdivision, agency, instrumentality, district  
20 or municipality thereof, which institution engages in the  
21 cultural, intellectual, scientific, educational or artistic  
22 enrichment of the people of the State. Cultural institutions  
23 include, without limitation, aquaria, botanical societies,  
24 historical societies, libraries, museums, performing arts  
25 associations or societies, scientific societies and zoological  
26 societies.

1           (w) The term "affiliate" means, with respect to financing  
2 of an agricultural facility or an agribusiness, any lender, any  
3 person, firm or corporation controlled by, or under common  
4 control with, such lender, and any person, firm or corporation  
5 controlling such lender.

6           (x) The term "agricultural facility" means land, any  
7 building or other improvement thereon or thereto, and any  
8 personal properties deemed necessary or suitable for use,  
9 whether or not now in existence, in farming, ranching, the  
10 production of agricultural commodities (including, without  
11 limitation, the products of aquaculture, hydroponics and  
12 silviculture) or the treating, processing or storing of such  
13 agricultural commodities when such activities are customarily  
14 engaged in by farmers as a part of farming.

15           (y) The term "lender" with respect to financing of an  
16 agricultural facility or an agribusiness, means any federal or  
17 State chartered bank, Federal Land Bank, Production Credit  
18 Association, Bank for Cooperatives, federal or State chartered  
19 savings and loan association or building and loan association,  
20 Small Business Investment Company or any other institution  
21 qualified within this State to originate and service loans,  
22 including, but without limitation to, insurance companies,  
23 credit unions and mortgage loan companies. "Lender" also means  
24 a wholly owned subsidiary of a manufacturer, seller or  
25 distributor of goods or services that makes loans to businesses  
26 or individuals, commonly known as a "captive finance company".

1           (z) The term "agribusiness" means any sole proprietorship,  
2           limited partnership, co-partnership, joint venture,  
3           corporation or cooperative which operates or will operate a  
4           facility located within the State of Illinois that is related  
5           to the processing of agricultural commodities (including,  
6           without limitation, the products of aquaculture, hydroponics  
7           and silviculture) or the manufacturing, production or  
8           construction of agricultural buildings, structures, equipment,  
9           implements, and supplies, or any other facilities or processes  
10          used in agricultural production. Agribusiness includes but is  
11          not limited to the following:

12               (1) grain handling and processing, including grain  
13               storage, drying, treatment, conditioning, mailing and  
14               packaging;

15               (2) seed and feed grain development and processing;

16               (3) fruit and vegetable processing, including  
17               preparation, canning and packaging;

18               (4) processing of livestock and livestock products,  
19               dairy products, poultry and poultry products, fish or  
20               apiarian products, including slaughter, shearing,  
21               collecting, preparation, canning and packaging;

22               (5) fertilizer and agricultural chemical  
23               manufacturing, processing, application and supplying;

24               (6) farm machinery, equipment and implement  
25               manufacturing and supplying;

26               (7) manufacturing and supplying of agricultural



1 commodity processing machinery and equipment, including  
2 machinery and equipment used in slaughter, treatment,  
3 handling, collecting, preparation, canning or packaging of  
4 agricultural commodities;

5 (8) farm building and farm structure manufacturing,  
6 construction and supplying;

7 (9) construction, manufacturing, implementation,  
8 supplying or servicing of irrigation, drainage and soil and  
9 water conservation devices or equipment;

10 (10) fuel processing and development facilities that  
11 produce fuel from agricultural commodities or byproducts;

12 (11) facilities and equipment for processing and  
13 packaging agricultural commodities specifically for  
14 export;

15 (12) facilities and equipment for forestry product  
16 processing and supplying, including sawmilling operations,  
17 wood chip operations, timber harvesting operations, and  
18 manufacturing of prefabricated buildings, paper, furniture  
19 or other goods from forestry products;

20 (13) facilities and equipment for research and  
21 development of products, processes and equipment for the  
22 production, processing, preparation or packaging of  
23 agricultural commodities and byproducts.

24 (aa) The term "asset" with respect to financing of any  
25 agricultural facility or any agribusiness, means, but is not  
26 limited to the following: cash crops or feed on hand; livestock

1 held for sale; breeding stock; marketable bonds and securities;  
2 securities not readily marketable; accounts receivable; notes  
3 receivable; cash invested in growing crops; net cash value of  
4 life insurance; machinery and equipment; cars and trucks; farm  
5 and other real estate including life estates and personal  
6 residence; value of beneficial interests in trusts; government  
7 payments or grants; and any other assets.

8 (bb) The term "liability" with respect to financing of any  
9 agricultural facility or any agribusiness shall include, but  
10 not be limited to the following: accounts payable; notes or  
11 other indebtedness owed to any source; taxes; rent; amounts  
12 owed on real estate contracts or real estate mortgages;  
13 judgments; accrued interest payable; and any other liability.

14 (cc) The term "Predecessor Authorities" means those  
15 authorities as described in Section 845-75.

16 (dd) The term "housing project" means a specific work or  
17 improvement undertaken to provide residential dwelling  
18 accommodations, including the acquisition, construction or  
19 rehabilitation of lands, buildings and community facilities  
20 and in connection therewith to provide nonhousing facilities  
21 which are part of the housing project, including land,  
22 buildings, improvements, equipment and all ancillary  
23 facilities for use for offices, stores, retirement homes,  
24 hotels, financial institutions, service, health care,  
25 education, recreation or research establishments, or any other  
26 commercial purpose which are or are to be related to a housing

1 development.

2 (ee) The term "conservation project" means any project  
3 including the acquisition, construction, rehabilitation,  
4 maintenance, operation, or upgrade that is intended to create  
5 or expand open space or to reduce energy usage through  
6 efficiency measures. For the purpose of this definition, "open  
7 space" has the definition set forth under Section 10 of the  
8 Illinois Open Land Trust Act.

9 (ff) The term "significant presence" means the existence  
10 within the State of the national or regional headquarters of an  
11 entity or group or such other facility of an entity or group of  
12 entities where a significant amount of the business functions  
13 are performed for such entity or group of entities.

14 (Source: P.A. 96-339, eff. 7-1-10; 96-1021, eff. 7-12-10;  
15 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; revised 9-7-11.)

16 Section 110. The Illinois Power Agency Act is amended by  
17 changing Sections 1-5, 1-10, 1-20, and 1-75 as follows:

18 (20 ILCS 3855/1-5)

19 Sec. 1-5. Legislative declarations and findings. The  
20 General Assembly finds and declares:

21 (1) The health, welfare, and prosperity of all Illinois  
22 citizens require the provision of adequate, reliable,  
23 affordable, efficient, and environmentally sustainable  
24 electric service at the lowest total cost over time, taking

1 into account any benefits of price stability.

2 (2) The transition to retail competition is not  
3 complete. Some customers, especially residential and small  
4 commercial customers, have failed to benefit from lower  
5 electricity costs from retail and wholesale competition.

6 (3) Escalating prices for electricity in Illinois pose  
7 a serious threat to the economic well-being, health, and  
8 safety of the residents of and the commerce and industry of  
9 the State.

10 (4) To protect against this threat to economic  
11 well-being, health, and safety it is necessary to improve  
12 the process of procuring electricity to serve Illinois  
13 residents, to promote investment in energy efficiency and  
14 demand-response measures, and to support development of  
15 clean coal technologies and renewable resources.

16 (5) Procuring a diverse electricity supply portfolio  
17 will ensure the lowest total cost over time for adequate,  
18 reliable, efficient, and environmentally sustainable  
19 electric service.

20 (6) Including cost-effective renewable resources in  
21 that portfolio will reduce long-term direct and indirect  
22 costs to consumers by decreasing environmental impacts and  
23 by avoiding or delaying the need for new generation,  
24 transmission, and distribution infrastructure.

25 (7) Energy efficiency, demand-response measures, and  
26 renewable energy are resources currently underused in

1 Illinois.

2 (8) The State should encourage the use of advanced  
3 clean coal technologies that capture and sequester carbon  
4 dioxide emissions to advance environmental protection  
5 goals and to demonstrate the viability of coal and  
6 coal-derived fuels in a carbon-constrained economy.

7 (9) The General Assembly enacted Public Act 96-0795 to  
8 reform the State's purchasing processes, recognizing that  
9 government procurement is susceptible to abuse if  
10 structural and procedural safeguards are not in place to  
11 ensure independence, insulation, oversight, and  
12 transparency.

13 (10) The principles that underlie the procurement  
14 reform legislation apply also in the context of power  
15 purchasing.

16 The General Assembly therefore finds that it is necessary  
17 to create the Illinois Power Agency and that the goals and  
18 objectives of that Agency are to accomplish each of the  
19 following:

20 (A) Develop electricity procurement plans to ensure  
21 adequate, reliable, affordable, efficient, and  
22 environmentally sustainable electric service at the lowest  
23 total cost over time, taking into account any benefits of  
24 price stability, for electric utilities that on December  
25 31, 2005 provided electric service to at least 100,000  
26 customers in Illinois and for small multi-jurisdictional

1 electric utilities that (i) on December 31, 2005 served  
2 less than 100,000 customers in Illinois and (ii) request a  
3 procurement plan for their Illinois jurisdictional load.  
4 The procurement plan shall be updated on an annual basis  
5 and shall include renewable energy resources sufficient to  
6 achieve the standards specified in this Act.

7 (B) Conduct competitive procurement processes to  
8 procure the supply resources identified in the procurement  
9 plan.

10 (C) Develop electric generation and co-generation  
11 facilities that use indigenous coal or renewable  
12 resources, or both, financed with bonds issued by the  
13 Illinois Finance Authority.

14 (D) Supply electricity from the Agency's facilities at  
15 cost to one or more of the following: municipal electric  
16 systems, governmental aggregators, or rural electric  
17 cooperatives in Illinois.

18 (E) Ensure that the process of power procurement is  
19 conducted in an ethical and transparent fashion, immune  
20 from improper influence.

21 (F) Continue to review its policies and practices to  
22 determine how best to meet its mission of providing the  
23 lowest cost power to the greatest number of people, at any  
24 given point in time, in accordance with applicable law.

25 (G) Operate in a structurally insulated, independent,  
26 and transparent fashion so that nothing impedes the

1 Agency's mission to secure power at the best prices the  
2 market will bear, provided that the Agency meets all  
3 applicable legal requirements.

4 (Source: P.A. 97-325, eff. 8-12-11; 97-618, eff. 10-26-11;  
5 revised 11-9-11.)

6 (20 ILCS 3855/1-10)

7 Sec. 1-10. Definitions.

8 "Agency" means the Illinois Power Agency.

9 "Agency loan agreement" means any agreement pursuant to  
10 which the Illinois Finance Authority agrees to loan the  
11 proceeds of revenue bonds issued with respect to a project to  
12 the Agency upon terms providing for loan repayment installments  
13 at least sufficient to pay when due all principal of, interest  
14 and premium, if any, on those revenue bonds, and providing for  
15 maintenance, insurance, and other matters in respect of the  
16 project.

17 "Authority" means the Illinois Finance Authority.

18 "Clean coal facility" means an electric generating  
19 facility that uses primarily coal as a feedstock and that  
20 captures and sequesters carbon dioxide emissions at the  
21 following levels: at least 50% of the total carbon dioxide  
22 emissions that the facility would otherwise emit if, at the  
23 time construction commences, the facility is scheduled to  
24 commence operation before 2016, at least 70% of the total  
25 carbon dioxide emissions that the facility would otherwise emit

1 if, at the time construction commences, the facility is  
2 scheduled to commence operation during 2016 or 2017, and at  
3 least 90% of the total carbon dioxide emissions that the  
4 facility would otherwise emit if, at the time construction  
5 commences, the facility is scheduled to commence operation  
6 after 2017. The power block of the clean coal facility shall  
7 not exceed allowable emission rates for sulfur dioxide,  
8 nitrogen oxides, carbon monoxide, particulates and mercury for  
9 a natural gas-fired combined-cycle facility the same size as  
10 and in the same location as the clean coal facility at the time  
11 the clean coal facility obtains an approved air permit. All  
12 coal used by a clean coal facility shall have high volatile  
13 bituminous rank and greater than 1.7 pounds of sulfur per  
14 million btu content, unless the clean coal facility does not  
15 use gasification technology and was operating as a conventional  
16 coal-fired electric generating facility on June 1, 2009 (the  
17 effective date of Public Act 95-1027).

18 "Clean coal SNG brownfield facility" means a facility that  
19 (1) has commenced construction by July 1, 2015 on an urban  
20 brownfield site in a municipality with at least 1,000,000  
21 residents; (2) uses a gasification process to produce  
22 substitute natural gas; (3) uses coal as at least 50% of the  
23 total feedstock over the term of any sourcing agreement with a  
24 utility and the remainder of the feedstock may be either  
25 petroleum coke or coal, with all such coal having a high  
26 bituminous rank and greater than 1.7 pounds of sulfur per



1 million Btu content unless the facility reasonably determines  
2 that it is necessary to use additional petroleum coke to  
3 deliver additional consumer savings, in which case the facility  
4 shall use coal for at least 35% of the total feedstock over the  
5 term of any sourcing agreement; and (4) captures and sequesters  
6 at least 85% of the total carbon dioxide emissions that the  
7 facility would otherwise emit.

8 "Clean coal SNG facility" means a facility that uses a  
9 gasification process to produce substitute natural gas, that  
10 sequesters at least 90% of the total carbon dioxide emissions  
11 that the facility would otherwise emit, that uses at least 90%  
12 coal as a feedstock, with all such coal having a high  
13 bituminous rank and greater than 1.7 pounds of sulfur per  
14 million btu content, and that has a valid and effective permit  
15 to construct emission sources and air pollution control  
16 equipment and approval with respect to the federal regulations  
17 for Prevention of Significant Deterioration of Air Quality  
18 (PSD) for the plant pursuant to the federal Clean Air Act;  
19 provided, however, a clean coal SNG brownfield facility shall  
20 not be a clean coal SNG facility.

21 "Commission" means the Illinois Commerce Commission.

22 "Costs incurred in connection with the development and  
23 construction of a facility" means:

24 (1) the cost of acquisition of all real property,  
25 fixtures, and improvements in connection therewith and  
26 equipment, personal property, and other property, rights,

1 and easements acquired that are deemed necessary for the  
2 operation and maintenance of the facility;

3 (2) financing costs with respect to bonds, notes, and  
4 other evidences of indebtedness of the Agency;

5 (3) all origination, commitment, utilization,  
6 facility, placement, underwriting, syndication, credit  
7 enhancement, and rating agency fees;

8 (4) engineering, design, procurement, consulting,  
9 legal, accounting, title insurance, survey, appraisal,  
10 escrow, trustee, collateral agency, interest rate hedging,  
11 interest rate swap, capitalized interest, contingency, as  
12 required by lenders, and other financing costs, and other  
13 expenses for professional services; and

14 (5) the costs of plans, specifications, site study and  
15 investigation, installation, surveys, other Agency costs  
16 and estimates of costs, and other expenses necessary or  
17 incidental to determining the feasibility of any project,  
18 together with such other expenses as may be necessary or  
19 incidental to the financing, insuring, acquisition, and  
20 construction of a specific project and starting up,  
21 commissioning, and placing that project in operation.

22 "Department" means the Department of Commerce and Economic  
23 Opportunity.

24 "Director" means the Director of the Illinois Power Agency.

25 "Demand-response" means measures that decrease peak  
26 electricity demand or shift demand from peak to off-peak

1 periods.

2 "Distributed renewable energy generation device" means a  
3 device that is:

4 (1) powered by wind, solar thermal energy,  
5 photovoltaic cells and panels, biodiesel, crops and  
6 untreated and unadulterated organic waste biomass, tree  
7 waste, and hydropower that does not involve new  
8 construction or significant expansion of hydropower dams;

9 (2) interconnected at the distribution system level of  
10 either an electric utility as defined in this Section, an  
11 alternative retail electric supplier as defined in Section  
12 16-102 of the Public Utilities Act, a municipal utility as  
13 defined in Section 3-105 of the Public Utilities Act, or a  
14 rural electric cooperative as defined in Section 3-119 of  
15 the Public Utilities Act;

16 (3) located on the customer side of the customer's  
17 electric meter and is primarily used to offset that  
18 customer's electricity load; and

19 (4) limited in nameplate capacity to no more than 2,000  
20 kilowatts.

21 "Energy efficiency" means measures that reduce the amount  
22 of electricity or natural gas required to achieve a given end  
23 use.

24 "Electric utility" has the same definition as found in  
25 Section 16-102 of the Public Utilities Act.

26 "Facility" means an electric generating unit or a

1 co-generating unit that produces electricity along with  
2 related equipment necessary to connect the facility to an  
3 electric transmission or distribution system.

4 "Governmental aggregator" means one or more units of local  
5 government that individually or collectively procure  
6 electricity to serve residential retail electrical loads  
7 located within its or their jurisdiction.

8 "Local government" means a unit of local government as  
9 defined in ~~Article VII~~ of Section 1 of Article VII of the  
10 Illinois Constitution.

11 "Municipality" means a city, village, or incorporated  
12 town.

13 "Person" means any natural person, firm, partnership,  
14 corporation, either domestic or foreign, company, association,  
15 limited liability company, joint stock company, or association  
16 and includes any trustee, receiver, assignee, or personal  
17 representative thereof.

18 "Project" means the planning, bidding, and construction of  
19 a facility.

20 "Public utility" has the same definition as found in  
21 Section 3-105 of the Public Utilities Act.

22 "Real property" means any interest in land together with  
23 all structures, fixtures, and improvements thereon, including  
24 lands under water and riparian rights, any easements,  
25 covenants, licenses, leases, rights-of-way, uses, and other  
26 interests, together with any liens, judgments, mortgages, or

1 other claims or security interests related to real property.

2 "Renewable energy credit" means a tradable credit that  
3 represents the environmental attributes of a certain amount of  
4 energy produced from a renewable energy resource.

5 "Renewable energy resources" includes energy and its  
6 associated renewable energy credit or renewable energy credits  
7 from wind, solar thermal energy, photovoltaic cells and panels,  
8 biodiesel, anaerobic digestion, crops and untreated and  
9 unadulterated organic waste biomass, tree waste, hydropower  
10 that does not involve new construction or significant expansion  
11 of hydropower dams, and other alternative sources of  
12 environmentally preferable energy. For purposes of this Act,  
13 landfill gas produced in the State is considered a renewable  
14 energy resource. "Renewable energy resources" does not include  
15 the incineration or burning of tires, garbage, general  
16 household, institutional, and commercial waste, industrial  
17 lunchroom or office waste, landscape waste other than tree  
18 waste, railroad crossties, utility poles, or construction or  
19 demolition debris, other than untreated and unadulterated  
20 waste wood.

21 "Revenue bond" means any bond, note, or other evidence of  
22 indebtedness issued by the Authority, the principal and  
23 interest of which is payable solely from revenues or income  
24 derived from any project or activity of the Agency.

25 "Sequester" means permanent storage of carbon dioxide by  
26 injecting it into a saline aquifer, a depleted gas reservoir,

1 or an oil reservoir, directly or through an enhanced oil  
2 recovery process that may involve intermediate storage,  
3 regardless of whether these activities are conducted by a clean  
4 coal facility, a clean coal SNG facility, a clean coal SNG  
5 brownfield facility, or a party with which a clean coal  
6 facility, ~~or~~ clean coal SNG facility, or clean coal SNG  
7 brownfield facility has contracted for such purposes.

8 "Sourcing agreement" means (i) in the case of an electric  
9 utility, an agreement between the owner of a clean coal  
10 facility and such electric utility, which agreement shall have  
11 terms and conditions meeting the requirements of paragraph (3)  
12 of subsection (d) of Section 1-75, (ii) in the case of an  
13 alternative retail electric supplier, an agreement between the  
14 owner of a clean coal facility and such alternative retail  
15 electric supplier, which agreement shall have terms and  
16 conditions meeting the requirements of Section 16-115(d)(5) of  
17 the Public Utilities Act, and (iii) in case of a gas utility,  
18 an agreement between the owner of a clean coal SNG brownfield  
19 facility and the gas utility, which agreement shall have the  
20 terms and conditions meeting the requirements of subsection  
21 (h-1) of Section 9-220 of the Public Utilities Act.

22 "Substitute natural gas" or "SNG" means a gas manufactured  
23 by gasification of hydrocarbon feedstock, which is  
24 substantially interchangeable in use and distribution with  
25 conventional natural gas.

26 "Total resource cost test" or "TRC test" means a standard

1 that is met if, for an investment in energy efficiency or  
2 demand-response measures, the benefit-cost ratio is greater  
3 than one. The benefit-cost ratio is the ratio of the net  
4 present value of the total benefits of the program to the net  
5 present value of the total costs as calculated over the  
6 lifetime of the measures. A total resource cost test compares  
7 the sum of avoided electric utility costs, representing the  
8 benefits that accrue to the system and the participant in the  
9 delivery of those efficiency measures, as well as other  
10 quantifiable societal benefits, including avoided natural gas  
11 utility costs, to the sum of all incremental costs of end-use  
12 measures that are implemented due to the program (including  
13 both utility and participant contributions), plus costs to  
14 administer, deliver, and evaluate each demand-side program, to  
15 quantify the net savings obtained by substituting the  
16 demand-side program for supply resources. In calculating  
17 avoided costs of power and energy that an electric utility  
18 would otherwise have had to acquire, reasonable estimates shall  
19 be included of financial costs likely to be imposed by future  
20 regulations and legislation on emissions of greenhouse gases.

21 (Source: P.A. 96-33, eff. 7-10-09; 96-159, eff. 8-10-09;  
22 96-784, eff. 8-28-09; 96-1000, eff. 7-2-10; 97-96, eff.  
23 7-13-11; 97-239, eff. 8-2-11; 97-491, eff. 8-22-11; 97-616,  
24 eff. 10-26-11; revised 11-10-11.)

1           Sec. 1-20. General powers of the Agency.

2           (a) The Agency is authorized to do each of the following:

3                 (1) Develop electricity procurement plans to ensure  
4           adequate, reliable, affordable, efficient, and  
5           environmentally sustainable electric service at the lowest  
6           total cost over time, taking into account any benefits of  
7           price stability, for electric utilities that on December  
8           31, 2005 provided electric service to at least 100,000  
9           customers in Illinois and for small multi-jurisdictional  
10          electric utilities that (A) on December 31, 2005 served  
11          less than 100,000 customers in Illinois and (B) request a  
12          procurement plan for their Illinois jurisdictional load.  
13          The procurement plans shall be updated on an annual basis  
14          and shall include electricity generated from renewable  
15          resources sufficient to achieve the standards specified in  
16          this Act.

17                 (2) Conduct competitive procurement processes to  
18          procure the supply resources identified in the procurement  
19          plan, pursuant to Section 16-111.5 of the Public Utilities  
20          Act.

21                 (3) Develop electric generation and co-generation  
22          facilities that use indigenous coal or renewable  
23          resources, or both, financed with bonds issued by the  
24          Illinois Finance Authority.

25                 (4) Supply electricity from the Agency's facilities at  
26          cost to one or more of the following: municipal electric



1 systems, governmental aggregators, or rural electric  
2 cooperatives in Illinois.

3 (b) Except as otherwise limited by this Act, the Agency has  
4 all of the powers necessary or convenient to carry out the  
5 purposes and provisions of this Act, including without  
6 limitation, each of the following:

7 (1) To have a corporate seal, and to alter that seal at  
8 pleasure, and to use it by causing it or a facsimile to be  
9 affixed or impressed or reproduced in any other manner.

10 (2) To use the services of the Illinois Finance  
11 Authority necessary to carry out the Agency's purposes.

12 (3) To negotiate and enter into loan agreements and  
13 other agreements with the Illinois Finance Authority.

14 (4) To obtain and employ personnel and hire consultants  
15 that are necessary to fulfill the Agency's purposes, and to  
16 make expenditures for that purpose within the  
17 appropriations for that purpose.

18 (5) To purchase, receive, take by grant, gift, devise,  
19 bequest, or otherwise, lease, or otherwise acquire, own,  
20 hold, improve, employ, use, and otherwise deal in and with,  
21 real or personal property whether tangible or intangible,  
22 or any interest therein, within the State.

23 (6) To acquire real or personal property, whether  
24 tangible or intangible, including without limitation  
25 property rights, interests in property, franchises,  
26 obligations, contracts, and debt and equity securities,

1 and to do so by the exercise of the power of eminent domain  
2 in accordance with Section 1-21; except that any real  
3 property acquired by the exercise of the power of eminent  
4 domain must be located within the State.

5 (7) To sell, convey, lease, exchange, transfer,  
6 abandon, or otherwise dispose of, or mortgage, pledge, or  
7 create a security interest in, any of its assets,  
8 properties, or any interest therein, wherever situated.

9 (8) To purchase, take, receive, subscribe for, or  
10 otherwise acquire, hold, make a tender offer for, vote,  
11 employ, sell, lend, lease, exchange, transfer, or  
12 otherwise dispose of, mortgage, pledge, or grant a security  
13 interest in, use, and otherwise deal in and with, bonds and  
14 other obligations, shares, or other securities (or  
15 interests therein) issued by others, whether engaged in a  
16 similar or different business or activity.

17 (9) To make and execute agreements, contracts, and  
18 other instruments necessary or convenient in the exercise  
19 of the powers and functions of the Agency under this Act,  
20 including contracts with any person, including personal  
21 service contracts, or with any local government, State  
22 agency, or other entity; and all State agencies and all  
23 local governments are authorized to enter into and do all  
24 things necessary to perform any such agreement, contract,  
25 or other instrument with the Agency. No such agreement,  
26 contract, or other instrument shall exceed 40 years.

1           (10) To lend money, invest and reinvest its funds in  
2           accordance with the Public Funds Investment Act, and take  
3           and hold real and personal property as security for the  
4           payment of funds loaned or invested.

5           (11) To borrow money at such rate or rates of interest  
6           as the Agency may determine, issue its notes, bonds, or  
7           other obligations to evidence that indebtedness, and  
8           secure any of its obligations by mortgage or pledge of its  
9           real or personal property, machinery, equipment,  
10          structures, fixtures, inventories, revenues, grants, and  
11          other funds as provided or any interest therein, wherever  
12          situated.

13          (12) To enter into agreements with the Illinois Finance  
14          Authority to issue bonds whether or not the income  
15          therefrom is exempt from federal taxation.

16          (13) To procure insurance against any loss in  
17          connection with its properties or operations in such amount  
18          or amounts and from such insurers, including the federal  
19          government, as it may deem necessary or desirable, and to  
20          pay any premiums therefor.

21          (14) To negotiate and enter into agreements with  
22          trustees or receivers appointed by United States  
23          bankruptcy courts or federal district courts or in other  
24          proceedings involving adjustment of debts and authorize  
25          proceedings involving adjustment of debts and authorize  
26          legal counsel for the Agency to appear in any such

1 proceedings.

2 (15) To file a petition under Chapter 9 of Title 11 of  
3 the United States Bankruptcy Code or take other similar  
4 action for the adjustment of its debts.

5 (16) To enter into management agreements for the  
6 operation of any of the property or facilities owned by the  
7 Agency.

8 (17) To enter into an agreement to transfer and to  
9 transfer any land, facilities, fixtures, or equipment of  
10 the Agency to one or more municipal electric systems,  
11 governmental aggregators, or rural electric agencies or  
12 cooperatives, for such consideration and upon such terms as  
13 the Agency may determine to be in the best interest of the  
14 citizens of Illinois.

15 (18) To enter upon any lands and within any building  
16 whenever in its judgment it may be necessary for the  
17 purpose of making surveys and examinations to accomplish  
18 any purpose authorized by this Act.

19 (19) To maintain an office or offices at such place or  
20 places in the State as it may determine.

21 (20) To request information, and to make any inquiry,  
22 investigation, survey, or study that the Agency may deem  
23 necessary to enable it effectively to carry out the  
24 provisions of this Act.

25 (21) To accept and expend appropriations.

26 (22) To engage in any activity or operation that is

1 incidental to and in furtherance of efficient operation to  
2 accomplish the Agency's purposes, including hiring  
3 employees that the Director deems essential for the  
4 operations of the Agency.

5 (23) To adopt, revise, amend, and repeal rules with  
6 respect to its operations, properties, and facilities as  
7 may be necessary or convenient to carry out the purposes of  
8 this Act, subject to the provisions of the Illinois  
9 Administrative Procedure Act and Sections 1-22 and 1-35 of  
10 this Act.

11 (24) To establish and collect charges and fees as  
12 described in this Act.

13 (25) To conduct competitive gasification feedstock  
14 procurement processes to procure the feedstocks for the  
15 clean coal SNG brownfield facility in accordance with the  
16 requirements of Section 1-78 of this Act.

17 (26) To review, revise, and approve sourcing  
18 agreements and mediate and resolve disputes between gas  
19 utilities and the clean coal SNG brownfield facility  
20 pursuant to subsection (h-1) of Section 9-220 of the Public  
21 Utilities Act.

22 (Source: P.A. 96-784, eff. 8-28-09; 96-1000, eff. 7-2-10;  
23 97-96, eff. 7-13-11; 97-325, eff. 8-12-11; 97-618, eff.  
24 10-26-11; revised 11-10-11.)

25 (20 ILCS 3855/1-75)

1           Sec. 1-75. Planning and Procurement Bureau. The Planning  
2 and Procurement Bureau has the following duties and  
3 responsibilities:

4           (a) The Planning and Procurement Bureau shall each year,  
5 beginning in 2008, develop procurement plans and conduct  
6 competitive procurement processes in accordance with the  
7 requirements of Section 16-111.5 of the Public Utilities Act  
8 for the eligible retail customers of electric utilities that on  
9 December 31, 2005 provided electric service to at least 100,000  
10 customers in Illinois. The Planning and Procurement Bureau  
11 shall also develop procurement plans and conduct competitive  
12 procurement processes in accordance with the requirements of  
13 Section 16-111.5 of the Public Utilities Act for the eligible  
14 retail customers of small multi-jurisdictional electric  
15 utilities that (i) on December 31, 2005 served less than  
16 100,000 customers in Illinois and (ii) request a procurement  
17 plan for their Illinois jurisdictional load. This Section shall  
18 not apply to a small multi-jurisdictional utility until such  
19 time as a small multi-jurisdictional utility requests the  
20 Agency to prepare a procurement plan for their Illinois  
21 jurisdictional load. For the purposes of this Section, the term  
22 "eligible retail customers" has the same definition as found in  
23 Section 16-111.5(a) of the Public Utilities Act.

24           (1) The Agency shall each year, beginning in 2008, as  
25 needed, issue a request for qualifications for experts or  
26 expert consulting firms to develop the procurement plans in

1           accordance with Section 16-111.5 of the Public Utilities  
2           Act. In order to qualify an expert or expert consulting  
3           firm must have:

4                   (A)     direct     previous     experience     assembling  
5                   large-scale power supply plans or portfolios for  
6                   end-use customers;

7                   (B)     an advanced degree in economics, mathematics,  
8                   engineering, risk management, or a related area of  
9                   study;

10                  (C)     10 years of experience in the electricity  
11                  sector, including managing supply risk;

12                  (D)     expertise in wholesale electricity market  
13                  rules, including those established by the Federal  
14                  Energy Regulatory Commission and regional transmission  
15                  organizations;

16                  (E)     expertise in credit protocols and familiarity  
17                  with contract protocols;

18                  (F)     adequate resources to perform and fulfill the  
19                  required functions and responsibilities; and

20                  (G)     the absence of a conflict of interest and  
21                  inappropriate bias for or against potential bidders or  
22                  the affected electric utilities.

23           (2) The Agency shall each year, as needed, issue a  
24           request for qualifications for a procurement administrator  
25           to conduct the competitive procurement processes in  
26           accordance with Section 16-111.5 of the Public Utilities

1 Act. In order to qualify an expert or expert consulting  
2 firm must have:

3 (A) direct previous experience administering a  
4 large-scale competitive procurement process;

5 (B) an advanced degree in economics, mathematics,  
6 engineering, or a related area of study;

7 (C) 10 years of experience in the electricity  
8 sector, including risk management experience;

9 (D) expertise in wholesale electricity market  
10 rules, including those established by the Federal  
11 Energy Regulatory Commission and regional transmission  
12 organizations;

13 (E) expertise in credit and contract protocols;

14 (F) adequate resources to perform and fulfill the  
15 required functions and responsibilities; and

16 (G) the absence of a conflict of interest and  
17 inappropriate bias for or against potential bidders or  
18 the affected electric utilities.

19 (3) The Agency shall provide affected utilities and  
20 other interested parties with the lists of qualified  
21 experts or expert consulting firms identified through the  
22 request for qualifications processes that are under  
23 consideration to develop the procurement plans and to serve  
24 as the procurement administrator. The Agency shall also  
25 provide each qualified expert's or expert consulting  
26 firm's response to the request for qualifications. All



1 information provided under this subparagraph shall also be  
2 provided to the Commission. The Agency may provide by rule  
3 for fees associated with supplying the information to  
4 utilities and other interested parties. These parties  
5 shall, within 5 business days, notify the Agency in writing  
6 if they object to any experts or expert consulting firms on  
7 the lists. Objections shall be based on:

8 (A) failure to satisfy qualification criteria;

9 (B) identification of a conflict of interest; or

10 (C) evidence of inappropriate bias for or against  
11 potential bidders or the affected utilities.

12 The Agency shall remove experts or expert consulting  
13 firms from the lists within 10 days if there is a  
14 reasonable basis for an objection and provide the updated  
15 lists to the affected utilities and other interested  
16 parties. If the Agency fails to remove an expert or expert  
17 consulting firm from a list, an objecting party may seek  
18 review by the Commission within 5 days thereafter by filing  
19 a petition, and the Commission shall render a ruling on the  
20 petition within 10 days. There is no right of appeal of the  
21 Commission's ruling.

22 (4) The Agency shall issue requests for proposals to  
23 the qualified experts or expert consulting firms to develop  
24 a procurement plan for the affected utilities and to serve  
25 as procurement administrator.

26 (5) The Agency shall select an expert or expert

1 consulting firm to develop procurement plans based on the  
2 proposals submitted and shall award contracts of up to 5  
3 years to those selected.

4 (6) The Agency shall select an expert or expert  
5 consulting firm, with approval of the Commission, to serve  
6 as procurement administrator based on the proposals  
7 submitted. If the Commission rejects, within 5 days, the  
8 Agency's selection, the Agency shall submit another  
9 recommendation within 3 days based on the proposals  
10 submitted. The Agency shall award a 5-year contract to the  
11 expert or expert consulting firm so selected with  
12 Commission approval.

13 (b) The experts or expert consulting firms retained by the  
14 Agency shall, as appropriate, prepare procurement plans, and  
15 conduct a competitive procurement process as prescribed in  
16 Section 16-111.5 of the Public Utilities Act, to ensure  
17 adequate, reliable, affordable, efficient, and environmentally  
18 sustainable electric service at the lowest total cost over  
19 time, taking into account any benefits of price stability, for  
20 eligible retail customers of electric utilities that on  
21 December 31, 2005 provided electric service to at least 100,000  
22 customers in the State of Illinois, and for eligible Illinois  
23 retail customers of small multi-jurisdictional electric  
24 utilities that (i) on December 31, 2005 served less than  
25 100,000 customers in Illinois and (ii) request a procurement  
26 plan for their Illinois jurisdictional load.

1 (c) Renewable portfolio standard.

2 (1) The procurement plans shall include cost-effective  
3 renewable energy resources. A minimum percentage of each  
4 utility's total supply to serve the load of eligible retail  
5 customers, as defined in Section 16-111.5(a) of the Public  
6 Utilities Act, procured for each of the following years  
7 shall be generated from cost-effective renewable energy  
8 resources: at least 2% by June 1, 2008; at least 4% by June  
9 1, 2009; at least 5% by June 1, 2010; at least 6% by June 1,  
10 2011; at least 7% by June 1, 2012; at least 8% by June 1,  
11 2013; at least 9% by June 1, 2014; at least 10% by June 1,  
12 2015; and increasing by at least 1.5% each year thereafter  
13 to at least 25% by June 1, 2025. To the extent that it is  
14 available, at least 75% of the renewable energy resources  
15 used to meet these standards shall come from wind  
16 generation and, beginning on June 1, 2011, at least the  
17 following percentages of the renewable energy resources  
18 used to meet these standards shall come from photovoltaics  
19 on the following schedule: 0.5% by June 1, 2012, 1.5% by  
20 June 1, 2013; 3% by June 1, 2014; and 6% by June 1, 2015 and  
21 thereafter. Of the renewable energy resources procured  
22 pursuant to this Section, at least the following  
23 percentages shall come from distributed renewable energy  
24 generation devices: 0.5% by June 1, 2013, 0.75% by June 1,  
25 2014, and 1% by June 1, 2015 and thereafter. To the extent  
26 available, half of the renewable energy resources procured

1 from distributed renewable energy generation shall come  
2 from devices of less than 25 kilowatts in nameplate  
3 capacity. Renewable energy resources procured from  
4 distributed generation devices may also count towards the  
5 required percentages for wind and solar photovoltaics.  
6 Procurement of renewable energy resources from distributed  
7 renewable energy generation devices shall be done on an  
8 annual basis through multi-year contracts of no less than 5  
9 years, and shall consist solely of renewable energy  
10 credits.

11 The Agency shall create credit requirements for  
12 suppliers of distributed renewable energy. In order to  
13 minimize the administrative burden on contracting  
14 entities, the Agency shall solicit the use of third-party  
15 organizations to aggregate distributed renewable energy  
16 into groups of no less than one megawatt in installed  
17 capacity. These third-party organizations shall administer  
18 contracts with individual distributed renewable energy  
19 generation device owners. An individual distributed  
20 renewable energy generation device owner shall have the  
21 ability to measure the output of his or her distributed  
22 renewable energy generation device.

23 For purposes of this subsection (c), "cost-effective"  
24 means that the costs of procuring renewable energy  
25 resources do not cause the limit stated in paragraph (2) of  
26 this subsection (c) to be exceeded and do not exceed

1 benchmarks based on market prices for renewable energy  
2 resources in the region, which shall be developed by the  
3 procurement administrator, in consultation with the  
4 Commission staff, Agency staff, and the procurement  
5 monitor and shall be subject to Commission review and  
6 approval.

7 (2) For purposes of this subsection (c), the required  
8 procurement of cost-effective renewable energy resources  
9 for a particular year shall be measured as a percentage of  
10 the actual amount of electricity (megawatt-hours) supplied  
11 by the electric utility to eligible retail customers in the  
12 planning year ending immediately prior to the procurement.  
13 For purposes of this subsection (c), the amount paid per  
14 kilowatthour means the total amount paid for electric  
15 service expressed on a per kilowatthour basis. For purposes  
16 of this subsection (c), the total amount paid for electric  
17 service includes without limitation amounts paid for  
18 supply, transmission, distribution, surcharges, and add-on  
19 taxes.

20 Notwithstanding the requirements of this subsection  
21 (c), the total of renewable energy resources procured  
22 pursuant to the procurement plan for any single year shall  
23 be reduced by an amount necessary to limit the annual  
24 estimated average net increase due to the costs of these  
25 resources included in the amounts paid by eligible retail  
26 customers in connection with electric service to:

1 (A) in 2008, no more than 0.5% of the amount paid  
2 per kilowatthour by those customers during the year  
3 ending May 31, 2007;

4 (B) in 2009, the greater of an additional 0.5% of  
5 the amount paid per kilowatthour by those customers  
6 during the year ending May 31, 2008 or 1% of the amount  
7 paid per kilowatthour by those customers during the  
8 year ending May 31, 2007;

9 (C) in 2010, the greater of an additional 0.5% of  
10 the amount paid per kilowatthour by those customers  
11 during the year ending May 31, 2009 or 1.5% of the  
12 amount paid per kilowatthour by those customers during  
13 the year ending May 31, 2007;

14 (D) in 2011, the greater of an additional 0.5% of  
15 the amount paid per kilowatthour by those customers  
16 during the year ending May 31, 2010 or 2% of the amount  
17 paid per kilowatthour by those customers during the  
18 year ending May 31, 2007; and

19 (E) thereafter, the amount of renewable energy  
20 resources procured pursuant to the procurement plan  
21 for any single year shall be reduced by an amount  
22 necessary to limit the estimated average net increase  
23 due to the cost of these resources included in the  
24 amounts paid by eligible retail customers in  
25 connection with electric service to no more than the  
26 greater of 2.015% of the amount paid per kilowatthour

1           by those customers during the year ending May 31, 2007  
2           or the incremental amount per kilowatthour paid for  
3           these resources in 2011.

4           No later than June 30, 2011, the Commission shall  
5           review the limitation on the amount of renewable energy  
6           resources procured pursuant to this subsection (c) and  
7           report to the General Assembly its findings as to  
8           whether that limitation unduly constrains the  
9           procurement of cost-effective renewable energy  
10          resources.

11          (3) Through June 1, 2011, renewable energy resources  
12          shall be counted for the purpose of meeting the renewable  
13          energy standards set forth in paragraph (1) of this  
14          subsection (c) only if they are generated from facilities  
15          located in the State, provided that cost-effective  
16          renewable energy resources are available from those  
17          facilities. If those cost-effective resources are not  
18          available in Illinois, they shall be procured in states  
19          that adjoin Illinois and may be counted towards compliance.  
20          If those cost-effective resources are not available in  
21          Illinois or in states that adjoin Illinois, they shall be  
22          purchased elsewhere and shall be counted towards  
23          compliance. After June 1, 2011, cost-effective renewable  
24          energy resources located in Illinois and in states that  
25          adjoin Illinois may be counted towards compliance with the  
26          standards set forth in paragraph (1) of this subsection

1 (c). If those cost-effective resources are not available in  
2 Illinois or in states that adjoin Illinois, they shall be  
3 purchased elsewhere and shall be counted towards  
4 compliance.

5 (4) The electric utility shall retire all renewable  
6 energy credits used to comply with the standard.

7 (5) Beginning with the year commencing June 1, 2010, an  
8 electric utility subject to this subsection (c) shall apply  
9 the lesser of the maximum alternative compliance payment  
10 rate or the most recent estimated alternative compliance  
11 payment rate for its service territory for the  
12 corresponding compliance period, established pursuant to  
13 subsection (d) of Section 16-115D of the Public Utilities  
14 Act to its retail customers that take service pursuant to  
15 the electric utility's hourly pricing tariff or tariffs.  
16 The electric utility shall retain all amounts collected as  
17 a result of the application of the alternative compliance  
18 payment rate or rates to such customers, and, beginning in  
19 2011, the utility shall include in the information provided  
20 under item (1) of subsection (d) of Section 16-111.5 of the  
21 Public Utilities Act the amounts collected under the  
22 alternative compliance payment rate or rates for the prior  
23 year ending May 31. Notwithstanding any limitation on the  
24 procurement of renewable energy resources imposed by item  
25 (2) of this subsection (c), the Agency shall increase its  
26 spending on the purchase of renewable energy resources to



1 be procured by the electric utility for the next plan year  
2 by an amount equal to the amounts collected by the utility  
3 under the alternative compliance payment rate or rates in  
4 the prior year ending May 31.

5 (d) Clean coal portfolio standard.

6 (1) The procurement plans shall include electricity  
7 generated using clean coal. Each utility shall enter into  
8 one or more sourcing agreements with the initial clean coal  
9 facility, as provided in paragraph (3) of this subsection  
10 (d), covering electricity generated by the initial clean  
11 coal facility representing at least 5% of each utility's  
12 total supply to serve the load of eligible retail customers  
13 in 2015 and each year thereafter, as described in paragraph  
14 (3) of this subsection (d), subject to the limits specified  
15 in paragraph (2) of this subsection (d). It is the goal of  
16 the State that by January 1, 2025, 25% of the electricity  
17 used in the State shall be generated by cost-effective  
18 clean coal facilities. For purposes of this subsection (d),  
19 "cost-effective" means that the expenditures pursuant to  
20 such sourcing agreements do not cause the limit stated in  
21 paragraph (2) of this subsection (d) to be exceeded and do  
22 not exceed cost-based benchmarks, which shall be developed  
23 to assess all expenditures pursuant to such sourcing  
24 agreements covering electricity generated by clean coal  
25 facilities, other than the initial clean coal facility, by  
26 the procurement administrator, in consultation with the

1 Commission staff, Agency staff, and the procurement  
2 monitor and shall be subject to Commission review and  
3 approval.

4 A utility party to a sourcing agreement shall  
5 immediately retire any emission credits that it receives in  
6 connection with the electricity covered by such agreement.

7 Utilities shall maintain adequate records documenting  
8 the purchases under the sourcing agreement to comply with  
9 this subsection (d) and shall file an accounting with the  
10 load forecast that must be filed with the Agency by July 15  
11 of each year, in accordance with subsection (d) of Section  
12 16-111.5 of the Public Utilities Act.

13 A utility shall be deemed to have complied with the  
14 clean coal portfolio standard specified in this subsection  
15 (d) if the utility enters into a sourcing agreement as  
16 required by this subsection (d).

17 (2) For purposes of this subsection (d), the required  
18 execution of sourcing agreements with the initial clean  
19 coal facility for a particular year shall be measured as a  
20 percentage of the actual amount of electricity  
21 (megawatt-hours) supplied by the electric utility to  
22 eligible retail customers in the planning year ending  
23 immediately prior to the agreement's execution. For  
24 purposes of this subsection (d), the amount paid per  
25 kilowatthour means the total amount paid for electric  
26 service expressed on a per kilowatthour basis. For purposes

1 of this subsection (d), the total amount paid for electric  
2 service includes without limitation amounts paid for  
3 supply, transmission, distribution, surcharges and add-on  
4 taxes.

5 Notwithstanding the requirements of this subsection  
6 (d), the total amount paid under sourcing agreements with  
7 clean coal facilities pursuant to the procurement plan for  
8 any given year shall be reduced by an amount necessary to  
9 limit the annual estimated average net increase due to the  
10 costs of these resources included in the amounts paid by  
11 eligible retail customers in connection with electric  
12 service to:

13 (A) in 2010, no more than 0.5% of the amount paid  
14 per kilowatthour by those customers during the year  
15 ending May 31, 2009;

16 (B) in 2011, the greater of an additional 0.5% of  
17 the amount paid per kilowatthour by those customers  
18 during the year ending May 31, 2010 or 1% of the amount  
19 paid per kilowatthour by those customers during the  
20 year ending May 31, 2009;

21 (C) in 2012, the greater of an additional 0.5% of  
22 the amount paid per kilowatthour by those customers  
23 during the year ending May 31, 2011 or 1.5% of the  
24 amount paid per kilowatthour by those customers during  
25 the year ending May 31, 2009;

26 (D) in 2013, the greater of an additional 0.5% of

1           the amount paid per kilowatthour by those customers  
2           during the year ending May 31, 2012 or 2% of the amount  
3           paid per kilowatthour by those customers during the  
4           year ending May 31, 2009; and

5           (E) thereafter, the total amount paid under  
6           sourcing agreements with clean coal facilities  
7           pursuant to the procurement plan for any single year  
8           shall be reduced by an amount necessary to limit the  
9           estimated average net increase due to the cost of these  
10          resources included in the amounts paid by eligible  
11          retail customers in connection with electric service  
12          to no more than the greater of (i) 2.015% of the amount  
13          paid per kilowatthour by those customers during the  
14          year ending May 31, 2009 or (ii) the incremental amount  
15          per kilowatthour paid for these resources in 2013.  
16          These requirements may be altered only as provided by  
17          statute.

18          No later than June 30, 2015, the Commission shall  
19          review the limitation on the total amount paid under  
20          sourcing agreements, if any, with clean coal facilities  
21          pursuant to this subsection (d) and report to the General  
22          Assembly its findings as to whether that limitation unduly  
23          constrains the amount of electricity generated by  
24          cost-effective clean coal facilities that is covered by  
25          sourcing agreements.

26          (3) Initial clean coal facility. In order to promote

1 development of clean coal facilities in Illinois, each  
2 electric utility subject to this Section shall execute a  
3 sourcing agreement to source electricity from a proposed  
4 clean coal facility in Illinois (the "initial clean coal  
5 facility") that will have a nameplate capacity of at least  
6 500 MW when commercial operation commences, that has a  
7 final Clean Air Act permit on the effective date of this  
8 amendatory Act of the 95th General Assembly, and that will  
9 meet the definition of clean coal facility in Section 1-10  
10 of this Act when commercial operation commences. The  
11 sourcing agreements with this initial clean coal facility  
12 shall be subject to both approval of the initial clean coal  
13 facility by the General Assembly and satisfaction of the  
14 requirements of paragraph (4) of this subsection (d) and  
15 shall be executed within 90 days after any such approval by  
16 the General Assembly. The Agency and the Commission shall  
17 have authority to inspect all books and records associated  
18 with the initial clean coal facility during the term of  
19 such a sourcing agreement. A utility's sourcing agreement  
20 for electricity produced by the initial clean coal facility  
21 shall include:

22 (A) a formula contractual price (the "contract  
23 price") approved pursuant to paragraph (4) of this  
24 subsection (d), which shall:

25 (i) be determined using a cost of service  
26 methodology employing either a level or deferred

1 capital recovery component, based on a capital  
2 structure consisting of 45% equity and 55% debt,  
3 and a return on equity as may be approved by the  
4 Federal Energy Regulatory Commission, which in any  
5 case may not exceed the lower of 11.5% or the rate  
6 of return approved by the General Assembly  
7 pursuant to paragraph (4) of this subsection (d);  
8 and

9 (ii) provide that all miscellaneous net  
10 revenue, including but not limited to net revenue  
11 from the sale of emission allowances, if any,  
12 substitute natural gas, if any, grants or other  
13 support provided by the State of Illinois or the  
14 United States Government, firm transmission  
15 rights, if any, by-products produced by the  
16 facility, energy or capacity derived from the  
17 facility and not covered by a sourcing agreement  
18 pursuant to paragraph (3) of this subsection (d) or  
19 item (5) of subsection (d) of Section 16-115 of the  
20 Public Utilities Act, whether generated from the  
21 synthesis gas derived from coal, from SNG, or from  
22 natural gas, shall be credited against the revenue  
23 requirement for this initial clean coal facility;

24 (B) power purchase provisions, which shall:

25 (i) provide that the utility party to such  
26 sourcing agreement shall pay the contract price

1 for electricity delivered under such sourcing  
2 agreement;

3 (ii) require delivery of electricity to the  
4 regional transmission organization market of the  
5 utility that is party to such sourcing agreement;

6 (iii) require the utility party to such  
7 sourcing agreement to buy from the initial clean  
8 coal facility in each hour an amount of energy  
9 equal to all clean coal energy made available from  
10 the initial clean coal facility during such hour  
11 times a fraction, the numerator of which is such  
12 utility's retail market sales of electricity  
13 (expressed in kilowatthours sold) in the State  
14 during the prior calendar month and the  
15 denominator of which is the total retail market  
16 sales of electricity (expressed in kilowatthours  
17 sold) in the State by utilities during such prior  
18 month and the sales of electricity (expressed in  
19 kilowatthours sold) in the State by alternative  
20 retail electric suppliers during such prior month  
21 that are subject to the requirements of this  
22 subsection (d) and paragraph (5) of subsection (d)  
23 of Section 16-115 of the Public Utilities Act,  
24 provided that the amount purchased by the utility  
25 in any year will be limited by paragraph (2) of  
26 this subsection (d); and

1 (iv) be considered pre-existing contracts in  
2 such utility's procurement plans for eligible  
3 retail customers;

4 (C) contract for differences provisions, which  
5 shall:

6 (i) require the utility party to such sourcing  
7 agreement to contract with the initial clean coal  
8 facility in each hour with respect to an amount of  
9 energy equal to all clean coal energy made  
10 available from the initial clean coal facility  
11 during such hour times a fraction, the numerator of  
12 which is such utility's retail market sales of  
13 electricity (expressed in kilowatthours sold) in  
14 the utility's service territory in the State  
15 during the prior calendar month and the  
16 denominator of which is the total retail market  
17 sales of electricity (expressed in kilowatthours  
18 sold) in the State by utilities during such prior  
19 month and the sales of electricity (expressed in  
20 kilowatthours sold) in the State by alternative  
21 retail electric suppliers during such prior month  
22 that are subject to the requirements of this  
23 subsection (d) and paragraph (5) of subsection (d)  
24 of Section 16-115 of the Public Utilities Act,  
25 provided that the amount paid by the utility in any  
26 year will be limited by paragraph (2) of this



1 subsection (d);

2 (ii) provide that the utility's payment  
3 obligation in respect of the quantity of  
4 electricity determined pursuant to the preceding  
5 clause (i) shall be limited to an amount equal to  
6 (1) the difference between the contract price  
7 determined pursuant to subparagraph (A) of  
8 paragraph (3) of this subsection (d) and the  
9 day-ahead price for electricity delivered to the  
10 regional transmission organization market of the  
11 utility that is party to such sourcing agreement  
12 (or any successor delivery point at which such  
13 utility's supply obligations are financially  
14 settled on an hourly basis) (the "reference  
15 price") on the day preceding the day on which the  
16 electricity is delivered to the initial clean coal  
17 facility busbar, multiplied by (2) the quantity of  
18 electricity determined pursuant to the preceding  
19 clause (i); and

20 (iii) not require the utility to take physical  
21 delivery of the electricity produced by the  
22 facility;

23 (D) general provisions, which shall:

24 (i) specify a term of no more than 30 years,  
25 commencing on the commercial operation date of the  
26 facility;

1           (ii) provide that utilities shall maintain  
2 adequate records documenting purchases under the  
3 sourcing agreements entered into to comply with  
4 this subsection (d) and shall file an accounting  
5 with the load forecast that must be filed with the  
6 Agency by July 15 of each year, in accordance with  
7 subsection (d) of Section 16-111.5 of the Public  
8 Utilities Act.

9           (iii) provide that all costs associated with  
10 the initial clean coal facility will be  
11 periodically reported to the Federal Energy  
12 Regulatory Commission and to purchasers in  
13 accordance with applicable laws governing  
14 cost-based wholesale power contracts;

15           (iv) permit the Illinois Power Agency to  
16 assume ownership of the initial clean coal  
17 facility, without monetary consideration and  
18 otherwise on reasonable terms acceptable to the  
19 Agency, if the Agency so requests no less than 3  
20 years prior to the end of the stated contract term;

21           (v) require the owner of the initial clean coal  
22 facility to provide documentation to the  
23 Commission each year, starting in the facility's  
24 first year of commercial operation, accurately  
25 reporting the quantity of carbon emissions from  
26 the facility that have been captured and

1 sequestered and report any quantities of carbon  
2 released from the site or sites at which carbon  
3 emissions were sequestered in prior years, based  
4 on continuous monitoring of such sites. If, in any  
5 year after the first year of commercial operation,  
6 the owner of the facility fails to demonstrate that  
7 the initial clean coal facility captured and  
8 sequestered at least 50% of the total carbon  
9 emissions that the facility would otherwise emit  
10 or that sequestration of emissions from prior  
11 years has failed, resulting in the release of  
12 carbon dioxide into the atmosphere, the owner of  
13 the facility must offset excess emissions. Any  
14 such carbon offsets must be permanent, additional,  
15 verifiable, real, located within the State of  
16 Illinois, and legally and practicably enforceable.  
17 The cost of such offsets for the facility that are  
18 not recoverable shall not exceed \$15 million in any  
19 given year. No costs of any such purchases of  
20 carbon offsets may be recovered from a utility or  
21 its customers. All carbon offsets purchased for  
22 this purpose and any carbon emission credits  
23 associated with sequestration of carbon from the  
24 facility must be permanently retired. The initial  
25 clean coal facility shall not forfeit its  
26 designation as a clean coal facility if the

1 facility fails to fully comply with the applicable  
2 carbon sequestration requirements in any given  
3 year, provided the requisite offsets are  
4 purchased. However, the Attorney General, on  
5 behalf of the People of the State of Illinois, may  
6 specifically enforce the facility's sequestration  
7 requirement and the other terms of this contract  
8 provision. Compliance with the sequestration  
9 requirements and offset purchase requirements  
10 specified in paragraph (3) of this subsection (d)  
11 shall be reviewed annually by an independent  
12 expert retained by the owner of the initial clean  
13 coal facility, with the advance written approval  
14 of the Attorney General. The Commission may, in the  
15 course of the review specified in item (vii),  
16 reduce the allowable return on equity for the  
17 facility if the facility wilfully fails to comply  
18 with the carbon capture and sequestration  
19 requirements set forth in this item (v);

20 (vi) include limits on, and accordingly  
21 provide for modification of, the amount the  
22 utility is required to source under the sourcing  
23 agreement consistent with paragraph (2) of this  
24 subsection (d);

25 (vii) require Commission review: (1) to  
26 determine the justness, reasonableness, and

1           prudence of the inputs to the formula referenced in  
2           subparagraphs (A)(i) through (A)(iii) of paragraph  
3           (3) of this subsection (d), prior to an adjustment  
4           in those inputs including, without limitation, the  
5           capital structure and return on equity, fuel  
6           costs, and other operations and maintenance costs  
7           and (2) to approve the costs to be passed through  
8           to customers under the sourcing agreement by which  
9           the utility satisfies its statutory obligations.  
10          Commission review shall occur no less than every 3  
11          years, regardless of whether any adjustments have  
12          been proposed, and shall be completed within 9  
13          months;

14                 (viii) limit the utility's obligation to such  
15                 amount as the utility is allowed to recover through  
16                 tariffs filed with the Commission, provided that  
17                 neither the clean coal facility nor the utility  
18                 waives any right to assert federal pre-emption or  
19                 any other argument in response to a purported  
20                 disallowance of recovery costs;

21                 (ix) limit the utility's or alternative retail  
22                 electric supplier's obligation to incur any  
23                 liability until such time as the facility is in  
24                 commercial operation and generating power and  
25                 energy and such power and energy is being delivered  
26                 to the facility busbar;

1           (x) provide that the owner or owners of the  
2           initial clean coal facility, which is the  
3           counterparty to such sourcing agreement, shall  
4           have the right from time to time to elect whether  
5           the obligations of the utility party thereto shall  
6           be governed by the power purchase provisions or the  
7           contract for differences provisions;

8           (xi) append documentation showing that the  
9           formula rate and contract, insofar as they relate  
10          to the power purchase provisions, have been  
11          approved by the Federal Energy Regulatory  
12          Commission pursuant to Section 205 of the Federal  
13          Power Act;

14          (xii) provide that any changes to the terms of  
15          the contract, insofar as such changes relate to the  
16          power purchase provisions, are subject to review  
17          under the public interest standard applied by the  
18          Federal Energy Regulatory Commission pursuant to  
19          Sections 205 and 206 of the Federal Power Act; and

20          (xiii) conform with customary lender  
21          requirements in power purchase agreements used as  
22          the basis for financing non-utility generators.

23          (4) Effective date of sourcing agreements with the  
24          initial clean coal facility.

25          Any proposed sourcing agreement with the initial clean  
26          coal facility shall not become effective unless the

1 following reports are prepared and submitted and  
2 authorizations and approvals obtained:

3 (i) Facility cost report. The owner of the initial  
4 clean coal facility shall submit to the Commission, the  
5 Agency, and the General Assembly a front-end  
6 engineering and design study, a facility cost report,  
7 method of financing (including but not limited to  
8 structure and associated costs), and an operating and  
9 maintenance cost quote for the facility (collectively  
10 "facility cost report"), which shall be prepared in  
11 accordance with the requirements of this paragraph (4)  
12 of subsection (d) of this Section, and shall provide  
13 the Commission and the Agency access to the work  
14 papers, relied upon documents, and any other backup  
15 documentation related to the facility cost report.

16 (ii) Commission report. Within 6 months following  
17 receipt of the facility cost report, the Commission, in  
18 consultation with the Agency, shall submit a report to  
19 the General Assembly setting forth its analysis of the  
20 facility cost report. Such report shall include, but  
21 not be limited to, a comparison of the costs associated  
22 with electricity generated by the initial clean coal  
23 facility to the costs associated with electricity  
24 generated by other types of generation facilities, an  
25 analysis of the rate impacts on residential and small  
26 business customers over the life of the sourcing

1           agreements, and an analysis of the likelihood that the  
2           initial clean coal facility will commence commercial  
3           operation by and be delivering power to the facility's  
4           busbar by 2016. To assist in the preparation of its  
5           report, the Commission, in consultation with the  
6           Agency, may hire one or more experts or consultants,  
7           the costs of which shall be paid for by the owner of  
8           the initial clean coal facility. The Commission and  
9           Agency may begin the process of selecting such experts  
10          or consultants prior to receipt of the facility cost  
11          report.

12           (iii) General Assembly approval. The proposed  
13          sourcing agreements shall not take effect unless,  
14          based on the facility cost report and the Commission's  
15          report, the General Assembly enacts authorizing  
16          legislation approving (A) the projected price, stated  
17          in cents per kilowatthour, to be charged for  
18          electricity generated by the initial clean coal  
19          facility, (B) the projected impact on residential and  
20          small business customers' bills over the life of the  
21          sourcing agreements, and (C) the maximum allowable  
22          return on equity for the project; and

23           (iv) Commission review. If the General Assembly  
24          enacts authorizing legislation pursuant to  
25          subparagraph (iii) approving a sourcing agreement, the  
26          Commission shall, within 90 days of such enactment,



1 complete a review of such sourcing agreement. During  
2 such time period, the Commission shall implement any  
3 directive of the General Assembly, resolve any  
4 disputes between the parties to the sourcing agreement  
5 concerning the terms of such agreement, approve the  
6 form of such agreement, and issue an order finding that  
7 the sourcing agreement is prudent and reasonable.

8 The facility cost report shall be prepared as follows:

9 (A) The facility cost report shall be prepared by  
10 duly licensed engineering and construction firms  
11 detailing the estimated capital costs payable to one or  
12 more contractors or suppliers for the engineering,  
13 procurement and construction of the components  
14 comprising the initial clean coal facility and the  
15 estimated costs of operation and maintenance of the  
16 facility. The facility cost report shall include:

17 (i) an estimate of the capital cost of the core  
18 plant based on one or more front end engineering  
19 and design studies for the gasification island and  
20 related facilities. The core plant shall include  
21 all civil, structural, mechanical, electrical,  
22 control, and safety systems.

23 (ii) an estimate of the capital cost of the  
24 balance of the plant, including any capital costs  
25 associated with sequestration of carbon dioxide  
26 emissions and all interconnects and interfaces

1 required to operate the facility, such as  
2 transmission of electricity, construction or  
3 backfeed power supply, pipelines to transport  
4 substitute natural gas or carbon dioxide, potable  
5 water supply, natural gas supply, water supply,  
6 water discharge, landfill, access roads, and coal  
7 delivery.

8 The quoted construction costs shall be expressed  
9 in nominal dollars as of the date that the quote is  
10 prepared and shall include capitalized financing costs  
11 during construction, taxes, insurance, and other  
12 owner's costs, and an assumed escalation in materials  
13 and labor beyond the date as of which the construction  
14 cost quote is expressed.

15 (B) The front end engineering and design study for  
16 the gasification island and the cost study for the  
17 balance of plant shall include sufficient design work  
18 to permit quantification of major categories of  
19 materials, commodities and labor hours, and receipt of  
20 quotes from vendors of major equipment required to  
21 construct and operate the clean coal facility.

22 (C) The facility cost report shall also include an  
23 operating and maintenance cost quote that will provide  
24 the estimated cost of delivered fuel, personnel,  
25 maintenance contracts, chemicals, catalysts,  
26 consumables, spares, and other fixed and variable

1 operations and maintenance costs. The delivered fuel  
2 cost estimate will be provided by a recognized third  
3 party expert or experts in the fuel and transportation  
4 industries. The balance of the operating and  
5 maintenance cost quote, excluding delivered fuel  
6 costs, will be developed based on the inputs provided  
7 by duly licensed engineering and construction firms  
8 performing the construction cost quote, potential  
9 vendors under long-term service agreements and plant  
10 operating agreements, or recognized third party plant  
11 operator or operators.

12 The operating and maintenance cost quote  
13 (including the cost of the front end engineering and  
14 design study) shall be expressed in nominal dollars as  
15 of the date that the quote is prepared and shall  
16 include taxes, insurance, and other owner's costs, and  
17 an assumed escalation in materials and labor beyond the  
18 date as of which the operating and maintenance cost  
19 quote is expressed.

20 (D) The facility cost report shall also include an  
21 analysis of the initial clean coal facility's ability  
22 to deliver power and energy into the applicable  
23 regional transmission organization markets and an  
24 analysis of the expected capacity factor for the  
25 initial clean coal facility.

26 (E) Amounts paid to third parties unrelated to the

1 owner or owners of the initial clean coal facility to  
2 prepare the core plant construction cost quote,  
3 including the front end engineering and design study,  
4 and the operating and maintenance cost quote will be  
5 reimbursed through Coal Development Bonds.

6 (5) Re-powering and retrofitting coal-fired power  
7 plants previously owned by Illinois utilities to qualify as  
8 clean coal facilities. During the 2009 procurement  
9 planning process and thereafter, the Agency and the  
10 Commission shall consider sourcing agreements covering  
11 electricity generated by power plants that were previously  
12 owned by Illinois utilities and that have been or will be  
13 converted into clean coal facilities, as defined by Section  
14 1-10 of this Act. Pursuant to such procurement planning  
15 process, the owners of such facilities may propose to the  
16 Agency sourcing agreements with utilities and alternative  
17 retail electric suppliers required to comply with  
18 subsection (d) of this Section and item (5) of subsection  
19 (d) of Section 16-115 of the Public Utilities Act, covering  
20 electricity generated by such facilities. In the case of  
21 sourcing agreements that are power purchase agreements,  
22 the contract price for electricity sales shall be  
23 established on a cost of service basis. In the case of  
24 sourcing agreements that are contracts for differences,  
25 the contract price from which the reference price is  
26 subtracted shall be established on a cost of service basis.

1           The Agency and the Commission may approve any such utility  
2           sourcing agreements that do not exceed cost-based  
3           benchmarks developed by the procurement administrator, in  
4           consultation with the Commission staff, Agency staff and  
5           the procurement monitor, subject to Commission review and  
6           approval. The Commission shall have authority to inspect  
7           all books and records associated with these clean coal  
8           facilities during the term of any such contract.

9           (6) Costs incurred under this subsection (d) or  
10          pursuant to a contract entered into under this subsection  
11          (d) shall be deemed prudently incurred and reasonable in  
12          amount and the electric utility shall be entitled to full  
13          cost recovery pursuant to the tariffs filed with the  
14          Commission.

15          (e) The draft procurement plans are subject to public  
16          comment, as required by Section 16-111.5 of the Public  
17          Utilities Act.

18          (f) The Agency shall submit the final procurement plan to  
19          the Commission. The Agency shall revise a procurement plan if  
20          the Commission determines that it does not meet the standards  
21          set forth in Section 16-111.5 of the Public Utilities Act.

22          (g) The Agency shall assess fees to each affected utility  
23          to recover the costs incurred in preparation of the annual  
24          procurement plan for the utility.

25          (h) The Agency shall assess fees to each bidder to recover  
26          the costs incurred in connection with a competitive procurement

1 process.

2 (Source: P.A. 96-159, eff. 8-10-09; 96-1437, eff. 8-17-10;  
3 97-325, eff. 8-12-11; 97-616, eff. 10-26-11; 97-618, eff.  
4 10-26-11; revised 11-10-11.)

5 Section 115. The Illinois Health Facilities Planning Act is  
6 amended by changing Sections 3, 12, 13, and 14.1 as follows:

7 (20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)

8 (Section scheduled to be repealed on December 31, 2019)

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

10 "Health care facilities" means and includes the following  
11 facilities and organizations:

12 1. An ambulatory surgical treatment center required to  
13 be licensed pursuant to the Ambulatory Surgical Treatment  
14 Center Act;

15 2. An institution, place, building, or agency required  
16 to be licensed pursuant to the Hospital Licensing Act;

17 3. Skilled and intermediate long term care facilities  
18 licensed under the Nursing Home Care Act;

19 3.5. Skilled and intermediate care facilities licensed  
20 under the ID/DD Community Care Act;

21 3.7. Facilities licensed under the Specialized Mental  
22 Health Rehabilitation Act;

23 4. Hospitals, nursing homes, ambulatory surgical  
24 treatment centers, or kidney disease treatment centers

1 maintained by the State or any department or agency  
2 thereof;

3 5. Kidney disease treatment centers, including a  
4 free-standing hemodialysis unit required to be licensed  
5 under the End Stage Renal Disease Facility Act;

6 6. An institution, place, building, or room used for  
7 the performance of outpatient surgical procedures that is  
8 leased, owned, or operated by or on behalf of an  
9 out-of-state facility;

10 7. An institution, place, building, or room used for  
11 provision of a health care category of service as defined  
12 by the Board, including, but not limited to, cardiac  
13 catheterization and open heart surgery; and

14 8. An institution, place, building, or room used for  
15 provision of major medical equipment used in the direct  
16 clinical diagnosis or treatment of patients, and whose  
17 project cost is in excess of the capital expenditure  
18 minimum.

19 This Act shall not apply to the construction of any new  
20 facility or the renovation of any existing facility located on  
21 any campus facility as defined in Section 5-5.8b of the  
22 Illinois Public Aid Code, provided that the campus facility  
23 encompasses 30 or more contiguous acres and that the new or  
24 renovated facility is intended for use by a licensed  
25 residential facility.

26 No federally owned facility shall be subject to the

1 provisions of this Act, nor facilities used solely for healing  
2 by prayer or spiritual means.

3 No facility licensed under the Supportive Residences  
4 Licensing Act or the Assisted Living and Shared Housing Act  
5 shall be subject to the provisions of this Act.

6 No facility established and operating under the  
7 Alternative Health Care Delivery Act as a children's respite  
8 care center alternative health care model demonstration  
9 program or as an Alzheimer's Disease Management Center  
10 alternative health care model demonstration program shall be  
11 subject to the provisions of this Act.

12 A facility designated as a supportive living facility that  
13 is in good standing with the program established under Section  
14 5-5.01a of the Illinois Public Aid Code shall not be subject to  
15 the provisions of this Act.

16 This Act does not apply to facilities granted waivers under  
17 Section 3-102.2 of the Nursing Home Care Act. However, if a  
18 demonstration project under that Act applies for a certificate  
19 of need to convert to a nursing facility, it shall meet the  
20 licensure and certificate of need requirements in effect as of  
21 the date of application.

22 This Act does not apply to a dialysis facility that  
23 provides only dialysis training, support, and related services  
24 to individuals with end stage renal disease who have elected to  
25 receive home dialysis. This Act does not apply to a dialysis  
26 unit located in a licensed nursing home that offers or provides



1 dialysis-related services to residents with end stage renal  
2 disease who have elected to receive home dialysis within the  
3 nursing home. The Board, however, may require these dialysis  
4 facilities and licensed nursing homes to report statistical  
5 information on a quarterly basis to the Board to be used by the  
6 Board to conduct analyses on the need for proposed kidney  
7 disease treatment centers.

8 This Act shall not apply to the closure of an entity or a  
9 portion of an entity licensed under the Nursing Home Care Act,  
10 the Specialized Mental Health Rehabilitation Act, or the ID/DD  
11 ~~MR/DD~~ Community Care Act, with the exceptions of facilities  
12 operated by a county or Illinois Veterans Homes, that elects to  
13 convert, in whole or in part, to an assisted living or shared  
14 housing establishment licensed under the Assisted Living and  
15 Shared Housing Act.

16 This Act does not apply to any change of ownership of a  
17 healthcare facility that is licensed under the Nursing Home  
18 Care Act, the Specialized Mental Health Rehabilitation Act, or  
19 the ID/DD Community Care Act, with the exceptions of facilities  
20 operated by a county or Illinois Veterans Homes. Changes of  
21 ownership of facilities licensed under the Nursing Home Care  
22 Act must meet the requirements set forth in Sections 3-101  
23 through 3-119 of the Nursing Home Care Act.

24 With the exception of those health care facilities  
25 specifically included in this Section, nothing in this Act  
26 shall be intended to include facilities operated as a part of

1 the practice of a physician or other licensed health care  
2 professional, whether practicing in his individual capacity or  
3 within the legal structure of any partnership, medical or  
4 professional corporation, or unincorporated medical or  
5 professional group. Further, this Act shall not apply to  
6 physicians or other licensed health care professional's  
7 practices where such practices are carried out in a portion of  
8 a health care facility under contract with such health care  
9 facility by a physician or by other licensed health care  
10 professionals, whether practicing in his individual capacity  
11 or within the legal structure of any partnership, medical or  
12 professional corporation, or unincorporated medical or  
13 professional groups. This Act shall apply to construction or  
14 modification and to establishment by such health care facility  
15 of such contracted portion which is subject to facility  
16 licensing requirements, irrespective of the party responsible  
17 for such action or attendant financial obligation.

18 "Person" means any one or more natural persons, legal  
19 entities, governmental bodies other than federal, or any  
20 combination thereof.

21 "Consumer" means any person other than a person (a) whose  
22 major occupation currently involves or whose official capacity  
23 within the last 12 months has involved the providing,  
24 administering or financing of any type of health care facility,  
25 (b) who is engaged in health research or the teaching of  
26 health, (c) who has a material financial interest in any

1 activity which involves the providing, administering or  
2 financing of any type of health care facility, or (d) who is or  
3 ever has been a member of the immediate family of the person  
4 defined by (a), (b), or (c).

5 "State Board" or "Board" means the Health Facilities and  
6 Services Review Board.

7 "Construction or modification" means the establishment,  
8 erection, building, alteration, reconstruction, modernization,  
9 improvement, extension, discontinuation, change of ownership,  
10 of or by a health care facility, or the purchase or acquisition  
11 by or through a health care facility of equipment or service  
12 for diagnostic or therapeutic purposes or for facility  
13 administration or operation, or any capital expenditure made by  
14 or on behalf of a health care facility which exceeds the  
15 capital expenditure minimum; however, any capital expenditure  
16 made by or on behalf of a health care facility for (i) the  
17 construction or modification of a facility licensed under the  
18 Assisted Living and Shared Housing Act or (ii) a conversion  
19 project undertaken in accordance with Section 30 of the Older  
20 Adult Services Act shall be excluded from any obligations under  
21 this Act.

22 "Establish" means the construction of a health care  
23 facility or the replacement of an existing facility on another  
24 site or the initiation of a category of service as defined by  
25 the Board.

26 "Major medical equipment" means medical equipment which is

1 used for the provision of medical and other health services and  
2 which costs in excess of the capital expenditure minimum,  
3 except that such term does not include medical equipment  
4 acquired by or on behalf of a clinical laboratory to provide  
5 clinical laboratory services if the clinical laboratory is  
6 independent of a physician's office and a hospital and it has  
7 been determined under Title XVIII of the Social Security Act to  
8 meet the requirements of paragraphs (10) and (11) of Section  
9 1861(s) of such Act. In determining whether medical equipment  
10 has a value in excess of the capital expenditure minimum, the  
11 value of studies, surveys, designs, plans, working drawings,  
12 specifications, and other activities essential to the  
13 acquisition of such equipment shall be included.

14 "Capital Expenditure" means an expenditure: (A) made by or  
15 on behalf of a health care facility (as such a facility is  
16 defined in this Act); and (B) which under generally accepted  
17 accounting principles is not properly chargeable as an expense  
18 of operation and maintenance, or is made to obtain by lease or  
19 comparable arrangement any facility or part thereof or any  
20 equipment for a facility or part; and which exceeds the capital  
21 expenditure minimum.

22 For the purpose of this paragraph, the cost of any studies,  
23 surveys, designs, plans, working drawings, specifications, and  
24 other activities essential to the acquisition, improvement,  
25 expansion, or replacement of any plant or equipment with  
26 respect to which an expenditure is made shall be included in

1 determining if such expenditure exceeds the capital  
2 expenditures minimum. Unless otherwise interdependent, or  
3 submitted as one project by the applicant, components of  
4 construction or modification undertaken by means of a single  
5 construction contract or financed through the issuance of a  
6 single debt instrument shall not be grouped together as one  
7 project. Donations of equipment or facilities to a health care  
8 facility which if acquired directly by such facility would be  
9 subject to review under this Act shall be considered capital  
10 expenditures, and a transfer of equipment or facilities for  
11 less than fair market value shall be considered a capital  
12 expenditure for purposes of this Act if a transfer of the  
13 equipment or facilities at fair market value would be subject  
14 to review.

15 "Capital expenditure minimum" means \$11,500,000 for  
16 projects by hospital applicants, \$6,500,000 for applicants for  
17 projects related to skilled and intermediate care long-term  
18 care facilities licensed under the Nursing Home Care Act, and  
19 \$3,000,000 for projects by all other applicants, which shall be  
20 annually adjusted to reflect the increase in construction costs  
21 due to inflation, for major medical equipment and for all other  
22 capital expenditures.

23 "Non-clinical service area" means an area (i) for the  
24 benefit of the patients, visitors, staff, or employees of a  
25 health care facility and (ii) not directly related to the  
26 diagnosis, treatment, or rehabilitation of persons receiving

1 services from the health care facility. "Non-clinical service  
2 areas" include, but are not limited to, chapels; gift shops;  
3 news stands; computer systems; tunnels, walkways, and  
4 elevators; telephone systems; projects to comply with life  
5 safety codes; educational facilities; student housing;  
6 patient, employee, staff, and visitor dining areas;  
7 administration and volunteer offices; modernization of  
8 structural components (such as roof replacement and masonry  
9 work); boiler repair or replacement; vehicle maintenance and  
10 storage facilities; parking facilities; mechanical systems for  
11 heating, ventilation, and air conditioning; loading docks; and  
12 repair or replacement of carpeting, tile, wall coverings,  
13 window coverings or treatments, or furniture. Solely for the  
14 purpose of this definition, "non-clinical service area" does  
15 not include health and fitness centers.

16 "Areawide" means a major area of the State delineated on a  
17 geographic, demographic, and functional basis for health  
18 planning and for health service and having within it one or  
19 more local areas for health planning and health service. The  
20 term "region", as contrasted with the term "subregion", and the  
21 word "area" may be used synonymously with the term "areawide".

22 "Local" means a subarea of a delineated major area that on  
23 a geographic, demographic, and functional basis may be  
24 considered to be part of such major area. The term "subregion"  
25 may be used synonymously with the term "local".

26 "Physician" means a person licensed to practice in

1 accordance with the Medical Practice Act of 1987, as amended.

2 "Licensed health care professional" means a person  
3 licensed to practice a health profession under pertinent  
4 licensing statutes of the State of Illinois.

5 "Director" means the Director of the Illinois Department of  
6 Public Health.

7 "Agency" means the Illinois Department of Public Health.

8 "Alternative health care model" means a facility or program  
9 authorized under the Alternative Health Care Delivery Act.

10 "Out-of-state facility" means a person that is both (i)  
11 licensed as a hospital or as an ambulatory surgery center under  
12 the laws of another state or that qualifies as a hospital or an  
13 ambulatory surgery center under regulations adopted pursuant  
14 to the Social Security Act and (ii) not licensed under the  
15 Ambulatory Surgical Treatment Center Act, the Hospital  
16 Licensing Act, or the Nursing Home Care Act. Affiliates of  
17 out-of-state facilities shall be considered out-of-state  
18 facilities. Affiliates of Illinois licensed health care  
19 facilities 100% owned by an Illinois licensed health care  
20 facility, its parent, or Illinois physicians licensed to  
21 practice medicine in all its branches shall not be considered  
22 out-of-state facilities. Nothing in this definition shall be  
23 construed to include an office or any part of an office of a  
24 physician licensed to practice medicine in all its branches in  
25 Illinois that is not required to be licensed under the  
26 Ambulatory Surgical Treatment Center Act.

1 "Change of ownership of a health care facility" means a  
2 change in the person who has ownership or control of a health  
3 care facility's physical plant and capital assets. A change in  
4 ownership is indicated by the following transactions: sale,  
5 transfer, acquisition, lease, change of sponsorship, or other  
6 means of transferring control.

7 "Related person" means any person that: (i) is at least 50%  
8 owned, directly or indirectly, by either the health care  
9 facility or a person owning, directly or indirectly, at least  
10 50% of the health care facility; or (ii) owns, directly or  
11 indirectly, at least 50% of the health care facility.

12 "Charity care" means care provided by a health care  
13 facility for which the provider does not expect to receive  
14 payment from the patient or a third-party payer.

15 "Freestanding emergency center" means a facility subject  
16 to licensure under Section 32.5 of the Emergency Medical  
17 Services (EMS) Systems Act.

18 (Source: P.A. 96-31, eff. 6-30-09; 96-339, eff. 7-1-10;  
19 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-277, eff. 1-1-12;  
20 revised 9-7-11.)

21 (20 ILCS 3960/12) (from Ch. 111 1/2, par. 1162)

22 (Section scheduled to be repealed on December 31, 2019)

23 Sec. 12. Powers and duties of State Board. For purposes of  
24 this Act, the State Board shall exercise the following powers  
25 and duties:



1           (1) Prescribe rules, regulations, standards, criteria,  
2 procedures or reviews which may vary according to the purpose  
3 for which a particular review is being conducted or the type of  
4 project reviewed and which are required to carry out the  
5 provisions and purposes of this Act. Policies and procedures of  
6 the State Board shall take into consideration the priorities  
7 and needs of medically underserved areas and other health care  
8 services identified through the comprehensive health planning  
9 process, giving special consideration to the impact of projects  
10 on access to safety net services.

11           (2) Adopt procedures for public notice and hearing on all  
12 proposed rules, regulations, standards, criteria, and plans  
13 required to carry out the provisions of this Act.

14           (3) (Blank).

15           (4) Develop criteria and standards for health care  
16 facilities planning, conduct statewide inventories of health  
17 care facilities, maintain an updated inventory on the Board's  
18 web site reflecting the most recent bed and service changes and  
19 updated need determinations when new census data become  
20 available or new need formulae are adopted, and develop health  
21 care facility plans which shall be utilized in the review of  
22 applications for permit under this Act. Such health facility  
23 plans shall be coordinated by the Board with pertinent State  
24 Plans. Inventories pursuant to this Section of skilled or  
25 intermediate care facilities licensed under the Nursing Home  
26 Care Act, skilled or intermediate care facilities licensed

1 under the ID/DD Community Care Act, facilities licensed under  
2 the Specialized Mental Health Rehabilitation Act, or nursing  
3 homes licensed under the Hospital Licensing Act shall be  
4 conducted on an annual basis no later than July 1 of each year  
5 and shall include among the information requested a list of all  
6 services provided by a facility to its residents and to the  
7 community at large and differentiate between active and  
8 inactive beds.

9 In developing health care facility plans, the State Board  
10 shall consider, but shall not be limited to, the following:

11 (a) The size, composition and growth of the population  
12 of the area to be served;

13 (b) The number of existing and planned facilities  
14 offering similar programs;

15 (c) The extent of utilization of existing facilities;

16 (d) The availability of facilities which may serve as  
17 alternatives or substitutes;

18 (e) The availability of personnel necessary to the  
19 operation of the facility;

20 (f) Multi-institutional planning and the establishment  
21 of multi-institutional systems where feasible;

22 (g) The financial and economic feasibility of proposed  
23 construction or modification; and

24 (h) In the case of health care facilities established  
25 by a religious body or denomination, the needs of the  
26 members of such religious body or denomination may be

1           considered to be public need.

2           The health care facility plans which are developed and  
3 adopted in accordance with this Section shall form the basis  
4 for the plan of the State to deal most effectively with  
5 statewide health needs in regard to health care facilities.

6           (5) Coordinate with the Center for Comprehensive Health  
7 Planning and other state agencies having responsibilities  
8 affecting health care facilities, including those of licensure  
9 and cost reporting.

10          (6) Solicit, accept, hold and administer on behalf of the  
11 State any grants or bequests of money, securities or property  
12 for use by the State Board or Center for Comprehensive Health  
13 Planning in the administration of this Act; and enter into  
14 contracts consistent with the appropriations for purposes  
15 enumerated in this Act.

16          (7) The State Board shall prescribe procedures for review,  
17 standards, and criteria which shall be utilized to make  
18 periodic reviews and determinations of the appropriateness of  
19 any existing health services being rendered by health care  
20 facilities subject to the Act. The State Board shall consider  
21 recommendations of the Board in making its determinations.

22          (8) Prescribe, in consultation with the Center for  
23 Comprehensive Health Planning, rules, regulations, standards,  
24 and criteria for the conduct of an expeditious review of  
25 applications for permits for projects of construction or  
26 modification of a health care facility, which projects are

1 classified as emergency, substantive, or non-substantive in  
2 nature.

3 Six months after June 30, 2009 (the effective date of  
4 Public Act 96-31), substantive projects shall include no more  
5 than the following:

6 (a) Projects to construct (1) a new or replacement  
7 facility located on a new site or (2) a replacement  
8 facility located on the same site as the original facility  
9 and the cost of the replacement facility exceeds the  
10 capital expenditure minimum;

11 (b) Projects proposing a (1) new service or (2)  
12 discontinuation of a service, which shall be reviewed by  
13 the Board within 60 days; or

14 (c) Projects proposing a change in the bed capacity of  
15 a health care facility by an increase in the total number  
16 of beds or by a redistribution of beds among various  
17 categories of service or by a relocation of beds from one  
18 physical facility or site to another by more than 20 beds  
19 or more than 10% of total bed capacity, as defined by the  
20 State Board, whichever is less, over a 2-year period.

21 The Chairman may approve applications for exemption that  
22 meet the criteria set forth in rules or refer them to the full  
23 Board. The Chairman may approve any unopposed application that  
24 meets all of the review criteria or refer them to the full  
25 Board.

26 Such rules shall not abridge the right of the Center for

1 Comprehensive Health Planning to make recommendations on the  
2 classification and approval of projects, nor shall such rules  
3 prevent the conduct of a public hearing upon the timely request  
4 of an interested party. Such reviews shall not exceed 60 days  
5 from the date the application is declared to be complete.

6 (9) Prescribe rules, regulations, standards, and criteria  
7 pertaining to the granting of permits for construction and  
8 modifications which are emergent in nature and must be  
9 undertaken immediately to prevent or correct structural  
10 deficiencies or hazardous conditions that may harm or injure  
11 persons using the facility, as defined in the rules and  
12 regulations of the State Board. This procedure is exempt from  
13 public hearing requirements of this Act.

14 (10) Prescribe rules, regulations, standards and criteria  
15 for the conduct of an expeditious review, not exceeding 60  
16 days, of applications for permits for projects to construct or  
17 modify health care facilities which are needed for the care and  
18 treatment of persons who have acquired immunodeficiency  
19 syndrome (AIDS) or related conditions.

20 (11) Issue written decisions upon request of the applicant  
21 or an adversely affected party to the Board within 30 days of  
22 the meeting in which a final decision has been made. A "final  
23 decision" for purposes of this Act is the decision to approve  
24 or deny an application, or take other actions permitted under  
25 this Act, at the time and date of the meeting that such action  
26 is scheduled by the Board. The staff of the State Board shall

1 prepare a written copy of the final decision and the State  
2 Board shall approve a final copy for inclusion in the formal  
3 record.

4 (12) Require at least one of its members to participate in  
5 any public hearing, after the appointment of the 9 members to  
6 the Board.

7 (13) Provide a mechanism for the public to comment on, and  
8 request changes to, draft rules and standards.

9 (14) Implement public information campaigns to regularly  
10 inform the general public about the opportunity for public  
11 hearings and public hearing procedures.

12 (15) Establish a separate set of rules and guidelines for  
13 long-term care that recognizes that nursing homes are a  
14 different business line and service model from other regulated  
15 facilities. An open and transparent process shall be developed  
16 that considers the following: how skilled nursing fits in the  
17 continuum of care with other care providers, modernization of  
18 nursing homes, establishment of more private rooms,  
19 development of alternative services, and current trends in  
20 long-term care services. The Chairman of the Board shall  
21 appoint a permanent Health Services Review Board Long-term Care  
22 Facility Advisory Subcommittee that shall develop and  
23 recommend to the Board the rules to be established by the Board  
24 under this paragraph (15). The Subcommittee shall also provide  
25 continuous review and commentary on policies and procedures  
26 relative to long-term care and the review of related projects.

1 In consultation with other experts from the health field of  
2 long-term care, the Board and the Subcommittee shall study new  
3 approaches to the current bed need formula and Health Service  
4 Area boundaries to encourage flexibility and innovation in  
5 design models reflective of the changing long-term care  
6 marketplace and consumer preferences. The Board shall file the  
7 proposed related administrative rules for the separate rules  
8 and guidelines for long-term care required by this paragraph  
9 (15) by September 1, 2010. The Subcommittee shall be provided a  
10 reasonable and timely opportunity to review and comment on any  
11 review, revision, or updating of the criteria, standards,  
12 procedures, and rules used to evaluate project applications as  
13 provided under Section 12.3 of this Act prior to approval by  
14 the Board and promulgation of related rules.

15 (Source: P.A. 96-31, eff. 6-30-09; 96-339, eff. 7-1-10;  
16 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;  
17 revised 9-7-11.)

18 (20 ILCS 3960/13) (from Ch. 111 1/2, par. 1163)

19 (Section scheduled to be repealed on December 31, 2019)

20 Sec. 13. Investigation of applications for permits and  
21 certificates of recognition. The Agency or the State Board  
22 shall make or cause to be made such investigations as it or the  
23 State Board deems necessary in connection with an application  
24 for a permit or an application for a certificate of  
25 recognition, or in connection with a determination of whether

1 or not construction or modification which has been commenced is  
2 in accord with the permit issued by the State Board or whether  
3 construction or modification has been commenced without a  
4 permit having been obtained. The State Board may issue  
5 subpoenas duces tecum requiring the production of records and  
6 may administer oaths to such witnesses.

7 Any circuit court of this State, upon the application of  
8 the State Board or upon the application of any party to such  
9 proceedings, may, in its discretion, compel the attendance of  
10 witnesses, the production of books, papers, records, or  
11 memoranda and the giving of testimony before the State Board,  
12 by a proceeding as for contempt, or otherwise, in the same  
13 manner as production of evidence may be compelled before the  
14 court.

15 The State Board shall require all health facilities  
16 operating in this State to provide such reasonable reports at  
17 such times and containing such information as is needed by it  
18 to carry out the purposes and provisions of this Act. Prior to  
19 collecting information from health facilities, the State Board  
20 shall make reasonable efforts through a public process to  
21 consult with health facilities and associations that represent  
22 them to determine whether data and information requests will  
23 result in useful information for health planning, whether  
24 sufficient information is available from other sources, and  
25 whether data requested is routinely collected by health  
26 facilities and is available without retrospective record



1 review. Data and information requests shall not impose undue  
2 paperwork burdens on health care facilities and personnel.  
3 Health facilities not complying with this requirement shall be  
4 reported to licensing, accrediting, certifying, or payment  
5 agencies as being in violation of State law. Health care  
6 facilities and other parties at interest shall have reasonable  
7 access, under rules established by the State Board, to all  
8 planning information submitted in accord with this Act  
9 pertaining to their area.

10 Among the reports to be required by the State Board are  
11 facility questionnaires for health care facilities licensed  
12 under the Ambulatory Surgical Treatment Center Act, the  
13 Hospital Licensing Act, the Nursing Home Care Act, the ID/DD  
14 Community Care Act, the Specialized Mental Health  
15 Rehabilitation Act, or the End Stage Renal Disease Facility  
16 Act. These questionnaires shall be conducted on an annual basis  
17 and compiled by the Agency. For health care facilities licensed  
18 under the Nursing Home Care Act, the Specialized Mental Health  
19 Rehabilitation Act, or the ID/DD Community Care Act, these  
20 reports shall include, but not be limited to, the  
21 identification of specialty services provided by the facility  
22 to patients, residents, and the community at large. For health  
23 care facilities that contain long term care beds, the reports  
24 shall also include the number of staffed long term care beds,  
25 physical capacity for long term care beds at the facility, and  
26 long term care beds available for immediate occupancy. For

1 purposes of this paragraph, "long term care beds" means beds  
2 (i) licensed under the Nursing Home Care Act, (ii) licensed  
3 under the ID/DD Community Care Act, (iii) licensed under the  
4 Hospital Licensing Act, or (iv) licensed under the Specialized  
5 Mental Health Rehabilitation Act and certified as skilled  
6 nursing or nursing facility beds under Medicaid or Medicare.  
7 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
8 eff. 1-1-12; revised 9-7-11.)

9 (20 ILCS 3960/14.1)

10 Sec. 14.1. Denial of permit; other sanctions.

11 (a) The State Board may deny an application for a permit or  
12 may revoke or take other action as permitted by this Act with  
13 regard to a permit as the State Board deems appropriate,  
14 including the imposition of fines as set forth in this Section,  
15 for any one or a combination of the following:

16 (1) The acquisition of major medical equipment without  
17 a permit or in violation of the terms of a permit.

18 (2) The establishment, construction, or modification  
19 of a health care facility without a permit or in violation  
20 of the terms of a permit.

21 (3) The violation of any provision of this Act or any  
22 rule adopted under this Act.

23 (4) The failure, by any person subject to this Act, to  
24 provide information requested by the State Board or Agency  
25 within 30 days after a formal written request for the

1 information.

2 (5) The failure to pay any fine imposed under this  
3 Section within 30 days of its imposition.

4 (a-5) For facilities licensed under the ID/DD Community  
5 Care Act, no permit shall be denied on the basis of prior  
6 operator history, other than for actions specified under item  
7 (2), (4), or (5) of Section 3-117 of the ID/DD Community Care  
8 Act. For facilities licensed under the Specialized Mental  
9 Health Rehabilitation Act, no permit shall be denied on the  
10 basis of prior operator history, other than for actions  
11 specified under item (2), (4), or (5) of Section 3-117 of the  
12 Specialized Mental Health Rehabilitation Act. For facilities  
13 licensed under the Nursing Home Care Act, no permit shall be  
14 denied on the basis of prior operator history, other than for:  
15 (i) actions specified under item (2), (3), (4), (5), or (6) of  
16 Section 3-117 of the Nursing Home Care Act; (ii) actions  
17 specified under item (a)(6) of Section 3-119 of the Nursing  
18 Home Care Act; or (iii) actions within the preceding 5 years  
19 constituting a substantial and repeated failure to comply with  
20 the Nursing Home Care Act or the rules and regulations adopted  
21 by the Department under that Act. The State Board shall not  
22 deny a permit on account of any action described in this  
23 subsection (a-5) without also considering all such actions in  
24 the light of all relevant information available to the State  
25 Board, including whether the permit is sought to substantially  
26 comply with a mandatory or voluntary plan of correction

1 associated with any action described in this subsection (a-5).

2 (b) Persons shall be subject to fines as follows:

3 (1) A permit holder who fails to comply with the  
4 requirements of maintaining a valid permit shall be fined  
5 an amount not to exceed 1% of the approved permit amount  
6 plus an additional 1% of the approved permit amount for  
7 each 30-day period, or fraction thereof, that the violation  
8 continues.

9 (2) A permit holder who alters the scope of an approved  
10 project or whose project costs exceed the allowable permit  
11 amount without first obtaining approval from the State  
12 Board shall be fined an amount not to exceed the sum of (i)  
13 the lesser of \$25,000 or 2% of the approved permit amount  
14 and (ii) in those cases where the approved permit amount is  
15 exceeded by more than \$1,000,000, an additional \$20,000 for  
16 each \$1,000,000, or fraction thereof, in excess of the  
17 approved permit amount.

18 (3) A person who acquires major medical equipment or  
19 who establishes a category of service without first  
20 obtaining a permit or exemption, as the case may be, shall  
21 be fined an amount not to exceed \$10,000 for each such  
22 acquisition or category of service established plus an  
23 additional \$10,000 for each 30-day period, or fraction  
24 thereof, that the violation continues.

25 (4) A person who constructs, modifies, or establishes a  
26 health care facility without first obtaining a permit shall

1 be fined an amount not to exceed \$25,000 plus an additional  
2 \$25,000 for each 30-day period, or fraction thereof, that  
3 the violation continues.

4 (5) A person who discontinues a health care facility or  
5 a category of service without first obtaining a permit  
6 shall be fined an amount not to exceed \$10,000 plus an  
7 additional \$10,000 for each 30-day period, or fraction  
8 thereof, that the violation continues. For purposes of this  
9 subparagraph (5), facilities licensed under the Nursing  
10 Home Care Act or the ID/DD Community Care Act, with the  
11 exceptions of facilities operated by a county or Illinois  
12 Veterans Homes, are exempt from this permit requirement.  
13 However, facilities licensed under the Nursing Home Care  
14 Act or the ID/DD Community Care Act must comply with  
15 Section 3-423 of the Nursing Home Care Act or Section 3-423  
16 of the ID/DD Community Care Act and must provide the Board  
17 with 30-days' written notice of its intent to close.

18 (6) A person subject to this Act who fails to provide  
19 information requested by the State Board or Agency within  
20 30 days of a formal written request shall be fined an  
21 amount not to exceed \$1,000 plus an additional \$1,000 for  
22 each 30-day period, or fraction thereof, that the  
23 information is not received by the State Board or Agency.

24 (c) Before imposing any fine authorized under this Section,  
25 the State Board shall afford the person or permit holder, as  
26 the case may be, an appearance before the State Board and an

1 opportunity for a hearing before a hearing officer appointed by  
2 the State Board. The hearing shall be conducted in accordance  
3 with Section 10.

4 (d) All fines collected under this Act shall be transmitted  
5 to the State Treasurer, who shall deposit them into the  
6 Illinois Health Facilities Planning Fund.

7 (Source: P.A. 96-339, eff. 7-1-10; 96-1372, eff. 7-29-10;  
8 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; revised 9-7-11.)

9 Section 120. The Judicial Note Act is amended by changing  
10 Section 7 as follows:

11 (25 ILCS 60/7) (from Ch. 63, par. 42.67)

12 Sec. 7. Whenever any committee of either house reports  
13 ~~report~~ any bill with amendments of such a nature as will affect  
14 the number of judges in the State as stated in the judicial  
15 note relating to the measure at the time of its referral to the  
16 committee, there shall be included with the report of the  
17 committee a statement of the effect of the change proposed by  
18 the amendment reported as desired by a majority of the  
19 committee. In like manner, whenever any measure is amended on  
20 the floor of either house in such manner as to affect the  
21 number of judges in the State as stated in the judicial note  
22 relating to the measure prior to such amendment, a majority of  
23 such house may propose that no action shall be taken upon the  
24 amendment until the sponsor of the amendment shows to the

1 members a statement of the judicial effect ~~affect~~ of his  
2 proposed amendment.

3 (Source: P.A. 77-1258; revised 11-18-11.)

4 Section 125. The Compensation Review Act is amended by  
5 changing Section 2.1 as follows:

6 (25 ILCS 120/2.1)

7 Sec. 2.1. "Set by Compensation Review Board"; meaning. If  
8 salary or compensation is provided by law as set by the  
9 Compensation Review Board, then that means the salary or  
10 compensation in effect on the effective date of this amendatory  
11 Act of the 96th General Assembly or as otherwise provided in  
12 this Act ~~and as provided in Section 5.6 of the Compensation~~  
13 ~~Review Act.~~

14 (Source: P.A. 96-800, eff. 10-30-09; revised 11-18-11.)

15 Section 130. The State Finance Act is amended by setting  
16 forth and renumbering multiple versions of Sections 5.755,  
17 5.786, 5.787, and 6z-87 and by changing Section 6z-27 as  
18 follows:

19 (30 ILCS 105/5.755)

20 Sec. 5.755. The Healthcare Provider Relief Fund.

21 (Source: P.A. 96-820, eff. 11-18-09; 97-333, eff. 8-12-11.)

1 (30 ILCS 105/5.786)

2 Sec. 5.786. The Fund for the Advancement of Education.

3 (Source: P.A. 96-1496, eff. 1-13-11.)

4 (30 ILCS 105/5.787)

5 Sec. 5.787. The Commitment to Human Services Fund.

6 (Source: P.A. 96-1496, eff. 1-13-11.)

7 (30 ILCS 105/5.788)

8 Sec. 5.788 ~~5.755~~. The Chicago Police Memorial Foundation  
9 Fund.

10 (Source: P.A. 96-1547, eff. 3-10-11; revised 9-15-11.)

11 (30 ILCS 105/5.789)

12 Sec. 5.789 ~~5.786~~. The Department of Human Services  
13 Community Services Fund.

14 (Source: P.A. 96-1530, eff. 2-16-11; revised 9-15-11.)

15 (30 ILCS 105/5.790)

16 Sec. 5.790 ~~5.786~~. The Death Penalty Abolition Fund.

17 (Source: P.A. 96-1543, eff. 7-1-11; revised 9-15-11.)

18 (30 ILCS 105/5.791)

19 (This Section may contain text from a Public Act with a  
20 delayed effective date)

21 Sec. 5.791 ~~5.786~~. The Conservation Police Operations



1 Assistance Fund.

2 (Source: P.A. 97-46, eff. 7-1-12; revised 9-15-11.)

3 (30 ILCS 105/5.792)

4 Sec. 5.792 ~~5.786~~. Attorney General Tobacco Fund. There is  
5 hereby created in the State treasury the Attorney General  
6 Tobacco Fund to be used, subject to appropriation, exclusively  
7 by the Attorney General for enforcement of the tobacco Master  
8 Settlement Agreement and for law enforcement activities of the  
9 Attorney General.

10 (Source: P.A. 97-72, eff. 7-1-11; revised 9-15-11.)

11 (30 ILCS 105/5.793)

12 Sec. 5.793 ~~5.786~~. The Veterans Traumatic Brain Injury and  
13 Post-Traumatic Stress Disorder Public Service Announcement  
14 Fund.

15 (Source: P.A. 97-78, eff. 7-5-11; revised 9-15-11.)

16 (30 ILCS 105/5.794)

17 Sec. 5.794 ~~5.786~~. The Homeland Security Emergency  
18 Preparedness Fund.

19 (Source: P.A. 97-116, eff. 1-1-12; revised 9-15-11.)

20 (30 ILCS 105/5.795)

21 Sec. 5.795 ~~5.786~~. The Athletics Supervision and Regulation  
22 Fund.

1 (Source: P.A. 97-119, eff. 7-14-11; revised 9-15-11.)

2 (30 ILCS 105/5.796)

3 Sec. 5.796 ~~5.786~~. The State Charter School Commission Fund.

4 (Source: P.A. 97-152, eff. 7-20-11; revised 9-15-11.)

5 (30 ILCS 105/5.797)

6 Sec. 5.797 ~~5.786~~. The Electronic Health Record Incentive  
7 Fund.

8 (Source: P.A. 97-169, eff. 7-22-11; revised 9-15-11.)

9 (30 ILCS 105/5.798)

10 Sec. 5.798 ~~5.786~~. The Historic Property Administrative  
11 Fund.

12 (Source: P.A. 97-203, eff. 7-28-11; revised 9-15-11.)

13 (30 ILCS 105/5.799)

14 Sec. 5.799 ~~5.786~~. The Octave Chanute Aerospace Heritage  
15 Fund.

16 (Source: P.A. 97-243, eff. 8-4-11; revised 9-15-11.)

17 (30 ILCS 105/5.800)

18 Sec. 5.800 ~~5.786~~. The Roseland Community Medical District  
19 Income Fund.

20 (Source: P.A. 97-259, eff. 8-5-11; revised 9-15-11.)

1 (30 ILCS 105/5.801)

2 Sec. 5.801 ~~5.786~~. The Illinois Department of Corrections  
3 Parole Division Offender Supervision Fund.

4 (Source: P.A. 97-262, eff. 8-5-11; revised 9-15-11.)

5 (30 ILCS 105/5.802)

6 Sec. 5.802 ~~5.786~~. The Small Business Development Grant  
7 Fund.

8 (Source: P.A. 97-406, eff. 8-16-11; revised 8-15-11.)

9 (30 ILCS 105/5.803)

10 Sec. 5.803 ~~5.786~~. The Illinois Law Enforcement Alarm  
11 Systems Fund.

12 (Source: P.A. 97-453, eff. 8-19-11; revised 9-15-11.)

13 (30 ILCS 105/5.804)

14 Sec. 5.804 ~~5.786~~. The Illinois State Crime Stoppers  
15 Association Fund.

16 (Source: P.A. 97-478, eff. 8-22-11; revised 9-15-11.)

17 (30 ILCS 105/5.805)

18 Sec. 5.805 ~~5.786~~. The Savings Institutions Regulatory  
19 Fund.

20 (Source: P.A. 97-492, eff. 1-1-12; revised 9-15-11.)

21 (30 ILCS 105/5.806)

1           Sec. 5.806 ~~5.786~~. The Prescription Pill and Drug Disposal  
2 Fund.

3           (Source: P.A. 97-545, eff. 1-1-12; revised 9-15-11.)

4           (30 ILCS 105/5.807)

5           Sec. 5.807 ~~5.786~~. The Illinois Main Street Fund.

6           (Source: P.A. 97-573, eff. 8-25-11; revised 9-15-11.)

7           (30 ILCS 105/5.808)

8           Sec. 5.808 ~~5.787~~. The After-School Rescue Fund.

9           (Source: P.A. 97-478, eff. 8-22-11; revised 9-15-11.)

10          (30 ILCS 105/5.810)

11          Sec. 5.810 ~~5.786~~. The Chicago Travel Industry Promotion  
12 Fund.

13          (Source: P.A. 97-617, eff. 10-26-11; revised 12-5-11.)

14          (30 ILCS 105/6z-27)

15          Sec. 6z-27. All moneys in the Audit Expense Fund shall be  
16 transferred, appropriated and used only for the purposes  
17 authorized by, and subject to the limitations and conditions  
18 prescribed by, the State Auditing Act.

19          Within 30 days after the effective date of this amendatory  
20 Act of 2011, the State Comptroller shall order transferred and  
21 the State Treasurer shall transfer from the following funds  
22 moneys in the specified amounts for deposit into the Audit

1	Expense Fund:	
2	Adeline Jay Geo-Karis Illinois	
3	Beach Marina Fund.....	517
4	Assisted Living and Shared Housing Regulatory Fund .....	532
5	Care Provider Fund for Persons with	
6	Developmental Disability .....	12,370
7	Carolyn Adams Ticket for the Cure Grant Fund .....	687
8	CDLIS/AAMVA Net Trust Fund .....	609
9	Coal Mining Regulatory Fund.....	884
10	Common School Fund .....	162,681
11	The Communications Revolving Fund.....	79,373
12	Community Health Center Care Fund.....	599
13	Community Mental Health	
14	Medicaid Trust Fund.....	20,824
15	Death Certificate Surcharge Fund .....	1,917
16	Department of Business Services Special	
17	Operations Fund.....	4,088
18	The Downstate Public Transportation Fund .....	6,423
19	Drivers Education Fund .....	676
20	The Education Assistance Fund.....	40,799
21	Emergency Public Health Fund .....	4,934
22	Environmental Protection Permit and	
23	Inspection Fund.....	913
24	Estate Tax Collection Distributive Fund.....	1,315
25	Facilities Management Revolving Fund .....	146,649
26	The Fire Prevention Fund .....	4,110

1	Food and Drug Safety Fund.....	2,216
2	General Professions Dedicated Fund .....	7,978
3	The General Revenue Fund .....	17,684,627
4	Grade Crossing Protection Fund .....	1,188
5	Hazardous Waste Fund .....	1,295
6	Health Facility Plan Review Fund .....	2,063
7	Health and Human Services	
8	Medicaid Trust Fund.....	11,590
9	Healthcare Provider Relief Fund.....	16,458
10	Home Care Services Agency Licensure Fund .....	1,025
11	Illinois Affordable Housing Trust Fund .....	799
12	Illinois Clean Water Fund.....	1,420
13	Illinois Health Facilities Planning Fund .....	2,572
14	Illinois Power Agency Trust Fund .....	46,305
15	Illinois Power Agency Operations Fund.....	30,960
16	Illinois School Asbestos Abatement Fund.....	1,368
17	Illinois Tax Increment Fund.....	751
18	Illinois Veterans Rehabilitation Fund.....	1,134
19	Illinois Workers' Compensation Commission	
20	Operations Fund.....	70,049
21	IMSA Income Fund .....	7,588
22	Income Tax Refund Fund .....	55,211
23	Innovations in Long-term Care Quality Demonstration	
24	Grants Fund.....	3,140
25	Lead Poisoning, Screening, Prevention and	
26	Abatement Fund .....	5,025

1	Live and Learn Fund.....	18,166
2	The Local Government Distributive Fund .....	49,520
3	Long Term Care Monitor/Receiver Fund .....	2,365
4	Long Term Care Provider Fund .....	2,214
5	Low Level Radioactive Waste Facility Development and	
6	Operation Fund .....	3,880
7	Mandatory Arbitration Fund .....	2,926
8	Mental Health Fund .....	6,210
9	Metabolic Screening and Treatment Fund .....	19,342
10	Monitoring Device Driving Permit Administration Fee Fund	645
11	The Motor Fuel Tax Fund.....	31,806
12	Motor Vehicle License Plate Fund .....	8,027
13	Motor Vehicle Theft Prevention Trust Fund.....	59,407
14	Multiple Sclerosis Research Fund .....	1,830
15	Natural Areas Acquisition Fund .....	1,776
16	Nuclear Safety Emergency Preparedness Fund .....	216,920
17	Nursing Dedicated and Professional Fund.....	2,180
18	Open Space Lands Acquisition and	
19	Development Fund .....	7,009
20	Park and Conservation Fund .....	4,857
21	Partners for Conservation Fund .....	759
22	The Personal Property Tax Replacement Fund .....	47,871
23	Plumbing Licensure and Program Fund.....	3,065
24	Professional Services Fund .....	8,811
25	Public Health Laboratory Services Revolving Fund .....	1,420
26	The Public Transportation Fund .....	18,837

1	Radiation Protection Fund.....	65,921
2	Rental Housing Support Program Fund.....	681
3	The Road Fund.....	203,659
4	Regional Transportation Authority Occupation and	
5	Use Tax Replacement Fund .....	1,010
6	Secretary of State DUI Administration Fund .....	1,350
7	Secretary of State Identification	
8	Security and Theft Prevention Fund .....	1,219
9	Secretary of State Special License Plate Fund.....	3,194
10	Secretary of State Special Services Fund .....	14,404
11	Securities Audit and Enforcement Fund.....	4,743
12	Securities Investors Education Fund.....	882
13	September 11th Fund.....	1,062
14	Solid Waste Management Fund.....	1,348
15	State and Local Sales Tax Reform Fund.....	1,984
16	State Boating Act Fund .....	3,155
17	State Construction Account Fund.....	34,102
18	The State Garage Revolving Fund.....	30,345
19	The State Lottery Fund .....	17,959
20	State Parks Fund .....	2,483
21	State Surplus Property Revolving Fund.....	2,090
22	The Statistical Services Revolving Fund.....	105,824
23	Tobacco Settlement Recovery Fund .....	30,157
24	Trauma Center Fund .....	6,569
25	Underground Storage Tank Fund.....	7,216
26	The Vehicle Inspection Fund.....	5,050



1 ±

2 Wildlife and Fish Fund ..... 16,553

3 The Working Capital Revolving Fund ..... 31,272

4 Notwithstanding any provision of the law to the contrary,  
5 the General Assembly hereby authorizes the use of such funds  
6 for the purposes set forth in this Section.

7 These provisions do not apply to funds classified by the  
8 Comptroller as federal trust funds or State trust funds. The  
9 Audit Expense Fund may receive transfers from those trust funds  
10 only as directed herein, except where prohibited by the terms  
11 of the trust fund agreement. The Auditor General shall notify  
12 the trustees of those funds of the estimated cost of the audit  
13 to be incurred under the Illinois State Auditing Act for the  
14 fund. The trustees of those funds shall direct the State  
15 Comptroller and Treasurer to transfer the estimated amount to  
16 the Audit Expense Fund.

17 The Auditor General may bill entities that are not subject  
18 to the above transfer provisions, including private entities,  
19 related organizations and entities whose funds are  
20 locally-held, for the cost of audits, studies, and  
21 investigations incurred on their behalf. Any revenues received  
22 under this provision shall be deposited into the Audit Expense  
23 Fund.

24 In the event that moneys on deposit in any fund are  
25 unavailable, by reason of deficiency or any other reason  
26 preventing their lawful transfer, the State Comptroller shall

1 order transferred and the State Treasurer shall transfer the  
2 amount deficient or otherwise unavailable from the General  
3 Revenue Fund for deposit into the Audit Expense Fund.

4 On or before December 1, 1992, and each December 1  
5 thereafter, the Auditor General shall notify the Governor's  
6 Office of Management and Budget (formerly Bureau of the Budget)  
7 of the amount estimated to be necessary to pay for audits,  
8 studies, and investigations in accordance with the Illinois  
9 State Auditing Act during the next succeeding fiscal year for  
10 each State fund for which a transfer or reimbursement is  
11 anticipated.

12 Beginning with fiscal year 1994 and during each fiscal year  
13 thereafter, the Auditor General may direct the State  
14 Comptroller and Treasurer to transfer moneys from funds  
15 authorized by the General Assembly for that fund. In the event  
16 funds, including federal and State trust funds but excluding  
17 the General Revenue Fund, are transferred, during fiscal year  
18 1994 and during each fiscal year thereafter, in excess of the  
19 amount to pay actual costs attributable to audits, studies, and  
20 investigations as permitted or required by the Illinois State  
21 Auditing Act or specific action of the General Assembly, the  
22 Auditor General shall, on September 30, or as soon thereafter  
23 as is practicable, direct the State Comptroller and Treasurer  
24 to transfer the excess amount back to the fund from which it  
25 was originally transferred.

26 (Source: P.A. 96-476, eff. 8-14-09; 96-976, eff. 7-2-10; 97-66,

1 eff. 6-30-11; revised 7-13-11.)

2 (30 ILCS 105/6z-87)

3 (This Section may contain text from a Public Act with a  
4 delayed effective date)

5 Sec. 6z-87. Conservation Police Operations Assistance  
6 Fund.

7 (a) There is created in the State treasury a special fund  
8 known as the Conservation Police Operations Assistance Fund.  
9 The Fund shall receive revenue pursuant to Section 27.3a of the  
10 Clerks of Courts Act. The Fund may also receive revenue from  
11 grants, donations, appropriations, and any other legal source.

12 (b) The Department of Natural Resources may use moneys in  
13 the Fund to support any lawful operations of the Illinois  
14 Conservation Police.

15 (c) Expenditures may be made from the Fund only as  
16 appropriated by the General Assembly by law.

17 (d) Investment income that is attributable to the  
18 investment of moneys in the Fund shall be retained in the Fund  
19 for the uses specified in this Section.

20 (e) The Conservation Police Operations Assistance Fund  
21 shall not be subject to administrative chargebacks.

22 (Source: P.A. 97-46, eff. 7-1-12.)

23 (30 ILCS 105/6z-89)

24 Sec. 6z-89 ~~6z-87~~. The Veterans Traumatic Brain Injury and

1 Post-Traumatic Stress Disorder Public Service Announcement  
2 Fund; creation. The Veterans Traumatic Brain Injury and  
3 Post-Traumatic Stress Disorder Public Service Announcement  
4 Fund is created as a special fund in the State treasury. The  
5 Department of Veterans' Affairs may collect gifts, donations,  
6 and charitable contributions from any private individual or  
7 entity for the purpose of providing public service  
8 announcements to inform veterans of the services and benefits  
9 of State and federal laws, including but not limited to the  
10 services and benefits available to veterans suffering from  
11 traumatic brain injuries or post-traumatic stress disorder.  
12 The gifts, donations, and charitable contributions shall be  
13 deposited into the Veterans Traumatic Brain Injury and  
14 Post-Traumatic Stress Disorder Public Service Announcement  
15 Fund. All money in the Veterans Traumatic Brain Injury and  
16 Post-Traumatic Stress Disorder Public Service Announcement  
17 Fund shall be used, subject to appropriation by the General  
18 Assembly, by the Department of Veterans' Affairs for this  
19 purpose.

20 (Source: P.A. 97-78, eff. 7-5-11; revised 9-19-11.)

21 (30 ILCS 105/6z-90)

22 Sec. 6z-90 ~~6z-87~~. The Small Business Development Grant  
23 Fund.

24 (a) The Small Business Development Grant Fund is created as  
25 a special fund in the State treasury. Subject to appropriation,

1 the Department of Commerce and Economic Opportunity shall make  
2 grants from the Fund:

3 (1) to small businesses in the State that commit to  
4 using the grant moneys to create additional jobs;

5 (2) to small businesses from outside of the State that  
6 commit to relocate within the State; and

7 (3) for individual projects that create 100 or fewer  
8 additional jobs.

9 (b) For the purposes of this Section, "small business"  
10 means a legal entity, including a corporation, partnership, or  
11 sole proprietorship that:

12 (1) is formed for the purpose of making a profit;

13 (2) is independently owned and operated; and

14 (3) has fewer than 100 employees.

15 (c) In making grants under this Section, the Department of  
16 Commerce and Economic Opportunity shall give priority to  
17 minority owned businesses, female owned businesses, and  
18 businesses owned by a person with a disability, as those terms  
19 are defined in the Business Enterprise for Minorities, Females,  
20 and Persons with Disabilities Act.

21 (d) In making grants under this Section, the Department of  
22 Commerce and Economic Opportunity shall also give priority to  
23 small businesses that pledge not to pay any of the grant moneys  
24 to an executive of the business in the form of compensation  
25 above the executive's base salary.

26 (e) In making grants under this Section, the Department of

1 Commerce and Economic Opportunity shall also give priority to  
2 small businesses that have as their primary purpose the  
3 provision of energy derived from renewable energy technology.  
4 For the purposes of this Section, "renewable energy technology"  
5 means any technology that exclusively relies on an energy  
6 source that is naturally regenerated over a short time and  
7 derived (i) directly from the sun, (ii) indirectly from the  
8 sun, or (iii) from moving water or other natural movements and  
9 mechanisms of the environment. The term "renewable energy  
10 technology" includes sources that rely on energy derived  
11 directly from the sun, on wind, geothermal, hydroelectric,  
12 wave, or tidal energy, or on biomass or biomass-based waste  
13 products, including landfill gas. The term "renewable energy  
14 technology" does not include energy resources derived from  
15 fossil fuels, waste products from fossil fuels, or waste  
16 products from inorganic sources.

17 (Source: P.A. 97-406, eff. 8-16-11; revised 9-19-11.)

18 (30 ILCS 105/6z-91)

19 Sec. 6z-91 ~~6z-87~~. Illinois Law Enforcement Alarm Systems  
20 Fund.

21 (a) There is created in the State treasury a special fund  
22 known as the Illinois Law Enforcement Alarm Systems (ILEAS)  
23 Fund. The Fund may also receive revenue from grants, donations,  
24 appropriations, and any other legal source.

25 (b) Moneys in the Fund may be used to finance support for

1 law enforcement, airborne, and terrorism operations as  
2 approved by the ILEAS Executive Board with 33.3% of the revenue  
3 used for air support programs.

4 (c) Expenditures may be made from the Fund only as  
5 appropriated by the General Assembly by law.

6 (d) Investment income that is attributable to the  
7 investment of moneys in the Fund shall be retained in the Fund  
8 for the uses specified in this Section.

9 (e) The Illinois Law Enforcement Alarm Systems Fund shall  
10 not be subject to administrative chargebacks.

11 (Source: P.A. 97-453, eff. 8-19-11; revised 9-19-11.)

12 (30 ILCS 105/6z-92)

13 Sec. 6z-92 ~~6z-87~~. Illinois State Crime Stoppers  
14 Association Fund. The Illinois State Crime Stoppers  
15 Association Fund is created as a special fund in the State  
16 treasury. Subject to appropriation, the Fund shall be used by  
17 the Criminal Justice Information Authority to make grants to  
18 the Illinois State Crime Stoppers Association to enhance and  
19 develop Crime Stoppers programs in Illinois.

20 (Source: P.A. 97-478, eff. 8-22-11; revised 9-19-11.)

21 Section 135. The General Obligation Bond Act is amended by  
22 changing Sections 2 and 9 as follows:

23 (30 ILCS 330/2) (from Ch. 127, par. 652)

1           Sec. 2. Authorization for Bonds. The State of Illinois is  
2 authorized to issue, sell and provide for the retirement of  
3 General Obligation Bonds of the State of Illinois for the  
4 categories and specific purposes expressed in Sections 2  
5 through 8 of this Act, in the total amount of \$45,476,125,743  
6 ~~\$41,314,125,743~~ ~~\$41,379,777,443~~.

7           The bonds authorized in this Section 2 and in Section 16 of  
8 this Act are herein called "Bonds".

9           Of the total amount of Bonds authorized in this Act, up to  
10 \$2,200,000,000 in aggregate original principal amount may be  
11 issued and sold in accordance with the Baccalaureate Savings  
12 Act in the form of General Obligation College Savings Bonds.

13           Of the total amount of Bonds authorized in this Act, up to  
14 \$300,000,000 in aggregate original principal amount may be  
15 issued and sold in accordance with the Retirement Savings Act  
16 in the form of General Obligation Retirement Savings Bonds.

17           Of the total amount of Bonds authorized in this Act, the  
18 additional \$10,000,000,000 authorized by Public Act 93-2, the  
19 \$3,466,000,000 authorized by Public Act 96-43, and the  
20 \$4,096,348,300 authorized by Public Act 96-1497 ~~this~~  
21 ~~amendatory Act of the 96th General Assembly~~ shall be used  
22 solely as provided in Section 7.2.

23           The issuance and sale of Bonds pursuant to the General  
24 Obligation Bond Act is an economical and efficient method of  
25 financing the long-term capital needs of the State. This Act  
26 will permit the issuance of a multi-purpose General Obligation



1 Bond with uniform terms and features. This will not only lower  
2 the cost of registration but also reduce the overall cost of  
3 issuing debt by improving the marketability of Illinois General  
4 Obligation Bonds.

5 (Source: P.A. 95-1026, eff. 1-12-09; 96-5, eff. 4-3-09; 96-36,  
6 eff. 7-13-09; 96-43, eff. 7-15-09; 96-885, eff. 3-11-10;  
7 96-1000, eff. 7-2-10; 96-1497, eff. 1-14-11; 96-1554, eff.  
8 3-18-11; 97-333, eff. 8-12-11; revised 10-31-11.)

9 (30 ILCS 330/9) (from Ch. 127, par. 659)

10 Sec. 9. Conditions for Issuance and Sale of Bonds -  
11 Requirements for Bonds.

12 (a) Except as otherwise provided in this subsection, Bonds  
13 shall be issued and sold from time to time, in one or more  
14 series, in such amounts and at such prices as may be directed  
15 by the Governor, upon recommendation by the Director of the  
16 Governor's Office of Management and Budget. Bonds shall be in  
17 such form (either coupon, registered or book entry), in such  
18 denominations, payable within 25 years from their date, subject  
19 to such terms of redemption with or without premium, bear  
20 interest payable at such times and at such fixed or variable  
21 rate or rates, and be dated as shall be fixed and determined by  
22 the Director of the Governor's Office of Management and Budget  
23 in the order authorizing the issuance and sale of any series of  
24 Bonds, which order shall be approved by the Governor and is  
25 herein called a "Bond Sale Order"; provided however, that

1 interest payable at fixed or variable rates shall not exceed  
2 that permitted in the Bond Authorization Act, as now or  
3 hereafter amended. Bonds shall be payable at such place or  
4 places, within or without the State of Illinois, and may be  
5 made registrable as to either principal or as to both principal  
6 and interest, as shall be specified in the Bond Sale Order.  
7 Bonds may be callable or subject to purchase and retirement or  
8 tender and remarketing as fixed and determined in the Bond Sale  
9 Order. Bonds, other than Bonds issued under Section 3 of this  
10 Act for the costs associated with the purchase and  
11 implementation of information technology, (i) except for  
12 refunding Bonds satisfying the requirements of Section 16 of  
13 this Act and sold during fiscal year 2009, 2010, or 2011, must  
14 be issued with principal or mandatory redemption amounts in  
15 equal amounts, with the first maturity issued occurring within  
16 the fiscal year in which the Bonds are issued or within the  
17 next succeeding fiscal year and (ii) must mature or be subject  
18 to mandatory redemption each fiscal year thereafter up to 25  
19 years, except for refunding Bonds satisfying the requirements  
20 of Section 16 of this Act and sold during fiscal year 2009,  
21 2010, or 2011 which must mature or be subject to mandatory  
22 redemption each fiscal year thereafter up to 16 years. Bonds  
23 issued under Section 3 of this Act for the costs associated  
24 with the purchase and implementation of information technology  
25 must be issued with principal or mandatory redemption amounts  
26 in equal amounts, with the first maturity issued occurring with

1 the fiscal year in which the respective bonds are issued or  
 2 with the next succeeding fiscal year, with the respective bonds  
 3 issued maturing or subject to mandatory redemption each fiscal  
 4 year thereafter up to 10 years. Notwithstanding any provision  
 5 of this Act to the contrary, the Bonds authorized by Public Act  
 6 96-43 shall be payable within 5 years from their date and must  
 7 be issued with principal or mandatory redemption amounts in  
 8 equal amounts, with payment of principal or mandatory  
 9 redemption beginning in the first fiscal year following the  
 10 fiscal year in which the Bonds are issued.

11 Notwithstanding any provision of this Act to the contrary,  
 12 the Bonds authorized by Public Act 96-1497 ~~this amendatory Act~~  
 13 ~~of the 96th General Assembly~~ shall be payable within 8 years  
 14 from their date and shall be issued with payment of maturing  
 15 principal or scheduled mandatory redemptions in accordance  
 16 with the following schedule, except the following amounts shall  
 17 be prorated if less than the total additional amount of Bonds  
 18 authorized by Public Act 96-1497 ~~this amendatory Act of the~~  
 19 ~~96th General Assembly~~ are issued:

20	Fiscal Year After Issuance	Amount
21	1-2	\$0
22	3	\$110,712,120
23	4	\$332,136,360
24	5	\$664,272,720
25	6-8	\$996,409,080

26 In the case of any series of Bonds bearing interest at a

1 variable interest rate ("Variable Rate Bonds"), in lieu of  
2 determining the rate or rates at which such series of Variable  
3 Rate Bonds shall bear interest and the price or prices at which  
4 such Variable Rate Bonds shall be initially sold or remarketed  
5 (in the event of purchase and subsequent resale), the Bond Sale  
6 Order may provide that such interest rates and prices may vary  
7 from time to time depending on criteria established in such  
8 Bond Sale Order, which criteria may include, without  
9 limitation, references to indices or variations in interest  
10 rates as may, in the judgment of a remarketing agent, be  
11 necessary to cause Variable Rate Bonds of such series to be  
12 remarketable from time to time at a price equal to their  
13 principal amount, and may provide for appointment of a bank,  
14 trust company, investment bank, or other financial institution  
15 to serve as remarketing agent in that connection. The Bond Sale  
16 Order may provide that alternative interest rates or provisions  
17 for establishing alternative interest rates, different  
18 security or claim priorities, or different call or amortization  
19 provisions will apply during such times as Variable Rate Bonds  
20 of any series are held by a person providing credit or  
21 liquidity enhancement arrangements for such Bonds as  
22 authorized in subsection (b) of this Section. The Bond Sale  
23 Order may also provide for such variable interest rates to be  
24 established pursuant to a process generally known as an auction  
25 rate process and may provide for appointment of one or more  
26 financial institutions to serve as auction agents and

1 broker-dealers in connection with the establishment of such  
2 interest rates and the sale and remarketing of such Bonds.

3 (b) In connection with the issuance of any series of Bonds,  
4 the State may enter into arrangements to provide additional  
5 security and liquidity for such Bonds, including, without  
6 limitation, bond or interest rate insurance or letters of  
7 credit, lines of credit, bond purchase contracts, or other  
8 arrangements whereby funds are made available to retire or  
9 purchase Bonds, thereby assuring the ability of owners of the  
10 Bonds to sell or redeem their Bonds. The State may enter into  
11 contracts and may agree to pay fees to persons providing such  
12 arrangements, but only under circumstances where the Director  
13 of the Governor's Office of Management and Budget certifies  
14 that he or she reasonably expects the total interest paid or to  
15 be paid on the Bonds, together with the fees for the  
16 arrangements (being treated as if interest), would not, taken  
17 together, cause the Bonds to bear interest, calculated to their  
18 stated maturity, at a rate in excess of the rate that the Bonds  
19 would bear in the absence of such arrangements.

20 The State may, with respect to Bonds issued or anticipated  
21 to be issued, participate in and enter into arrangements with  
22 respect to interest rate protection or exchange agreements,  
23 guarantees, or financial futures contracts for the purpose of  
24 limiting, reducing, or managing interest rate exposure. The  
25 authority granted under this paragraph, however, shall not  
26 increase the principal amount of Bonds authorized to be issued

1 by law. The arrangements may be executed and delivered by the  
2 Director of the Governor's Office of Management and Budget on  
3 behalf of the State. Net payments for such arrangements shall  
4 constitute interest on the Bonds and shall be paid from the  
5 General Obligation Bond Retirement and Interest Fund. The  
6 Director of the Governor's Office of Management and Budget  
7 shall at least annually certify to the Governor and the State  
8 Comptroller his or her estimate of the amounts of such net  
9 payments to be included in the calculation of interest required  
10 to be paid by the State.

11 (c) Prior to the issuance of any Variable Rate Bonds  
12 pursuant to subsection (a), the Director of the Governor's  
13 Office of Management and Budget shall adopt an interest rate  
14 risk management policy providing that the amount of the State's  
15 variable rate exposure with respect to Bonds shall not exceed  
16 20%. This policy shall remain in effect while any Bonds are  
17 outstanding and the issuance of Bonds shall be subject to the  
18 terms of such policy. The terms of this policy may be amended  
19 from time to time by the Director of the Governor's Office of  
20 Management and Budget but in no event shall any amendment cause  
21 the permitted level of the State's variable rate exposure with  
22 respect to Bonds to exceed 20%.

23 (d) "Build America Bonds" in this Section means Bonds  
24 authorized by Section 54AA of the Internal Revenue Code of  
25 1986, as amended ("Internal Revenue Code"), and bonds issued  
26 from time to time to refund or continue to refund "Build

1 America Bonds".

2 (e) Notwithstanding any other provision of this Section,  
3 Qualified School Construction Bonds shall be issued and sold  
4 from time to time, in one or more series, in such amounts and  
5 at such prices as may be directed by the Governor, upon  
6 recommendation by the Director of the Governor's Office of  
7 Management and Budget. Qualified School Construction Bonds  
8 shall be in such form (either coupon, registered or book  
9 entry), in such denominations, payable within 25 years from  
10 their date, subject to such terms of redemption with or without  
11 premium, and if the Qualified School Construction Bonds are  
12 issued with a supplemental coupon, bear interest payable at  
13 such times and at such fixed or variable rate or rates, and be  
14 dated as shall be fixed and determined by the Director of the  
15 Governor's Office of Management and Budget in the order  
16 authorizing the issuance and sale of any series of Qualified  
17 School Construction Bonds, which order shall be approved by the  
18 Governor and is herein called a "Bond Sale Order"; except that  
19 interest payable at fixed or variable rates, if any, shall not  
20 exceed that permitted in the Bond Authorization Act, as now or  
21 hereafter amended. Qualified School Construction Bonds shall  
22 be payable at such place or places, within or without the State  
23 of Illinois, and may be made registrable as to either principal  
24 or as to both principal and interest, as shall be specified in  
25 the Bond Sale Order. Qualified School Construction Bonds may be  
26 callable or subject to purchase and retirement or tender and

1 remarketing as fixed and determined in the Bond Sale Order.  
2 Qualified School Construction Bonds must be issued with  
3 principal or mandatory redemption amounts or sinking fund  
4 payments into the General Obligation Bond Retirement and  
5 Interest Fund (or subaccount therefor) in equal amounts, with  
6 the first maturity issued, mandatory redemption payment or  
7 sinking fund payment occurring within the fiscal year in which  
8 the Qualified School Construction Bonds are issued or within  
9 the next succeeding fiscal year, with Qualified School  
10 Construction Bonds issued maturing or subject to mandatory  
11 redemption or with sinking fund payments thereof deposited each  
12 fiscal year thereafter up to 25 years. Sinking fund payments  
13 set forth in this subsection shall be permitted only to the  
14 extent authorized in Section 54F of the Internal Revenue Code  
15 or as otherwise determined by the Director of the Governor's  
16 Office of Management and Budget. "Qualified School  
17 Construction Bonds" in this subsection means Bonds authorized  
18 by Section 54F of the Internal Revenue Code and for bonds  
19 issued from time to time to refund or continue to refund such  
20 "Qualified School Construction Bonds".

21 (f) Beginning with the next issuance by the Governor's  
22 Office of Management and Budget to the Procurement Policy Board  
23 of a request for quotation for the purpose of formulating a new  
24 pool of qualified underwriting banks list, all entities  
25 responding to such a request for quotation for inclusion on  
26 that list shall provide a written report to the Governor's



1 Office of Management and Budget and the Illinois Comptroller.  
2 The written report submitted to the Comptroller shall (i) be  
3 published on the Comptroller's Internet website and (ii) be  
4 used by the Governor's Office of Management and Budget for the  
5 purposes of scoring such a request for quotation. The written  
6 report, at a minimum, shall:

7 (1) disclose whether, within the past 3 months,  
8 pursuant to its credit default swap market-making  
9 activities, the firm has entered into any State of Illinois  
10 credit default swaps ("CDS");

11 (2) include, in the event of State of Illinois CDS  
12 activity, disclosure of the firm's cumulative notional  
13 volume of State of Illinois CDS trades and the firm's  
14 outstanding gross and net notional amount of State of  
15 Illinois CDS, as of the end of the current 3-month period;

16 (3) indicate, pursuant to the firm's proprietary  
17 trading activities, disclosure of whether the firm, within  
18 the past 3 months, has entered into any proprietary trades  
19 for its own account in State of Illinois CDS;

20 (4) include, in the event of State of Illinois  
21 proprietary trades, disclosure of the firm's outstanding  
22 gross and net notional amount of proprietary State of  
23 Illinois CDS and whether the net position is short or long  
24 credit protection, as of the end of the current 3-month  
25 period;

26 (5) list all time periods during the past 3 months

1 during which the firm held net long or net short State of  
2 Illinois CDS proprietary credit protection positions, the  
3 amount of such positions, and whether those positions were  
4 net long or net short credit protection positions; and

5 (6) indicate whether, within the previous 3 months, the  
6 firm released any publicly available research or marketing  
7 reports that reference State of Illinois CDS and include  
8 those research or marketing reports as attachments.

9 (g) All entities included on a Governor's Office of  
10 Management and Budget's pool of qualified underwriting banks  
11 list shall, as soon as possible after March 18, 2011 (the  
12 effective date of Public Act 96-1554) ~~this amendatory Act of~~  
13 ~~the 96th General Assembly~~, but not later than January 21, 2011,  
14 and on a quarterly fiscal basis thereafter, provide a written  
15 report to the Governor's Office of Management and Budget and  
16 the Illinois Comptroller. The written reports submitted to the  
17 Comptroller shall be published on the Comptroller's Internet  
18 website. The written reports, at a minimum, shall:

19 (1) disclose whether, within the past 3 months,  
20 pursuant to its credit default swap market-making  
21 activities, the firm has entered into any State of Illinois  
22 credit default swaps ("CDS");

23 (2) include, in the event of State of Illinois CDS  
24 activity, disclosure of the firm's cumulative notional  
25 volume of State of Illinois CDS trades and the firm's  
26 outstanding gross and net notional amount of State of

1 Illinois CDS, as of the end of the current 3-month period;

2 (3) indicate, pursuant to the firm's proprietary  
3 trading activities, disclosure of whether the firm, within  
4 the past 3 months, has entered into any proprietary trades  
5 for its own account in State of Illinois CDS;

6 (4) include, in the event of State of Illinois  
7 proprietary trades, disclosure of the firm's outstanding  
8 gross and net notional amount of proprietary State of  
9 Illinois CDS and whether the net position is short or long  
10 credit protection, as of the end of the current 3-month  
11 period;

12 (5) list all time periods during the past 3 months  
13 during which the firm held net long or net short State of  
14 Illinois CDS proprietary credit protection positions, the  
15 amount of such positions, and whether those positions were  
16 net long or net short credit protection positions; and

17 (6) indicate whether, within the previous 3 months, the  
18 firm released any publicly available research or marketing  
19 reports that reference State of Illinois CDS and include  
20 those research or marketing reports as attachments.

21 (Source: P.A. 96-18, eff. 6-26-09; 96-37, eff. 7-13-09; 96-43,  
22 eff. 7-15-09; 96-828, eff. 12-2-09; 96-1497, eff. 1-14-11;  
23 96-1554, eff. 3-18-11; revised 4-5-11.)

24 Section 140. The Illinois Procurement Code is amended by  
25 changing Section 1-10 as follows:

1 (30 ILCS 500/1-10)

2 Sec. 1-10. Application.

3 (a) This Code applies only to procurements for which  
4 contractors were first solicited on or after July 1, 1998. This  
5 Code shall not be construed to affect or impair any contract,  
6 or any provision of a contract, entered into based on a  
7 solicitation prior to the implementation date of this Code as  
8 described in Article 99, including but not limited to any  
9 covenant entered into with respect to any revenue bonds or  
10 similar instruments. All procurements for which contracts are  
11 solicited between the effective date of Articles 50 and 99 and  
12 July 1, 1998 shall be substantially in accordance with this  
13 Code and its intent.

14 (b) This Code shall apply regardless of the source of the  
15 funds with which the contracts are paid, including federal  
16 assistance moneys. This Code shall not apply to:

17 (1) Contracts between the State and its political  
18 subdivisions or other governments, or between State  
19 governmental bodies except as specifically provided in  
20 this Code.

21 (2) Grants, except for the filing requirements of  
22 Section 20-80.

23 (3) Purchase of care.

24 (4) Hiring of an individual as employee and not as an  
25 independent contractor, whether pursuant to an employment

1 code or policy or by contract directly with that  
2 individual.

3 (5) Collective bargaining contracts.

4 (6) Purchase of real estate, except that notice of this  
5 type of contract with a value of more than \$25,000 must be  
6 published in the Procurement Bulletin within 7 days after  
7 the deed is recorded in the county of jurisdiction. The  
8 notice shall identify the real estate purchased, the names  
9 of all parties to the contract, the value of the contract,  
10 and the effective date of the contract.

11 (7) Contracts necessary to prepare for anticipated  
12 litigation, enforcement actions, or investigations,  
13 provided that the chief legal counsel to the Governor shall  
14 give his or her prior approval when the procuring agency is  
15 one subject to the jurisdiction of the Governor, and  
16 provided that the chief legal counsel of any other  
17 procuring entity subject to this Code shall give his or her  
18 prior approval when the procuring entity is not one subject  
19 to the jurisdiction of the Governor.

20 (8) Contracts for services to Northern Illinois  
21 University by a person, acting as an independent  
22 contractor, who is qualified by education, experience, and  
23 technical ability and is selected by negotiation for the  
24 purpose of providing non-credit educational service  
25 activities or products by means of specialized programs  
26 offered by the university.

1           (9) Procurement expenditures by the Illinois  
2 Conservation Foundation when only private funds are used.

3           (10) Procurement expenditures by the Illinois Health  
4 Information Exchange Authority involving private funds  
5 from the Health Information Exchange Fund. "Private funds"  
6 means gifts, donations, and private grants.

7           (11) Public-private agreements entered into according  
8 to the procurement requirements of Section 20 of the  
9 Public-Private Partnerships for Transportation Act and  
10 design-build agreements entered into according to the  
11 procurement requirements of Section 25 of the  
12 Public-Private Partnerships for Transportation Act.

13           (c) This Code does not apply to the electric power  
14 procurement process provided for under Section 1-75 of the  
15 Illinois Power Agency Act and Section 16-111.5 of the Public  
16 Utilities Act.

17           (d) Except for Section 20-160 and Article 50 of this Code,  
18 and as expressly required by Section 9.1 of the Illinois  
19 Lottery Law, the provisions of this Code do not apply to the  
20 procurement process provided for under Section 9.1 of the  
21 Illinois Lottery Law.

22           (e) This Code does not apply to the process used by the  
23 Capital Development Board to retain a person or entity to  
24 assist the Capital Development Board with its duties related to  
25 the determination of costs of a clean coal SNG brownfield  
26 facility, as defined by Section 1-10 of the Illinois Power

1 Agency Act, as required in subsection (h-3) of Section 9-220 of  
2 the Public Utilities Act, including calculating the range of  
3 capital costs, the range of operating and maintenance costs, or  
4 the sequestration costs or monitoring the construction of clean  
5 coal SNG brownfield facility for the full duration of  
6 construction.

7 (f) This Code does not apply to the process used by the  
8 Illinois Power Agency to retain a mediator to mediate sourcing  
9 agreement disputes between gas utilities and the clean coal SNG  
10 brownfield facility, as defined in Section 1-10 of the Illinois  
11 Power Agency Act, as required under subsection (h-1) of Section  
12 9-220 of the Public Utilities Act.

13 (g) ~~(e)~~ This Code does not apply to the processes used by  
14 the Illinois Power Agency to retain a mediator to mediate  
15 contract disputes between gas utilities and the clean coal SNG  
16 facility and to retain an expert to assist in the review of  
17 contracts under subsection (h) of Section 9-220 of the Public  
18 Utilities Act. This Code does not apply to the process used by  
19 the Illinois Commerce Commission to retain an expert to assist  
20 in determining the actual incurred costs of the clean coal SNG  
21 facility and the reasonableness of those costs as required  
22 under subsection (h) of Section 9-220 of the Public Utilities  
23 Act.

24 (Source: P.A. 96-840, eff. 12-23-09; 96-1331, eff. 7-27-10;  
25 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502, eff. 8-23-11;  
26 revised 9-7-11.)

1 Section 145. The State Prompt Payment Act is amended by  
2 changing Section 3-2 as follows:

3 (30 ILCS 540/3-2)

4 Sec. 3-2. Beginning July 1, 1993, in any instance where a  
5 State official or agency is late in payment of a vendor's bill  
6 or invoice for goods or services furnished to the State, as  
7 defined in Section 1, properly approved in accordance with  
8 rules promulgated under Section 3-3, the State official or  
9 agency shall pay interest to the vendor in accordance with the  
10 following:

11 (1) Any bill, except a bill submitted under Article V  
12 of the Illinois Public Aid Code and except as provided  
13 under paragraph (1.05) of this Section, approved for  
14 payment under this Section must be paid or the payment  
15 issued to the payee within 60 days of receipt of a proper  
16 bill or invoice. If payment is not issued to the payee  
17 within this 60-day period, an interest penalty of 1.0% of  
18 any amount approved and unpaid shall be added for each  
19 month or fraction thereof after the end of this 60-day  
20 period, until final payment is made. Any bill, except a  
21 bill for pharmacy or nursing facility services or goods,  
22 and except as provided under paragraph (1.05) ~~1.05~~ of this  
23 Section, submitted under Article V of the Illinois Public  
24 Aid Code approved for payment under this Section must be



1       paid or the payment issued to the payee within 60 days  
2       after receipt of a proper bill or invoice, and, if payment  
3       is not issued to the payee within this 60-day period, an  
4       interest penalty of 2.0% of any amount approved and unpaid  
5       shall be added for each month or fraction thereof after the  
6       end of this 60-day period, until final payment is made. Any  
7       bill for pharmacy or nursing facility services or goods  
8       submitted under Article V of the Illinois Public Aid Code,  
9       except as provided under paragraph (1.05) of this Section,  
10      and approved for payment under this Section must be paid or  
11      the payment issued to the payee within 60 days of receipt  
12      of a proper bill or invoice. If payment is not issued to  
13      the payee within this 60-day period, an interest penalty of  
14      1.0% of any amount approved and unpaid shall be added for  
15      each month or fraction thereof after the end of this 60-day  
16      period, until final payment is made.

17           (1.05) For State fiscal year 2012 and future fiscal  
18      years, any bill approved for payment under this Section  
19      must be paid or the payment issued to the payee within 90  
20      days of receipt of a proper bill or invoice. If payment is  
21      not issued to the payee within this 90-day period, an  
22      interest penalty of 1.0% of any amount approved and unpaid  
23      shall be added for each month or fraction thereof after the  
24      end of this 90-day period, until final payment is made.

25           (1.1) A State agency shall review in a timely manner  
26      each bill or invoice after its receipt. If the State agency

1 determines that the bill or invoice contains a defect  
2 making it unable to process the payment request, the agency  
3 shall notify the vendor requesting payment as soon as  
4 possible after discovering the defect pursuant to rules  
5 promulgated under Section 3-3; provided, however, that the  
6 notice for construction related bills or invoices must be  
7 given not later than 30 days after the bill or invoice was  
8 first submitted. The notice shall identify the defect and  
9 any additional information necessary to correct the  
10 defect. If one or more items on a construction related bill  
11 or invoice are disapproved, but not the entire bill or  
12 invoice, then the portion that is not disapproved shall be  
13 paid.

14 (2) Where a State official or agency is late in payment  
15 of a vendor's bill or invoice properly approved in  
16 accordance with this Act, and different late payment terms  
17 are not reduced to writing as a contractual agreement, the  
18 State official or agency shall automatically pay interest  
19 penalties required by this Section amounting to \$50 or more  
20 to the appropriate vendor. Each agency shall be responsible  
21 for determining whether an interest penalty is owed and for  
22 paying the interest to the vendor. Except as provided in  
23 paragraph (4), an individual interest payment amounting to  
24 \$5 or less shall not be paid by the State. Interest due to  
25 a vendor that amounts to greater than \$5 and less than \$50  
26 shall not be paid but shall be accrued until all interest

1 due the vendor for all similar warrants exceeds \$50, at  
2 which time the accrued interest shall be payable and  
3 interest will begin accruing again, except that interest  
4 accrued as of the end of the fiscal year that does not  
5 exceed \$50 shall be payable at that time. In the event an  
6 individual has paid a vendor for services in advance, the  
7 provisions of this Section shall apply until payment is  
8 made to that individual.

9 (3) The provisions of Public Act 96-1501 reducing the  
10 interest rate on pharmacy claims under Article V of the  
11 Illinois Public Aid Code to 1.0% per month shall apply to  
12 any pharmacy bills for services and goods under Article V  
13 of the Illinois Public Aid Code received on or after the  
14 date 60 days before January 25, 2011 (the effective date of  
15 Public Act 96-1501) except as provided under paragraph  
16 (1.05) of this Section.

17 (4) Interest amounting to less than \$5 shall not be  
18 paid by the State, except for claims (i) to the Department  
19 of Healthcare and Family Services or the Department of  
20 Human Services, (ii) pursuant to Article V of the Illinois  
21 Public Aid Code, the Covering ALL KIDS Health Insurance  
22 Act, or the Children's Health Insurance Program Act, and  
23 (iii) made (A) by pharmacies for prescriptive services or  
24 (B) by any federally qualified health center for  
25 prescriptive services or any other services.

26 (Source: P.A. 96-555, eff. 8-18-09; 96-802, eff. 1-1-10;

1 96-959, eff. 7-1-10; 96-1000, eff. 7-2-10; 96-1501, eff.  
2 1-25-11; 96-1530, eff. 2-16-11; 97-72, eff. 7-1-11; 97-74, eff.  
3 6-30-11; 97-348, eff. 8-12-11; revised 9-7-11.)

4 Section 150. The Project Labor Agreements Act is amended by  
5 changing Section 5 as follows:

6 (30 ILCS 571/5)

7 Sec. 5. Findings.

8 (a) The State of Illinois has a compelling interest in  
9 awarding public works contracts so as to ensure the highest  
10 standards of quality and efficiency at the lowest responsible  
11 cost.

12 (b) A project labor agreement, which is a form of pre-hire  
13 collective bargaining agreement covering all terms and  
14 conditions of employment on a specific project, can ensure the  
15 highest standards of quality and efficiency at the lowest  
16 responsible cost on appropriate public works projects.

17 (c) The State of Illinois has a compelling interest that a  
18 highly skilled workforce be employed on public works projects  
19 to ensure lower costs over the lifetime of the completed  
20 project for building, repairs, and maintenance.

21 (d) Project labor agreements provide the State of Illinois  
22 with a guarantee that public works projects will be completed  
23 with highly skilled workers.

24 (e) Project labor agreements provide for peaceful,

1 orderly, and mutually binding procedures for resolving labor  
2 issues without labor disruption, preventing significant  
3 lost-time on construction projects.

4 (f) Project labor agreements allow public agencies to  
5 predict more accurately the actual cost of the public works  
6 project.

7 (g) ~~(e)~~ The use of project labor agreements can be of  
8 particular benefit to complex construction projects.

9 (Source: P.A. 97-199, eff. 7-27-11; revised 9-7-11.)

10 Section 155. The Business Enterprise for Minorities,  
11 Females, and Persons with Disabilities Act is amended by  
12 changing Section 2 as follows:

13 (30 ILCS 575/2)

14 (Section scheduled to be repealed on June 30, 2012)

15 Sec. 2. Definitions.

16 (A) For the purpose of this Act, the following terms shall  
17 have the following definitions:

18 (1) "Minority person" shall mean a person who is a citizen  
19 or lawful permanent resident of the United States and who is  
20 any of the following:

21 (a) American Indian or Alaska Native (a person having  
22 origins in any of the original peoples of North and South  
23 America, including Central America, and who maintains  
24 tribal affiliation or community attachment).

1           (b) Asian (a person having origins in any of the  
2 original peoples of the Far East, Southeast Asia, or the  
3 Indian subcontinent, including, but not limited to,  
4 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,  
5 the Philippine Islands, Thailand, and Vietnam).

6           (c) Black or African American (a person having origins  
7 in any of the black racial groups of Africa). Terms such as  
8 "Haitian" or "Negro" can be used in addition to "Black or  
9 African American".

10           (d) Hispanic or Latino (a person of Cuban, Mexican,  
11 Puerto Rican, South or Central American, or other Spanish  
12 culture or origin, regardless of race).

13           (e) Native Hawaiian or Other Pacific Islander (a person  
14 having origins in any of the original peoples of Hawaii,  
15 Guam, Samoa, or other Pacific Islands).

16           (2) "Female" shall mean a person who is a citizen or lawful  
17 permanent resident of the United States and who is of the  
18 female gender.

19           (2.05) "Person with a disability" means a person who is a  
20 citizen or lawful resident of the United States and is a person  
21 qualifying as being disabled under subdivision (2.1) of this  
22 subsection (A).

23           (2.1) "Disabled" means a severe physical or mental  
24 disability that:

25           (a) results from:  
26           amputation,

1           arthritis,  
2           autism,  
3           blindness,  
4           burn injury,  
5           cancer,  
6           cerebral palsy,  
7           Crohn's disease,  
8           cystic fibrosis,  
9           deafness,  
10          head injury,  
11          heart disease,  
12          hemiplegia,  
13          hemophilia,  
14          respiratory or pulmonary dysfunction,  
15          an intellectual disability,  
16          mental illness,  
17          multiple sclerosis,  
18          muscular dystrophy,  
19          musculoskeletal disorders,  
20          neurological disorders, including stroke and epilepsy,  
21          paraplegia,  
22          quadriplegia and other spinal cord conditions,  
23          sickle cell anemia,  
24          ulcerative colitis,  
25          specific learning disabilities, or  
26          end stage renal failure disease; and

1 (b) substantially limits one or more of the person's major  
2 life activities.

3 Another disability or combination of disabilities may also  
4 be considered as a severe disability for the purposes of item  
5 (a) of this subdivision (2.1) if it is determined by an  
6 evaluation of rehabilitation potential to cause a comparable  
7 degree of substantial functional limitation similar to the  
8 specific list of disabilities listed in item (a) of this  
9 subdivision (2.1).

10 (3) "Minority owned business" means a business concern  
11 which is at least 51% owned by one or more minority persons, or  
12 in the case of a corporation, at least 51% of the stock in  
13 which is owned by one or more minority persons; and the  
14 management and daily business operations of which are  
15 controlled by one or more of the minority individuals who own  
16 it.

17 (4) "Female owned business" means a business concern which  
18 is at least 51% owned by one or more females, or, in the case of  
19 a corporation, at least 51% of the stock in which is owned by  
20 one or more females; and the management and daily business  
21 operations of which are controlled by one or more of the  
22 females who own it.

23 (4.1) "Business owned by a person with a disability" means  
24 a business concern that is at least 51% owned by one or more  
25 persons with a disability and the management and daily business  
26 operations of which are controlled by one or more of the



1 persons with disabilities who own it. A not-for-profit agency  
2 for persons with disabilities that is exempt from taxation  
3 under Section 501 of the Internal Revenue Code of 1986 is also  
4 considered a "business owned by a person with a disability".

5 (4.2) "Council" means the Business Enterprise Council for  
6 Minorities, Females, and Persons with Disabilities created  
7 under Section 5 of this Act.

8 (5) "State contracts" shall mean all State contracts,  
9 funded exclusively with State funds which are not subject to  
10 federal reimbursement, whether competitively bid or negotiated  
11 as defined by the Secretary of the Council and approved by the  
12 Council.

13 "State construction contracts" means all State contracts  
14 entered into by a State agency or State university for the  
15 repair, remodeling, renovation or construction of a building or  
16 structure, or for the construction or maintenance of a highway  
17 defined in Article 2 of the Illinois Highway Code.

18 (6) "State agencies" shall mean all departments, officers,  
19 boards, commissions, institutions and bodies politic and  
20 corporate of the State, but does not include the Board of  
21 Trustees of the University of Illinois, the Board of Trustees  
22 of Southern Illinois University, the Board of Trustees of  
23 Chicago State University, the Board of Trustees of Eastern  
24 Illinois University, the Board of Trustees of Governors State  
25 University, the Board of Trustees of Illinois State University,  
26 the Board of Trustees of Northeastern Illinois University, the

1 Board of Trustees of Northern Illinois University, the Board of  
2 Trustees of Western Illinois University, municipalities or  
3 other local governmental units, or other State constitutional  
4 officers.

5 (7) "State universities" shall mean the Board of Trustees  
6 of the University of Illinois, the Board of Trustees of  
7 Southern Illinois University, the Board of Trustees of Chicago  
8 State University, the Board of Trustees of Eastern Illinois  
9 University, the Board of Trustees of Governors State  
10 University, the Board of Trustees of Illinois State University,  
11 the Board of Trustees of Northeastern Illinois University, the  
12 Board of Trustees of Northern Illinois University, and the  
13 Board of Trustees of Western Illinois University.

14 (8) "Certification" means a determination made by the  
15 Council or by one delegated authority from the Council to make  
16 certifications, or by a State agency with statutory authority  
17 to make such a certification, that a business entity is a  
18 business owned by a minority, female, or person with a  
19 disability for whatever purpose. A business owned and  
20 controlled by females shall select and designate whether such  
21 business is to be certified as a "Female-owned business" or  
22 "Minority-owned business" if the females are also minorities.

23 (9) "Control" means the exclusive or ultimate and sole  
24 control of the business including, but not limited to, capital  
25 investment and all other financial matters, property,  
26 acquisitions, contract negotiations, legal matters,

1 officer-director-employee selection and comprehensive hiring,  
2 operating responsibilities, cost-control matters, income and  
3 dividend matters, financial transactions and rights of other  
4 shareholders or joint partners. Control shall be real,  
5 substantial and continuing, not pro forma. Control shall  
6 include the power to direct or cause the direction of the  
7 management and policies of the business and to make the  
8 day-to-day as well as major decisions in matters of policy,  
9 management and operations. Control shall be exemplified by  
10 possessing the requisite knowledge and expertise to run the  
11 particular business and control shall not include simple  
12 majority or absentee ownership.

13 (10) "Business concern or business" means a business that  
14 has annual gross sales of less than \$75,000,000 as evidenced by  
15 the federal income tax return of the business. A firm with  
16 gross sales in excess of this cap may apply to the Council for  
17 certification for a particular contract if the firm can  
18 demonstrate that the contract would have significant impact on  
19 businesses owned by minorities, females, or persons with  
20 disabilities as suppliers or subcontractors or in employment of  
21 minorities, females, or persons with disabilities.

22 (B) When a business concern is owned at least 51% by any  
23 combination of minority persons, females, or persons with  
24 disabilities, even though none of the 3 classes alone holds at  
25 least a 51% interest, the ownership requirement for purposes of  
26 this Act is considered to be met. The certification category

1 for the business is that of the class holding the largest  
2 ownership interest in the business. If 2 or more classes have  
3 equal ownership interests, the certification category shall be  
4 determined by the business concern.

5 (Source: P.A. 96-453, eff. 8-14-09; 96-795, eff. 7-1-10 (see  
6 Section 5 of P.A. 96-793 for effective date of changes made by  
7 P.A. 96-795); 96-1000, eff. 7-2-10; 97-227, eff. 1-1-12;  
8 97-396, eff. 1-1-12; revised 9-7-11.)

9 Section 160. The State Mandates Act is amended by changing  
10 Sections 8.34 and 8.35 as follows:

11 (30 ILCS 805/8.34)

12 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8  
13 of this Act, no reimbursement by the State is required for the  
14 implementation of any mandate created by Public Act 96-889,  
15 96-952, 96-961, 96-1046, 96-1084, 96-1140, 96-1215, 96-1248,  
16 96-1252, 96-1254, 96-1258, 96-1260, 96-1425, 96-1485, or  
17 96-1536 ~~this amendatory Act of the 96th General Assembly.~~

18 (Source: P.A. 96-889, eff. 1-1-11; 96-952, eff. 6-28-10;  
19 96-961, eff. 7-2-10; 96-1046, eff. 7-14-10; 96-1084, eff.  
20 7-16-10; 96-1140, eff. 7-21-10; 96-1215, eff. 7-22-10;  
21 96-1248, eff. 7-23-10; 96-1252, eff. 7-23-10; 96-1254, eff.  
22 7-23-10; 96-1258, eff. 7-23-10; 96-1260, eff. 7-23-10;  
23 96-1425, eff. 1-1-11; 96-1485, eff. 12-1-10; incorporates  
24 96-1536, eff. 3-4-11; revised 12-5-11.)

1 (30 ILCS 805/8.35)

2 Sec. 8.35. Exempt mandate. Notwithstanding Sections 6 and 8  
3 of this Act, no reimbursement by the State is required for the  
4 implementation of any mandate created by Public Act 97-30,  
5 97-87, 97-99, 97-272, 97-319, 97-326, 97-328, 97-415, or 97-609  
6 ~~this amendatory Act of the 96th 97th General Assembly.~~

7 (Source: P.A. 96-1536, eff. 3-4-11; 97-30, eff. 7-1-11; 97-87,  
8 eff. 7-8-11; 97-99, eff. 1-1-12; 97-272, eff. 8-8-11; 97-319,  
9 eff. 1-1-12; 97-326, eff. 8-12-11; 97-328, eff. 8-12-11;  
10 97-415, eff. 8-16-11; 97-609, eff. 1-1-12; revised 12-5-11.)

11 Section 165. The Illinois Income Tax Act is amended by  
12 changing Sections 201.5 and 806 as follows:

13 (35 ILCS 5/201.5)

14 Sec. 201.5. State spending limitation and tax reduction.

15 (a) If, beginning in State fiscal year 2012 and continuing  
16 through State fiscal year 2015, State spending for any fiscal  
17 year exceeds the State spending limitation set forth in  
18 subsection (b) of this Section, then the tax rates set forth in  
19 subsection (b) of Section 201 of this Act shall be reduced,  
20 according to the procedures set forth in this Section, to 3% of  
21 the taxpayer's net income for individuals, trusts, and estates  
22 and to 4.8% of the taxpayer's net income for corporations. For  
23 all taxable years following the taxable year in which the rate

1 has been reduced pursuant to this Section, the tax rate set  
2 forth in subsection (b) of Section 201 of this Act shall be 3%  
3 of the taxpayer's net income for individuals, trusts, and  
4 estates and 4.8% of the taxpayer's net income for corporations.

5 (b) The State spending limitation for fiscal years 2012  
6 through 2015 shall be as follows: (i) for fiscal year 2012,  
7 \$36,818,000,000; (ii) for fiscal year 2013, \$37,554,000,000;  
8 (iii) for fiscal year 2014, \$38,305,000,000; and (iv) for  
9 fiscal year 2015, \$39,072,000,000.

10 (c) Notwithstanding ~~Notwithstanding~~ any other provision  
11 of law to the contrary, the Auditor General shall examine each  
12 Public Act authorizing State spending from State general funds  
13 and prepare a report no later than 30 days after receiving  
14 notification of the Public Act from the Secretary of State or  
15 60 days after the effective date of the Public Act, whichever  
16 is earlier. The Auditor General shall file the report with the  
17 Secretary of State and copies with the Governor, the State  
18 Treasurer, the State Comptroller, the Senate, and the House of  
19 Representatives. The report shall indicate: (i) the amount of  
20 State spending set forth in the applicable Public Act; (ii) the  
21 total amount of State spending authorized by law for the  
22 applicable fiscal year as of the date of the report; and (iii)  
23 whether State spending exceeds the State spending limitation  
24 set forth in subsection (b). The Auditor General may examine  
25 multiple Public Acts in one consolidated report, provided that  
26 each Public Act is examined within the time period mandated by

1 this subsection (c). The Auditor General shall issue reports in  
2 accordance with this Section through June 30, 2015 or the  
3 effective date of a reduction in the rate of tax imposed by  
4 subsections (a) and (b) of Section 201 of this Act pursuant to  
5 this Section, whichever is earlier.

6 At the request of the Auditor General, each State agency  
7 shall, without delay, make available to the Auditor General or  
8 his or her designated representative any record or information  
9 requested and shall provide for examination or copying all  
10 records, accounts, papers, reports, vouchers, correspondence,  
11 books and other documentation in the custody of that agency,  
12 including information stored in electronic data processing  
13 systems, which is related to or within the scope of a report  
14 prepared under this Section. The Auditor General shall report  
15 to the Governor each instance in which a State agency fails to  
16 cooperate promptly and fully with his or her office as required  
17 by this Section.

18 The Auditor General's report shall not be in the nature of  
19 a post-audit or examination and shall not lead to the issuance  
20 of an opinion as that term is defined in generally accepted  
21 government auditing standards.

22 (d) If the Auditor General reports that State spending has  
23 exceeded the State spending limitation set forth in subsection  
24 (b) and if the Governor has not been presented with a bill or  
25 bills passed by the General Assembly to reduce State spending  
26 to a level that does not exceed the State spending limitation

1 within 45 calendar days of receipt of the Auditor General's  
2 report, then the Governor may, for the purpose of reducing  
3 State spending to a level that does not exceed the State  
4 spending limitation set forth in subsection (b), designate  
5 amounts to be set aside as a reserve from the amounts  
6 appropriated from the State general funds for all boards,  
7 commissions, agencies, institutions, authorities, colleges,  
8 universities, and bodies politic and corporate of the State,  
9 but not other constitutional officers, the legislative or  
10 judicial branch, the office of the Executive Inspector General,  
11 or the Executive Ethics Commission. Such a designation must be  
12 made within 15 calendar days after the end of that 45-day  
13 period. If the Governor designates amounts to be set aside as a  
14 reserve, the Governor shall give notice of the designation to  
15 the Auditor General, the State Treasurer, the State  
16 Comptroller, the Senate, and the House of Representatives. The  
17 amounts placed in reserves shall not be transferred, obligated,  
18 encumbered, expended, or otherwise committed unless so  
19 authorized by law. Any amount placed in reserves is not State  
20 spending and shall not be considered when calculating the total  
21 amount of State spending. Any Public Act authorizing the use of  
22 amounts placed in reserve by the Governor is considered State  
23 spending, unless such Public Act authorizes the use of amounts  
24 placed in reserves in response to a fiscal emergency under  
25 subsection (g).

26 (e) If the Auditor General reports under subsection (c)



1 that State spending has exceeded the State spending limitation  
2 set forth in subsection (b), then the Auditor General shall  
3 issue a supplemental report no sooner than the 61st day and no  
4 later than the 65th day after issuing the report pursuant to  
5 subsection (c). The supplemental report shall: (i) summarize  
6 details of actions taken by the General Assembly and the  
7 Governor after the issuance of the initial report to reduce  
8 State spending, if any, (ii) indicate whether the level of  
9 State spending has changed since the initial report, and (iii)  
10 indicate whether State spending exceeds the State spending  
11 limitation. The Auditor General shall file the report with the  
12 Secretary of State and copies with the Governor, the State  
13 Treasurer, the State Comptroller, the Senate, and the House of  
14 Representatives. If the supplemental report of the Auditor  
15 General provides that State spending exceeds the State spending  
16 limitation, then the rate of tax imposed by subsections (a) and  
17 (b) of Section 201 is reduced as provided in this Section  
18 beginning on the first day of the first month to occur not less  
19 than 30 days after issuance of the supplemental report.

20 (f) For any taxable year in which the rates of tax have  
21 been reduced under this Section, the tax imposed by subsections  
22 (a) and (b) of Section 201 shall be determined as follows:

23 (1) In the case of an individual, trust, or estate, the  
24 tax shall be imposed in an amount equal to the sum of (i)  
25 the rate applicable to the taxpayer under subsection (b) of  
26 Section 201 (without regard to the provisions of this

1           Section) times the taxpayer's net income for any portion of  
2           the taxable year prior to the effective date of the  
3           reduction and (ii) 3% of the taxpayer's net income for any  
4           portion of the taxable year on or after the effective date  
5           of the reduction.

6           (2) In the case of a corporation, the tax shall be  
7           imposed in an amount equal to the sum of (i) the rate  
8           applicable to the taxpayer under subsection (b) of Section  
9           201 (without regard to the provisions of this Section)  
10          times the taxpayer's net income for any portion of the  
11          taxable year prior to the effective date of the reduction  
12          and (ii) 4.8% of the taxpayer's net income for any portion  
13          of the taxable year on or after the effective date of the  
14          reduction.

15          (3) For any taxpayer for whom the rate has been reduced  
16          under this Section for a portion of a taxable year, the  
17          taxpayer shall determine the net income for each portion of  
18          the taxable year following the rules set forth in Section  
19          202.5 of this Act, using the effective date of the rate  
20          reduction rather than the January 1 dates found in that  
21          Section, and the day before the effective date of the rate  
22          reduction rather than the December 31 dates found in that  
23          Section.

24          (4) If the rate applicable to the taxpayer under  
25          subsection (b) of Section 201 (without regard to the  
26          provisions of this Section) changes during a portion of the

1 taxable year to which that rate is applied under paragraphs  
2 (1) or (2) of this subsection (f), the tax for that portion  
3 of the taxable year for purposes of paragraph (1) or (2) of  
4 this subsection (f) shall be determined as if that portion  
5 of the taxable year were a separate taxable year, following  
6 the rules set forth in Section 202.5 of this Act. If the  
7 taxpayer elects to follow the rules set forth in subsection  
8 (b) of Section 202.5, the taxpayer shall follow the rules  
9 set forth in subsection (b) of Section 202.5 for all  
10 purposes of this Section for that taxable year.

11 (g) Notwithstanding the State spending limitation set  
12 forth in subsection (b) of this Section, the Governor may  
13 declare a fiscal emergency by filing a declaration with the  
14 Secretary of State and copies with the State Treasurer, the  
15 State Comptroller, the Senate, and the House of  
16 Representatives. The declaration must be limited to only one  
17 State fiscal year, set forth compelling reasons for declaring a  
18 fiscal emergency, and request a specific dollar amount. Unless,  
19 within 10 calendar days of receipt of the Governor's  
20 declaration, the State Comptroller or State Treasurer notifies  
21 the Senate and the House of Representatives that he or she does  
22 not concur in the Governor's declaration, State spending  
23 authorized by law to address the fiscal emergency in an amount  
24 no greater than the dollar amount specified in the declaration  
25 shall not be considered "State spending" for purposes of the  
26 State spending limitation.

1 (h) As used in this Section:

2 "State general funds" means the General Revenue Fund, the  
3 Common School Fund, the General Revenue Common School Special  
4 Account Fund, the Education Assistance Fund, and the Budget  
5 Stabilization Fund.

6 "State spending" means (i) the total amount authorized for  
7 spending by appropriation or statutory transfer from the State  
8 general funds in the applicable fiscal year, and (ii) any  
9 amounts the Governor places in reserves in accordance with  
10 subsection (d) that are subsequently released from reserves  
11 following authorization by a Public Act. For the purpose of  
12 this definition, "appropriation" means authority to spend  
13 money from a State general fund for a specific amount, purpose,  
14 and time period, including any supplemental appropriation or  
15 continuing appropriation, but does not include  
16 reappropriations from a previous fiscal year. For the purpose  
17 of this definition, "statutory transfer" means authority to  
18 transfer funds from one State general fund to any other fund in  
19 the State treasury, but does not include transfers made from  
20 one State general fund to another State general fund.

21 "State spending limitation" means the amount described in  
22 subsection (b) of this Section for the applicable fiscal year.

23 (Source: P.A. 96-1496, eff. 1-13-11; revised 11-18-11.)

24 (35 ILCS 5/806)

25 Sec. 806. Exemption from penalty. An individual taxpayer

1 shall not be subject to a penalty for failing to pay estimated  
2 tax as required by Section 803 if the taxpayer is 65 years of  
3 age or older and is a permanent resident of a nursing home. For  
4 purposes of this Section, "nursing home" means a skilled  
5 nursing or intermediate long term care facility that is subject  
6 to licensure by the Illinois Department of Public Health under  
7 the Nursing Home Care Act, the Specialized Mental Health  
8 Rehabilitation Act, or the ID/DD Community Care Act.

9 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
10 eff. 1-1-12; revised 9-12-11.)

11 Section 170. The Retailers' Occupation Tax Act is amended  
12 by changing Section 1h as follows:

13 (35 ILCS 120/1h) (from Ch. 120, par. 440h)

14 Sec. 1h. Upon request made on or after July 1, 1987, the  
15 Department shall furnish to any county or municipality a list  
16 containing the name of each corporation, society, association,  
17 foundation or institution organized and operated exclusively  
18 for charitable, religious or educational purposes, and each  
19 not-for-profit corporation, society, association, foundation,  
20 institution or organization which has no compensated officers  
21 or employees and which is organized and operated primarily for  
22 the recreation of persons 55 years of age or older, which had a  
23 valid exemption identification number on the first day of  
24 January or July, as the case may be, proceeding the date on

1 which such request is received and which is located within the  
2 corporate limits of such municipality or the unincorporated  
3 territory of such county, except that the list need not include  
4 subsidiary organizations using an exemption identification  
5 number issued to its parent organization as provided by Section  
6 1g ~~1d~~ of this Act.

7 (Source: P.A. 85-293; revised 11-18-11.)

8 Section 175. The Property Tax Code is amended by changing  
9 Sections 15-168, 15-170, and 15-172 as follows:

10 (35 ILCS 200/15-168)

11 Sec. 15-168. Disabled persons' homestead exemption.

12 (a) Beginning with taxable year 2007, an annual homestead  
13 exemption is granted to disabled persons in the amount of  
14 \$2,000, except as provided in subsection (c), to be deducted  
15 from the property's value as equalized or assessed by the  
16 Department of Revenue. The disabled person shall receive the  
17 homestead exemption upon meeting the following requirements:

18 (1) The property must be occupied as the primary  
19 residence by the disabled person.

20 (2) The disabled person must be liable for paying the  
21 real estate taxes on the property.

22 (3) The disabled person must be an owner of record of  
23 the property or have a legal or equitable interest in the  
24 property as evidenced by a written instrument. In the case

1 of a leasehold interest in property, the lease must be for  
2 a single family residence.

3 A person who is disabled during the taxable year is  
4 eligible to apply for this homestead exemption during that  
5 taxable year. Application must be made during the application  
6 period in effect for the county of residence. If a homestead  
7 exemption has been granted under this Section and the person  
8 awarded the exemption subsequently becomes a resident of a  
9 facility licensed under the Nursing Home Care Act, the  
10 Specialized Mental Health Rehabilitation Act, or the ID/DD  
11 Community Care Act, then the exemption shall continue (i) so  
12 long as the residence continues to be occupied by the  
13 qualifying person's spouse or (ii) if the residence remains  
14 unoccupied but is still owned by the person qualified for the  
15 homestead exemption.

16 (b) For the purposes of this Section, "disabled person"  
17 means a person unable to engage in any substantial gainful  
18 activity by reason of a medically determinable physical or  
19 mental impairment which can be expected to result in death or  
20 has lasted or can be expected to last for a continuous period  
21 of not less than 12 months. Disabled persons filing claims  
22 under this Act shall submit proof of disability in such form  
23 and manner as the Department shall by rule and regulation  
24 prescribe. Proof that a claimant is eligible to receive  
25 disability benefits under the Federal Social Security Act shall  
26 constitute proof of disability for purposes of this Act.

1 Issuance of an Illinois Disabled Person Identification Card  
2 stating that the claimant is under a Class 2 disability, as  
3 defined in Section 4A of The Illinois Identification Card Act,  
4 shall constitute proof that the person named thereon is a  
5 disabled person for purposes of this Act. A disabled person not  
6 covered under the Federal Social Security Act and not  
7 presenting a Disabled Person Identification Card stating that  
8 the claimant is under a Class 2 disability shall be examined by  
9 a physician designated by the Department, and his status as a  
10 disabled person determined using the same standards as used by  
11 the Social Security Administration. The costs of any required  
12 examination shall be borne by the claimant.

13 (c) For land improved with (i) an apartment building owned  
14 and operated as a cooperative or (ii) a life care facility as  
15 defined under Section 2 of the Life Care Facilities Act that is  
16 considered to be a cooperative, the maximum reduction from the  
17 value of the property, as equalized or assessed by the  
18 Department, shall be multiplied by the number of apartments or  
19 units occupied by a disabled person. The disabled person shall  
20 receive the homestead exemption upon meeting the following  
21 requirements:

22 (1) The property must be occupied as the primary  
23 residence by the disabled person.

24 (2) The disabled person must be liable by contract with  
25 the owner or owners of record for paying the apportioned  
26 property taxes on the property of the cooperative or life



1 care facility. In the case of a life care facility, the  
2 disabled person must be liable for paying the apportioned  
3 property taxes under a life care contract as defined in  
4 Section 2 of the Life Care Facilities Act.

5 (3) The disabled person must be an owner of record of a  
6 legal or equitable interest in the cooperative apartment  
7 building. A leasehold interest does not meet this  
8 requirement.

9 If a homestead exemption is granted under this subsection, the  
10 cooperative association or management firm shall credit the  
11 savings resulting from the exemption to the apportioned tax  
12 liability of the qualifying disabled person. The chief county  
13 assessment officer may request reasonable proof that the  
14 association or firm has properly credited the exemption. A  
15 person who willfully refuses to credit an exemption to the  
16 qualified disabled person is guilty of a Class B misdemeanor.

17 (d) The chief county assessment officer shall determine the  
18 eligibility of property to receive the homestead exemption  
19 according to guidelines established by the Department. After a  
20 person has received an exemption under this Section, an annual  
21 verification of eligibility for the exemption shall be mailed  
22 to the taxpayer.

23 In counties with fewer than 3,000,000 inhabitants, the  
24 chief county assessment officer shall provide to each person  
25 granted a homestead exemption under this Section a form to  
26 designate any other person to receive a duplicate of any notice

1 of delinquency in the payment of taxes assessed and levied  
2 under this Code on the person's qualifying property. The  
3 duplicate notice shall be in addition to the notice required to  
4 be provided to the person receiving the exemption and shall be  
5 given in the manner required by this Code. The person filing  
6 the request for the duplicate notice shall pay an  
7 administrative fee of \$5 to the chief county assessment  
8 officer. The assessment officer shall then file the executed  
9 designation with the county collector, who shall issue the  
10 duplicate notices as indicated by the designation. A  
11 designation may be rescinded by the disabled person in the  
12 manner required by the chief county assessment officer.

13 (e) A taxpayer who claims an exemption under Section 15-165  
14 or 15-169 may not claim an exemption under this Section.

15 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
16 eff. 1-1-12; revised 9-12-11.)

17 (35 ILCS 200/15-170)

18 Sec. 15-170. Senior Citizens Homestead Exemption. An  
19 annual homestead exemption limited, except as described here  
20 with relation to cooperatives or life care facilities, to a  
21 maximum reduction set forth below from the property's value, as  
22 equalized or assessed by the Department, is granted for  
23 property that is occupied as a residence by a person 65 years  
24 of age or older who is liable for paying real estate taxes on  
25 the property and is an owner of record of the property or has a

1 legal or equitable interest therein as evidenced by a written  
2 instrument, except for a leasehold interest, other than a  
3 leasehold interest of land on which a single family residence  
4 is located, which is occupied as a residence by a person 65  
5 years or older who has an ownership interest therein, legal,  
6 equitable or as a lessee, and on which he or she is liable for  
7 the payment of property taxes. Before taxable year 2004, the  
8 maximum reduction shall be \$2,500 in counties with 3,000,000 or  
9 more inhabitants and \$2,000 in all other counties. For taxable  
10 years 2004 through 2005, the maximum reduction shall be \$3,000  
11 in all counties. For taxable years 2006 and 2007, the maximum  
12 reduction shall be \$3,500 and, for taxable years 2008 and  
13 thereafter, the maximum reduction is \$4,000 in all counties.

14 For land improved with an apartment building owned and  
15 operated as a cooperative, the maximum reduction from the value  
16 of the property, as equalized by the Department, shall be  
17 multiplied by the number of apartments or units occupied by a  
18 person 65 years of age or older who is liable, by contract with  
19 the owner or owners of record, for paying property taxes on the  
20 property and is an owner of record of a legal or equitable  
21 interest in the cooperative apartment building, other than a  
22 leasehold interest. For land improved with a life care  
23 facility, the maximum reduction from the value of the property,  
24 as equalized by the Department, shall be multiplied by the  
25 number of apartments or units occupied by persons 65 years of  
26 age or older, irrespective of any legal, equitable, or

1 leasehold interest in the facility, who are liable, under a  
2 contract with the owner or owners of record of the facility,  
3 for paying property taxes on the property. In a cooperative or  
4 a life care facility where a homestead exemption has been  
5 granted, the cooperative association or the management firm of  
6 the cooperative or facility shall credit the savings resulting  
7 from that exemption only to the apportioned tax liability of  
8 the owner or resident who qualified for the exemption. Any  
9 person who willfully refuses to so credit the savings shall be  
10 guilty of a Class B misdemeanor. Under this Section and  
11 Sections 15-175, 15-176, and 15-177, "life care facility" means  
12 a facility, as defined in Section 2 of the Life Care Facilities  
13 Act, with which the applicant for the homestead exemption has a  
14 life care contract as defined in that Act.

15 When a homestead exemption has been granted under this  
16 Section and the person qualifying subsequently becomes a  
17 resident of a facility licensed under the Assisted Living and  
18 Shared Housing Act, the Nursing Home Care Act, the Specialized  
19 Mental Health Rehabilitation Act, or the ID/DD Community Care  
20 Act, the exemption shall continue so long as the residence  
21 continues to be occupied by the qualifying person's spouse if  
22 the spouse is 65 years of age or older, or if the residence  
23 remains unoccupied but is still owned by the person qualified  
24 for the homestead exemption.

25 A person who will be 65 years of age during the current  
26 assessment year shall be eligible to apply for the homestead

1 exemption during that assessment year. Application shall be  
2 made during the application period in effect for the county of  
3 his residence.

4 Beginning with assessment year 2003, for taxes payable in  
5 2004, property that is first occupied as a residence after  
6 January 1 of any assessment year by a person who is eligible  
7 for the senior citizens homestead exemption under this Section  
8 must be granted a pro-rata exemption for the assessment year.  
9 The amount of the pro-rata exemption is the exemption allowed  
10 in the county under this Section divided by 365 and multiplied  
11 by the number of days during the assessment year the property  
12 is occupied as a residence by a person eligible for the  
13 exemption under this Section. The chief county assessment  
14 officer must adopt reasonable procedures to establish  
15 eligibility for this pro-rata exemption.

16 The assessor or chief county assessment officer may  
17 determine the eligibility of a life care facility to receive  
18 the benefits provided by this Section, by affidavit,  
19 application, visual inspection, questionnaire or other  
20 reasonable methods in order to insure that the tax savings  
21 resulting from the exemption are credited by the management  
22 firm to the apportioned tax liability of each qualifying  
23 resident. The assessor may request reasonable proof that the  
24 management firm has so credited the exemption.

25 The chief county assessment officer of each county with  
26 less than 3,000,000 inhabitants shall provide to each person

1 allowed a homestead exemption under this Section a form to  
2 designate any other person to receive a duplicate of any notice  
3 of delinquency in the payment of taxes assessed and levied  
4 under this Code on the property of the person receiving the  
5 exemption. The duplicate notice shall be in addition to the  
6 notice required to be provided to the person receiving the  
7 exemption, and shall be given in the manner required by this  
8 Code. The person filing the request for the duplicate notice  
9 shall pay a fee of \$5 to cover administrative costs to the  
10 supervisor of assessments, who shall then file the executed  
11 designation with the county collector. Notwithstanding any  
12 other provision of this Code to the contrary, the filing of  
13 such an executed designation requires the county collector to  
14 provide duplicate notices as indicated by the designation. A  
15 designation may be rescinded by the person who executed such  
16 designation at any time, in the manner and form required by the  
17 chief county assessment officer.

18 The assessor or chief county assessment officer may  
19 determine the eligibility of residential property to receive  
20 the homestead exemption provided by this Section by  
21 application, visual inspection, questionnaire or other  
22 reasonable methods. The determination shall be made in  
23 accordance with guidelines established by the Department.

24 In counties with 3,000,000 or more inhabitants, beginning  
25 in taxable year 2010, each taxpayer who has been granted an  
26 exemption under this Section must reapply on an annual basis.

1 The chief county assessment officer shall mail the application  
2 to the taxpayer. In counties with less than 3,000,000  
3 inhabitants, the county board may by resolution provide that if  
4 a person has been granted a homestead exemption under this  
5 Section, the person qualifying need not reapply for the  
6 exemption.

7 In counties with less than 3,000,000 inhabitants, if the  
8 assessor or chief county assessment officer requires annual  
9 application for verification of eligibility for an exemption  
10 once granted under this Section, the application shall be  
11 mailed to the taxpayer.

12 The assessor or chief county assessment officer shall  
13 notify each person who qualifies for an exemption under this  
14 Section that the person may also qualify for deferral of real  
15 estate taxes under the Senior Citizens Real Estate Tax Deferral  
16 Act. The notice shall set forth the qualifications needed for  
17 deferral of real estate taxes, the address and telephone number  
18 of county collector, and a statement that applications for  
19 deferral of real estate taxes may be obtained from the county  
20 collector.

21 Notwithstanding Sections 6 and 8 of the State Mandates Act,  
22 no reimbursement by the State is required for the  
23 implementation of any mandate created by this Section.

24 (Source: P.A. 96-339, eff. 7-1-10; 96-355, eff. 1-1-10;  
25 96-1000, eff. 7-2-10; 96-1418, eff. 8-2-10; 97-38, eff.  
26 6-28-11; 97-227, eff. 1-1-12; revised 9-12-11.)

1 (35 ILCS 200/15-172)

2 Sec. 15-172. Senior Citizens Assessment Freeze Homestead  
3 Exemption.

4 (a) This Section may be cited as the Senior Citizens  
5 Assessment Freeze Homestead Exemption.

6 (b) As used in this Section:

7 "Applicant" means an individual who has filed an  
8 application under this Section.

9 "Base amount" means the base year equalized assessed value  
10 of the residence plus the first year's equalized assessed value  
11 of any added improvements which increased the assessed value of  
12 the residence after the base year.

13 "Base year" means the taxable year prior to the taxable  
14 year for which the applicant first qualifies and applies for  
15 the exemption provided that in the prior taxable year the  
16 property was improved with a permanent structure that was  
17 occupied as a residence by the applicant who was liable for  
18 paying real property taxes on the property and who was either  
19 (i) an owner of record of the property or had legal or  
20 equitable interest in the property as evidenced by a written  
21 instrument or (ii) had a legal or equitable interest as a  
22 lessee in the parcel of property that was single family  
23 residence. If in any subsequent taxable year for which the  
24 applicant applies and qualifies for the exemption the equalized  
25 assessed value of the residence is less than the equalized



1 assessed value in the existing base year (provided that such  
2 equalized assessed value is not based on an assessed value that  
3 results from a temporary irregularity in the property that  
4 reduces the assessed value for one or more taxable years), then  
5 that subsequent taxable year shall become the base year until a  
6 new base year is established under the terms of this paragraph.  
7 For taxable year 1999 only, the Chief County Assessment Officer  
8 shall review (i) all taxable years for which the applicant  
9 applied and qualified for the exemption and (ii) the existing  
10 base year. The assessment officer shall select as the new base  
11 year the year with the lowest equalized assessed value. An  
12 equalized assessed value that is based on an assessed value  
13 that results from a temporary irregularity in the property that  
14 reduces the assessed value for one or more taxable years shall  
15 not be considered the lowest equalized assessed value. The  
16 selected year shall be the base year for taxable year 1999 and  
17 thereafter until a new base year is established under the terms  
18 of this paragraph.

19 "Chief County Assessment Officer" means the County  
20 Assessor or Supervisor of Assessments of the county in which  
21 the property is located.

22 "Equalized assessed value" means the assessed value as  
23 equalized by the Illinois Department of Revenue.

24 "Household" means the applicant, the spouse of the  
25 applicant, and all persons using the residence of the applicant  
26 as their principal place of residence.

1 "Household income" means the combined income of the members  
2 of a household for the calendar year preceding the taxable  
3 year.

4 "Income" has the same meaning as provided in Section 3.07  
5 of the Senior Citizens and Disabled Persons Property Tax Relief  
6 and Pharmaceutical Assistance Act, except that, beginning in  
7 assessment year 2001, "income" does not include veteran's  
8 benefits.

9 "Internal Revenue Code of 1986" means the United States  
10 Internal Revenue Code of 1986 or any successor law or laws  
11 relating to federal income taxes in effect for the year  
12 preceding the taxable year.

13 "Life care facility that qualifies as a cooperative" means  
14 a facility as defined in Section 2 of the Life Care Facilities  
15 Act.

16 "Maximum income limitation" means:

- 17 (1) \$35,000 prior to taxable year 1999;  
18 (2) \$40,000 in taxable years 1999 through 2003;  
19 (3) \$45,000 in taxable years 2004 through 2005;  
20 (4) \$50,000 in taxable years 2006 and 2007; and  
21 (5) \$55,000 in taxable year 2008 and thereafter.

22 "Residence" means the principal dwelling place and  
23 appurtenant structures used for residential purposes in this  
24 State occupied on January 1 of the taxable year by a household  
25 and so much of the surrounding land, constituting the parcel  
26 upon which the dwelling place is situated, as is used for

1 residential purposes. If the Chief County Assessment Officer  
2 has established a specific legal description for a portion of  
3 property constituting the residence, then that portion of  
4 property shall be deemed the residence for the purposes of this  
5 Section.

6 "Taxable year" means the calendar year during which ad  
7 valorem property taxes payable in the next succeeding year are  
8 levied.

9 (c) Beginning in taxable year 1994, a senior citizens  
10 assessment freeze homestead exemption is granted for real  
11 property that is improved with a permanent structure that is  
12 occupied as a residence by an applicant who (i) is 65 years of  
13 age or older during the taxable year, (ii) has a household  
14 income that does not exceed the maximum income limitation,  
15 (iii) is liable for paying real property taxes on the property,  
16 and (iv) is an owner of record of the property or has a legal or  
17 equitable interest in the property as evidenced by a written  
18 instrument. This homestead exemption shall also apply to a  
19 leasehold interest in a parcel of property improved with a  
20 permanent structure that is a single family residence that is  
21 occupied as a residence by a person who (i) is 65 years of age  
22 or older during the taxable year, (ii) has a household income  
23 that does not exceed the maximum income limitation, (iii) has a  
24 legal or equitable ownership interest in the property as  
25 lessee, and (iv) is liable for the payment of real property  
26 taxes on that property.

1           In counties of 3,000,000 or more inhabitants, the amount of  
2 the exemption for all taxable years is the equalized assessed  
3 value of the residence in the taxable year for which  
4 application is made minus the base amount. In all other  
5 counties, the amount of the exemption is as follows: (i)  
6 through taxable year 2005 and for taxable year 2007 and  
7 thereafter, the amount of this exemption shall be the equalized  
8 assessed value of the residence in the taxable year for which  
9 application is made minus the base amount; and (ii) for taxable  
10 year 2006, the amount of the exemption is as follows:

11           (1) For an applicant who has a household income of  
12 \$45,000 or less, the amount of the exemption is the  
13 equalized assessed value of the residence in the taxable  
14 year for which application is made minus the base amount.

15           (2) For an applicant who has a household income  
16 exceeding \$45,000 but not exceeding \$46,250, the amount of  
17 the exemption is (i) the equalized assessed value of the  
18 residence in the taxable year for which application is made  
19 minus the base amount (ii) multiplied by 0.8.

20           (3) For an applicant who has a household income  
21 exceeding \$46,250 but not exceeding \$47,500, the amount of  
22 the exemption is (i) the equalized assessed value of the  
23 residence in the taxable year for which application is made  
24 minus the base amount (ii) multiplied by 0.6.

25           (4) For an applicant who has a household income  
26 exceeding \$47,500 but not exceeding \$48,750, the amount of

1 the exemption is (i) the equalized assessed value of the  
2 residence in the taxable year for which application is made  
3 minus the base amount (ii) multiplied by 0.4.

4 (5) For an applicant who has a household income  
5 exceeding \$48,750 but not exceeding \$50,000, the amount of  
6 the exemption is (i) the equalized assessed value of the  
7 residence in the taxable year for which application is made  
8 minus the base amount (ii) multiplied by 0.2.

9 When the applicant is a surviving spouse of an applicant  
10 for a prior year for the same residence for which an exemption  
11 under this Section has been granted, the base year and base  
12 amount for that residence are the same as for the applicant for  
13 the prior year.

14 Each year at the time the assessment books are certified to  
15 the County Clerk, the Board of Review or Board of Appeals shall  
16 give to the County Clerk a list of the assessed values of  
17 improvements on each parcel qualifying for this exemption that  
18 were added after the base year for this parcel and that  
19 increased the assessed value of the property.

20 In the case of land improved with an apartment building  
21 owned and operated as a cooperative or a building that is a  
22 life care facility that qualifies as a cooperative, the maximum  
23 reduction from the equalized assessed value of the property is  
24 limited to the sum of the reductions calculated for each unit  
25 occupied as a residence by a person or persons (i) 65 years of  
26 age or older, (ii) with a household income that does not exceed

1 the maximum income limitation, (iii) who is liable, by contract  
2 with the owner or owners of record, for paying real property  
3 taxes on the property, and (iv) who is an owner of record of a  
4 legal or equitable interest in the cooperative apartment  
5 building, other than a leasehold interest. In the instance of a  
6 cooperative where a homestead exemption has been granted under  
7 this Section, the cooperative association or its management  
8 firm shall credit the savings resulting from that exemption  
9 only to the apportioned tax liability of the owner who  
10 qualified for the exemption. Any person who willfully refuses  
11 to credit that savings to an owner who qualifies for the  
12 exemption is guilty of a Class B misdemeanor.

13 When a homestead exemption has been granted under this  
14 Section and an applicant then becomes a resident of a facility  
15 licensed under the Assisted Living and Shared Housing Act, the  
16 Nursing Home Care Act, the Specialized Mental Health  
17 Rehabilitation Act, or the ID/DD Community Care Act, the  
18 exemption shall be granted in subsequent years so long as the  
19 residence (i) continues to be occupied by the qualified  
20 applicant's spouse or (ii) if remaining unoccupied, is still  
21 owned by the qualified applicant for the homestead exemption.

22 Beginning January 1, 1997, when an individual dies who  
23 would have qualified for an exemption under this Section, and  
24 the surviving spouse does not independently qualify for this  
25 exemption because of age, the exemption under this Section  
26 shall be granted to the surviving spouse for the taxable year

1 preceding and the taxable year of the death, provided that,  
2 except for age, the surviving spouse meets all other  
3 qualifications for the granting of this exemption for those  
4 years.

5 When married persons maintain separate residences, the  
6 exemption provided for in this Section may be claimed by only  
7 one of such persons and for only one residence.

8 For taxable year 1994 only, in counties having less than  
9 3,000,000 inhabitants, to receive the exemption, a person shall  
10 submit an application by February 15, 1995 to the Chief County  
11 Assessment Officer of the county in which the property is  
12 located. In counties having 3,000,000 or more inhabitants, for  
13 taxable year 1994 and all subsequent taxable years, to receive  
14 the exemption, a person may submit an application to the Chief  
15 County Assessment Officer of the county in which the property  
16 is located during such period as may be specified by the Chief  
17 County Assessment Officer. The Chief County Assessment Officer  
18 in counties of 3,000,000 or more inhabitants shall annually  
19 give notice of the application period by mail or by  
20 publication. In counties having less than 3,000,000  
21 inhabitants, beginning with taxable year 1995 and thereafter,  
22 to receive the exemption, a person shall submit an application  
23 by July 1 of each taxable year to the Chief County Assessment  
24 Officer of the county in which the property is located. A  
25 county may, by ordinance, establish a date for submission of  
26 applications that is different than July 1. The applicant shall

1 submit with the application an affidavit of the applicant's  
2 total household income, age, marital status (and if married the  
3 name and address of the applicant's spouse, if known), and  
4 principal dwelling place of members of the household on January  
5 1 of the taxable year. The Department shall establish, by rule,  
6 a method for verifying the accuracy of affidavits filed by  
7 applicants under this Section, and the Chief County Assessment  
8 Officer may conduct audits of any taxpayer claiming an  
9 exemption under this Section to verify that the taxpayer is  
10 eligible to receive the exemption. Each application shall  
11 contain or be verified by a written declaration that it is made  
12 under the penalties of perjury. A taxpayer's signing a  
13 fraudulent application under this Act is perjury, as defined in  
14 Section 32-2 of the Criminal Code of 1961. The applications  
15 shall be clearly marked as applications for the Senior Citizens  
16 Assessment Freeze Homestead Exemption and must contain a notice  
17 that any taxpayer who receives the exemption is subject to an  
18 audit by the Chief County Assessment Officer.

19 Notwithstanding any other provision to the contrary, in  
20 counties having fewer than 3,000,000 inhabitants, if an  
21 applicant fails to file the application required by this  
22 Section in a timely manner and this failure to file is due to a  
23 mental or physical condition sufficiently severe so as to  
24 render the applicant incapable of filing the application in a  
25 timely manner, the Chief County Assessment Officer may extend  
26 the filing deadline for a period of 30 days after the applicant



1 regains the capability to file the application, but in no case  
2 may the filing deadline be extended beyond 3 months of the  
3 original filing deadline. In order to receive the extension  
4 provided in this paragraph, the applicant shall provide the  
5 Chief County Assessment Officer with a signed statement from  
6 the applicant's physician stating the nature and extent of the  
7 condition, that, in the physician's opinion, the condition was  
8 so severe that it rendered the applicant incapable of filing  
9 the application in a timely manner, and the date on which the  
10 applicant regained the capability to file the application.

11 Beginning January 1, 1998, notwithstanding any other  
12 provision to the contrary, in counties having fewer than  
13 3,000,000 inhabitants, if an applicant fails to file the  
14 application required by this Section in a timely manner and  
15 this failure to file is due to a mental or physical condition  
16 sufficiently severe so as to render the applicant incapable of  
17 filing the application in a timely manner, the Chief County  
18 Assessment Officer may extend the filing deadline for a period  
19 of 3 months. In order to receive the extension provided in this  
20 paragraph, the applicant shall provide the Chief County  
21 Assessment Officer with a signed statement from the applicant's  
22 physician stating the nature and extent of the condition, and  
23 that, in the physician's opinion, the condition was so severe  
24 that it rendered the applicant incapable of filing the  
25 application in a timely manner.

26 In counties having less than 3,000,000 inhabitants, if an

1 applicant was denied an exemption in taxable year 1994 and the  
2 denial occurred due to an error on the part of an assessment  
3 official, or his or her agent or employee, then beginning in  
4 taxable year 1997 the applicant's base year, for purposes of  
5 determining the amount of the exemption, shall be 1993 rather  
6 than 1994. In addition, in taxable year 1997, the applicant's  
7 exemption shall also include an amount equal to (i) the amount  
8 of any exemption denied to the applicant in taxable year 1995  
9 as a result of using 1994, rather than 1993, as the base year,  
10 (ii) the amount of any exemption denied to the applicant in  
11 taxable year 1996 as a result of using 1994, rather than 1993,  
12 as the base year, and (iii) the amount of the exemption  
13 erroneously denied for taxable year 1994.

14 For purposes of this Section, a person who will be 65 years  
15 of age during the current taxable year shall be eligible to  
16 apply for the homestead exemption during that taxable year.  
17 Application shall be made during the application period in  
18 effect for the county of his or her residence.

19 The Chief County Assessment Officer may determine the  
20 eligibility of a life care facility that qualifies as a  
21 cooperative to receive the benefits provided by this Section by  
22 use of an affidavit, application, visual inspection,  
23 questionnaire, or other reasonable method in order to insure  
24 that the tax savings resulting from the exemption are credited  
25 by the management firm to the apportioned tax liability of each  
26 qualifying resident. The Chief County Assessment Officer may

1 request reasonable proof that the management firm has so  
2 credited that exemption.

3 Except as provided in this Section, all information  
4 received by the chief county assessment officer or the  
5 Department from applications filed under this Section, or from  
6 any investigation conducted under the provisions of this  
7 Section, shall be confidential, except for official purposes or  
8 pursuant to official procedures for collection of any State or  
9 local tax or enforcement of any civil or criminal penalty or  
10 sanction imposed by this Act or by any statute or ordinance  
11 imposing a State or local tax. Any person who divulges any such  
12 information in any manner, except in accordance with a proper  
13 judicial order, is guilty of a Class A misdemeanor.

14 Nothing contained in this Section shall prevent the  
15 Director or chief county assessment officer from publishing or  
16 making available reasonable statistics concerning the  
17 operation of the exemption contained in this Section in which  
18 the contents of claims are grouped into aggregates in such a  
19 way that information contained in any individual claim shall  
20 not be disclosed.

21 (d) Each Chief County Assessment Officer shall annually  
22 publish a notice of availability of the exemption provided  
23 under this Section. The notice shall be published at least 60  
24 days but no more than 75 days prior to the date on which the  
25 application must be submitted to the Chief County Assessment  
26 Officer of the county in which the property is located. The

1 notice shall appear in a newspaper of general circulation in  
2 the county.

3 Notwithstanding Sections 6 and 8 of the State Mandates Act,  
4 no reimbursement by the State is required for the  
5 implementation of any mandate created by this Section.

6 (Source: P.A. 96-339, eff. 7-1-10; 96-355, eff. 1-1-10;  
7 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;  
8 revised 9-12-11.)

9 Section 180. The Illinois Pension Code is amended by  
10 changing Sections 2-124, 4-108.5, 5-136, 7-109, 7-205, 15-155,  
11 16-158, 18-131, 22-101, and 22-103 as follows:

12 (40 ILCS 5/2-124) (from Ch. 108 1/2, par. 2-124)

13 Sec. 2-124. Contributions by State.

14 (a) The State shall make contributions to the System by  
15 appropriations of amounts which, together with the  
16 contributions of participants, interest earned on investments,  
17 and other income will meet the cost of maintaining and  
18 administering the System on a 90% funded basis in accordance  
19 with actuarial recommendations.

20 (b) The Board shall determine the amount of State  
21 contributions required for each fiscal year on the basis of the  
22 actuarial tables and other assumptions adopted by the Board and  
23 the prescribed rate of interest, using the formula in  
24 subsection (c).

1           (c) For State fiscal years 2012 through 2045, the minimum  
2 contribution to the System to be made by the State for each  
3 fiscal year shall be an amount determined by the System to be  
4 sufficient to bring the total assets of the System up to 90% of  
5 the total actuarial liabilities of the System by the end of  
6 State fiscal year 2045. In making these determinations, the  
7 required State contribution shall be calculated each year as a  
8 level percentage of payroll over the years remaining to and  
9 including fiscal year 2045 and shall be determined under the  
10 projected unit credit actuarial cost method.

11           For State fiscal years 1996 through 2005, the State  
12 contribution to the System, as a percentage of the applicable  
13 employee payroll, shall be increased in equal annual increments  
14 so that by State fiscal year 2011, the State is contributing at  
15 the rate required under this Section.

16           Notwithstanding any other provision of this Article, the  
17 total required State contribution for State fiscal year 2006 is  
18 \$4,157,000.

19           Notwithstanding any other provision of this Article, the  
20 total required State contribution for State fiscal year 2007 is  
21 \$5,220,300.

22           For each of State fiscal years 2008 through 2009, the State  
23 contribution to the System, as a percentage of the applicable  
24 employee payroll, shall be increased in equal annual increments  
25 from the required State contribution for State fiscal year  
26 2007, so that by State fiscal year 2011, the State is

1 contributing at the rate otherwise required under this Section.

2 Notwithstanding any other provision of this Article, the  
3 total required State contribution for State fiscal year 2010 is  
4 \$10,454,000 and shall be made from the proceeds of bonds sold  
5 in fiscal year 2010 pursuant to Section 7.2 of the General  
6 Obligation Bond Act, less (i) the pro rata share of bond sale  
7 expenses determined by the System's share of total bond  
8 proceeds, (ii) any amounts received from the General Revenue  
9 Fund in fiscal year 2010, and (iii) any reduction in bond  
10 proceeds due to the issuance of discounted bonds, if  
11 applicable.

12 Notwithstanding any other provision of this Article, the  
13 total required State contribution for State fiscal year 2011 is  
14 the amount recertified by the System on or before April 1, 2011  
15 pursuant to Section 2-134 and shall be made from the proceeds  
16 of bonds sold in fiscal year 2011 pursuant to Section 7.2 of  
17 the General Obligation Bond Act, less (i) the pro rata share of  
18 bond sale expenses determined by the System's share of total  
19 bond proceeds, (ii) any amounts received from the General  
20 Revenue Fund in fiscal year 2011, and (iii) any reduction in  
21 bond proceeds due to the issuance of discounted bonds, if  
22 applicable.

23 Beginning in State fiscal year 2046, the minimum State  
24 contribution for each fiscal year shall be the amount needed to  
25 maintain the total assets of the System at 90% of the total  
26 actuarial liabilities of the System.

1           Amounts received by the System pursuant to Section 25 of  
2 the Budget Stabilization Act or Section 8.12 of the State  
3 Finance Act in any fiscal year do not reduce and do not  
4 constitute payment of any portion of the minimum State  
5 contribution required under this Article in that fiscal year.  
6 Such amounts shall not reduce, and shall not be included in the  
7 calculation of, the required State contributions under this  
8 Article in any future year until the System has reached a  
9 funding ratio of at least 90%. A reference in this Article to  
10 the "required State contribution" or any substantially similar  
11 term does not include or apply to any amounts payable to the  
12 System under Section 25 of the Budget Stabilization Act.

13           Notwithstanding any other provision of this Section, the  
14 required State contribution for State fiscal year 2005 and for  
15 fiscal year 2008 and each fiscal year thereafter, as calculated  
16 under this Section and certified under Section 2-134, shall not  
17 exceed an amount equal to (i) the amount of the required State  
18 contribution that would have been calculated under this Section  
19 for that fiscal year if the System had not received any  
20 payments under subsection (d) of Section 7.2 of the General  
21 Obligation Bond Act, minus (ii) the portion of the State's  
22 total debt service payments for that fiscal year on the bonds  
23 issued in fiscal year 2003 for the purposes of that Section  
24 7.2, as determined and certified by the Comptroller, that is  
25 the same as the System's portion of the total moneys  
26 distributed under subsection (d) of Section 7.2 of the General

1 Obligation Bond Act. In determining this maximum for State  
2 fiscal years 2008 through 2010, however, the amount referred to  
3 in item (i) shall be increased, as a percentage of the  
4 applicable employee payroll, in equal increments calculated  
5 from the sum of the required State contribution for State  
6 fiscal year 2007 plus the applicable portion of the State's  
7 total debt service payments for fiscal year 2007 on the bonds  
8 issued in fiscal year 2003 for the purposes of Section 7.2 of  
9 the General Obligation Bond Act, so that, by State fiscal year  
10 2011, the State is contributing at the rate otherwise required  
11 under this Section.

12 (d) For purposes of determining the required State  
13 contribution to the System, the value of the System's assets  
14 shall be equal to the actuarial value of the System's assets,  
15 which shall be calculated as follows:

16 As of June 30, 2008, the actuarial value of the System's  
17 assets shall be equal to the market value of the assets as of  
18 that date. In determining the actuarial value of the System's  
19 assets for fiscal years after June 30, 2008, any actuarial  
20 gains or losses from investment return incurred in a fiscal  
21 year shall be recognized in equal annual amounts over the  
22 5-year period following that fiscal year.

23 (e) For purposes of determining the required State  
24 contribution to the system for a particular year, the actuarial  
25 value of assets shall be assumed to earn a rate of return equal  
26 to the system's actuarially assumed rate of return.



1 (Source: P.A. 95-950, eff. 8-29-08; 96-43, eff. 7-15-09;  
2 96-1497, eff. 1-14-11; 96-1511, eff. 1-27-11; 96-1554, eff.  
3 3-18-11; revised 4-6-11.)

4 (40 ILCS 5/4-108.5)

5 Sec. 4-108.5. Service for providing certain fire  
6 protection services.

7 (a) A firefighter for a participating municipality who was  
8 employed as an active firefighter providing fire protection for  
9 a village or incorporated town with a population of greater  
10 than 10,000 but less than ~~that~~ 11,000 located in a county with  
11 a population of greater than 600,000 and less than 700,000, as  
12 estimated by the United States Census on July 1, 2004, may  
13 elect to establish creditable service for periods of that  
14 employment in which the firefighter provided fire protection  
15 services for the participating municipality if, by May 1, 2007,  
16 the firefighter (i) makes written application to the Board and  
17 (ii) pays into the pension fund the amount that the person  
18 would have contributed had deductions from salary been made for  
19 this purpose at the time the service was rendered, plus  
20 interest thereon at 6% per annum compounded annually from the  
21 time the service was rendered until the date of payment.

22 (b) Time spent providing fire protection on a part-time  
23 basis for a village or incorporated town with a population of  
24 greater than 10,000 but less than 11,000 located in a county  
25 with a population of greater than 600,000 and less than

1 700,000, as estimated by the United States Census on July 1,  
2 2004, shall be calculated at the rate of one year of creditable  
3 service for each 5 years of time spent providing such fire  
4 protection, if the firefighter (i) has at least 5 years of  
5 creditable service as an active firefighter, (ii) has at least  
6 5 years of such service with a qualifying village or  
7 incorporated town, (iii) applies for the creditable service  
8 within 30 days after the effective date of this amendatory Act  
9 of the 94th General Assembly, and (iv) contributes to the Fund  
10 an amount representing employee contributions for the number of  
11 years of creditable service granted under this subsection (b)  
12 based on the salary and contribution rate in effect for the  
13 firefighter at the date of entry into the fund, as determined  
14 by the Board. The amount of creditable service granted under  
15 this subsection (b) may not exceed 3 years.

16 (Source: P.A. 94-856, eff. 6-15-06; revised 11-18-11.)

17 (40 ILCS 5/5-136) (from Ch. 108 1/2, par. 5-136)

18 Sec. 5-136. Widow's annuity - all employees attaining age  
19 57 in service. The annuity for the wife of an employee who  
20 attains age 57 in service, and who thereafter withdraws from or  
21 dies in service, shall be fixed, in the case of a future  
22 entrant, as of her age at the date of his withdrawal or death,  
23 whichever first occurs, and, in the case of a present employee,  
24 as of her age when the employee withdraws from or dies in  
25 service.

1           The widow is entitled to annuity from and after the  
2 employee's death, as follows:

3           If the employee withdraws from service and enters upon  
4 annuity, the annuity shall be that amount provided from his  
5 credit for widow's annuity, and widow's prior service annuity  
6 (if a present employee), at the time he withdraws from or dies  
7 in service after attainment of age 57, but shall not be less  
8 than ~~that~~ 40% of the amount of annuity earned by the employee  
9 at the time of his withdrawal from the service after his  
10 attainment of age 57 or not less than 40% of the amount of  
11 annuity accrued to the credit of the employee on date of his  
12 death in service after his attainment of age 57 computed  
13 according to Section 5-132, subject to the limitations of  
14 Section 5-148, but shall not be less than \$100 per month. If  
15 the widow is more than 5 years younger than her husband, the  
16 40% annuity for the widow shall be reduced to the actuarial  
17 equivalent of her attained age, on the basis of the Combined  
18 Annuity Table 3% interest.

19           The widow of a policeman who retires from service after  
20 December 31, 1975 or who dies while in service after December  
21 31, 1975 and on or after the date on which he becomes eligible  
22 to retire under Section 5-132 shall, if she is otherwise  
23 eligible for a widow's annuity under this Article and if the  
24 amount determined under this paragraph is more than the total  
25 combined amounts of her widow's annuity and widow's prior  
26 service annuity, or the annuities provided hereinbefore in this

1 Section receive, in lieu of such other widow's annuity and  
2 widow's prior service annuity, or annuities provided  
3 hereinbefore in this Section a widow's annuity equal to 40% of  
4 the amount of annuity which her deceased policeman husband  
5 received as of the date of his retirement on annuity or if he  
6 dies in the service prior to retirement on annuity a widow's  
7 annuity equal to 40% of the amount of annuity her deceased  
8 policeman husband would have been entitled to receive if he had  
9 retired on the day before the date of his death in the service,  
10 except that if the age of the wife at date of retirement or the  
11 age of the widow at date of death in the service is more than 5  
12 years younger than her policeman husband, the amount of such  
13 annuity shall be reduced by 1/2 of 1% for each such month and  
14 fraction thereof that she is more than 5 years younger at date  
15 of retirement or at date of death subject to a maximum  
16 reduction of 50%. However, no annuity under this Section shall  
17 exceed \$500.00 per month.

18 This Section does not apply to the widow of any former  
19 policeman who was receiving an annuity from the fund on  
20 December 31, 1975 and who reenters service as a policeman,  
21 unless he renders at least 3 years of additional service after  
22 re-entry.

23 (Source: P.A. 90-14, eff. 7-1-97; revised 11-18-11.)

24 (40 ILCS 5/7-109) (from Ch. 108 1/2, par. 7-109)

25 Sec. 7-109. Employee.

1 (1) "Employee" means any person who:

2 (a) 1. Receives earnings as payment for the performance  
3 of personal services or official duties out of the  
4 general fund of a municipality, or out of any special  
5 fund or funds controlled by a municipality, or by an  
6 instrumentality thereof, or a participating  
7 instrumentality, including, in counties, the fees or  
8 earnings of any county fee office; and

9 2. Under the usual common law rules applicable in  
10 determining the employer-employee relationship, has  
11 the status of an employee with a municipality, or any  
12 instrumentality thereof, or a participating  
13 instrumentality, including aldermen, county  
14 supervisors and other persons (excepting those  
15 employed as independent contractors) who are paid  
16 compensation, fees, allowances or other emolument for  
17 official duties, and, in counties, the several county  
18 fee offices.

19 (b) Serves as a township treasurer appointed under the  
20 School Code, as heretofore or hereafter amended, and who  
21 receives for such services regular compensation as  
22 distinguished from per diem compensation, and any regular  
23 employee in the office of any township treasurer whether or  
24 not his earnings are paid from the income of the permanent  
25 township fund or from funds subject to distribution to the  
26 several school districts and parts of school districts as

1 provided in the School Code, or from both such sources; or  
2 is the chief executive officer, chief educational officer,  
3 chief fiscal officer, or other employee of a Financial  
4 Oversight Panel established pursuant to Article 1H of the  
5 School Code, other than a superintendent or certified  
6 school business official, except that such person shall not  
7 be treated as an employee under this Section if that person  
8 has negotiated with the Financial Oversight Panel, in  
9 conjunction with the school district, a contractual  
10 agreement for exclusion from this Section.

11 (c) Holds an elective office in a municipality,  
12 instrumentality thereof or participating instrumentality.

13 (2) "Employee" does not include persons who:

14 (a) Are eligible for inclusion under any of the  
15 following laws:

16 1. "An Act in relation to an Illinois State  
17 Teachers' Pension and Retirement Fund", approved May  
18 27, 1915, as amended;

19 2. Articles 15 and 16 of this Code.

20 However, such persons shall be included as employees to  
21 the extent of earnings that are not eligible for inclusion  
22 under the foregoing laws for services not of an  
23 instructional nature of any kind.

24 However, any member of the armed forces who is employed  
25 as a teacher of subjects in the Reserve Officers Training  
26 Corps of any school and who is not certified under the law

1 governing the certification of teachers shall be included  
2 as an employee.

3 (b) Are designated by the governing body of a  
4 municipality in which a pension fund is required by law to  
5 be established for policemen or firemen, respectively, as  
6 performing police or fire protection duties, except that  
7 when such persons are the heads of the police or fire  
8 department and are not eligible to be included within any  
9 such pension fund, they shall be included within this  
10 Article; provided, that such persons shall not be excluded  
11 to the extent of concurrent service and earnings not  
12 designated as being for police or fire protection duties.  
13 However, (i) any head of a police department who was a  
14 participant under this Article immediately before October  
15 1, 1977 and did not elect, under Section 3-109 of this Act,  
16 to participate in a police pension fund shall be an  
17 "employee", and (ii) any chief of police who elects to  
18 participate in this Fund under Section 3-109.1 of this  
19 Code, regardless of whether such person continues to be  
20 employed as chief of police or is employed in some other  
21 rank or capacity within the police department, shall be an  
22 employee under this Article for so long as such person is  
23 employed to perform police duties by a participating  
24 municipality and has not lawfully rescinded that election.

25 (c) After August 26, 2011 (the effective date of Public  
26 Act 97-609) ~~this amendatory Act of the 97th General~~

1 ~~Assembly~~, are contributors to or eligible to contribute to  
2 a Taft-Hartley pension plan established on or before June  
3 1, 2011 and are employees of a theatre, arena, or  
4 convention center that is located in a municipality located  
5 in a county with a population greater than 5,000,000, and  
6 to which the participating municipality is required to  
7 contribute as the person's employer based on earnings from  
8 the municipality. Nothing in this paragraph shall affect  
9 service credit or creditable service for any period of  
10 service prior to August 26, 2011 ~~the effective date of this~~  
11 ~~amendatory Act of the 97th General Assembly~~, and this  
12 paragraph shall not apply to individuals who are  
13 participating in the Fund prior to August 26, 2011 ~~the~~  
14 ~~effective date of this amendatory Act of the 97th General~~  
15 ~~Assembly~~.

16 (3) All persons, including, without limitation, public  
17 defenders and probation officers, who receive earnings from  
18 general or special funds of a county for performance of  
19 personal services or official duties within the territorial  
20 limits of the county, are employees of the county (unless  
21 excluded by subsection (2) of this Section) notwithstanding  
22 that they may be appointed by and are subject to the direction  
23 of a person or persons other than a county board or a county  
24 officer. It is hereby established that an employer-employee  
25 relationship under the usual common law rules exists between  
26 such employees and the county paying their salaries by reason



1 of the fact that the county boards fix their rates of  
2 compensation, appropriate funds for payment of their earnings  
3 and otherwise exercise control over them. This finding and this  
4 amendatory Act shall apply to all such employees from the date  
5 of appointment whether such date is prior to or after the  
6 effective date of this amendatory Act and is intended to  
7 clarify existing law pertaining to their status as  
8 participating employees in the Fund.

9 (Source: P.A. 97-429, eff. 8-16-11; 97-609, eff. 8-26-11;  
10 revised 9-28-11.)

11 (40 ILCS 5/7-205) (from Ch. 108 1/2, par. 7-205)

12 Sec. 7-205. Reserves for annuities. Appropriate reserves  
13 shall be created for payment of all annuities granted under  
14 this Article at the time such annuities are granted and in  
15 amounts determined to be necessary under actuarial tables  
16 adopted by the Board upon recommendation of the actuary of the  
17 fund. All annuities payable shall be charged to the annuity  
18 reserve.

19 1. Amounts credited to annuity reserves shall be derived by  
20 transfer of all the employee credits from the appropriate  
21 employee reserves and by charges to the municipality reserve of  
22 those municipalities in which the retiring employee has  
23 accumulated service. If a retiring employee has accumulated  
24 service in more than one participating municipality or  
25 participating instrumentality, the municipality charges for

1 non-concurrent service shall be calculated as follows:

2 (A) for purposes of calculating the annuity reserve, an  
3 annuity will be calculated based on service and adjusted  
4 earnings with each employer (without regard to the vesting  
5 requirement contained in subsection (a) of Section 7-142);  
6 and

7 (B) the difference between the municipality charges  
8 for the actual annuity granted and the aggregation of the  
9 municipality charges based upon the ratio of each from  
10 those calculations to the aggregated total from paragraph  
11 (A) of this item 1.

12 Aggregate municipality charges for concurrent service  
13 shall be prorated based on the employee's earnings. The  
14 municipality charges for retirement annuities calculated under  
15 subparagraph a. of paragraph ~~subparagraph~~ 1. of subsection (a)  
16 of Section 7-142 shall be prorated based on actual  
17 contributions .

18 2. Supplemental annuities shall be handled as a separate  
19 annuity and amounts to be credited to the annuity reserve  
20 therefor shall be derived in the same manner as a regular  
21 annuity.

22 3. When a retirement annuity is granted to an employee with  
23 a spouse eligible for a surviving spouse annuity, there shall  
24 be credited to the annuity reserve an amount to fund the cost  
25 of both the retirement and surviving spouse annuity as a joint  
26 and survivors annuity.

1           4. Beginning January 1, 1989, when a retirement annuity is  
2 awarded, an amount equal to the present value of the \$3,000  
3 death benefit payable upon the death of the annuitant shall be  
4 transferred to the annuity reserve from the appropriate  
5 municipality reserves in the same manner as the transfer for  
6 annuities.

7           5. All annuity reserves shall be revalued annually as of  
8 December 31. Beginning as of December 31, 1973, adjustment  
9 required therein by such revaluation shall be charged or  
10 credited to the earnings and experience variation reserve.

11           6. There shall be credited to the annuity reserve all of  
12 the payments made by annuitants under Section 7-144.2, plus an  
13 additional amount from the earnings and experience variation  
14 reserve to fund the cost of the incremental annuities granted  
15 to annuitants making these payments.

16           7. As of December 31, 1972, the excess in the annuity  
17 reserve shall be transferred to the municipality reserves. An  
18 amount equal to the deficiency in the reserve of participating  
19 municipalities and participating instrumentalities which have  
20 no participating employees shall be allocated to their  
21 reserves. The remainder shall be allocated in amounts  
22 proportionate to the present value, as of January 1, 1972, of  
23 annuities of annuitants of the remaining participating  
24 municipalities and participating instrumentalities.

25           (Source: P.A. 97-319, eff. 1-1-12; 97-609, eff. 1-1-12; revised  
26 9-28-11.)

1 (40 ILCS 5/15-155) (from Ch. 108 1/2, par. 15-155)

2 Sec. 15-155. Employer contributions.

3 (a) The State of Illinois shall make contributions by  
4 appropriations of amounts which, together with the other  
5 employer contributions from trust, federal, and other funds,  
6 employee contributions, income from investments, and other  
7 income of this System, will be sufficient to meet the cost of  
8 maintaining and administering the System on a 90% funded basis  
9 in accordance with actuarial recommendations.

10 The Board shall determine the amount of State contributions  
11 required for each fiscal year on the basis of the actuarial  
12 tables and other assumptions adopted by the Board and the  
13 recommendations of the actuary, using the formula in subsection  
14 (a-1).

15 (a-1) For State fiscal years 2012 through 2045, the minimum  
16 contribution to the System to be made by the State for each  
17 fiscal year shall be an amount determined by the System to be  
18 sufficient to bring the total assets of the System up to 90% of  
19 the total actuarial liabilities of the System by the end of  
20 State fiscal year 2045. In making these determinations, the  
21 required State contribution shall be calculated each year as a  
22 level percentage of payroll over the years remaining to and  
23 including fiscal year 2045 and shall be determined under the  
24 projected unit credit actuarial cost method.

25 For State fiscal years 1996 through 2005, the State

1 contribution to the System, as a percentage of the applicable  
2 employee payroll, shall be increased in equal annual increments  
3 so that by State fiscal year 2011, the State is contributing at  
4 the rate required under this Section.

5 Notwithstanding any other provision of this Article, the  
6 total required State contribution for State fiscal year 2006 is  
7 \$166,641,900.

8 Notwithstanding any other provision of this Article, the  
9 total required State contribution for State fiscal year 2007 is  
10 \$252,064,100.

11 For each of State fiscal years 2008 through 2009, the State  
12 contribution to the System, as a percentage of the applicable  
13 employee payroll, shall be increased in equal annual increments  
14 from the required State contribution for State fiscal year  
15 2007, so that by State fiscal year 2011, the State is  
16 contributing at the rate otherwise required under this Section.

17 Notwithstanding any other provision of this Article, the  
18 total required State contribution for State fiscal year 2010 is  
19 \$702,514,000 and shall be made from the State Pensions Fund and  
20 proceeds of bonds sold in fiscal year 2010 pursuant to Section  
21 7.2 of the General Obligation Bond Act, less (i) the pro rata  
22 share of bond sale expenses determined by the System's share of  
23 total bond proceeds, (ii) any amounts received from the General  
24 Revenue Fund in fiscal year 2010, (iii) any reduction in bond  
25 proceeds due to the issuance of discounted bonds, if  
26 applicable.

1           Notwithstanding any other provision of this Article, the  
2 total required State contribution for State fiscal year 2011 is  
3 the amount recertified by the System on or before April 1, 2011  
4 pursuant to Section 15-165 and shall be made from the State  
5 Pensions Fund and proceeds of bonds sold in fiscal year 2011  
6 pursuant to Section 7.2 of the General Obligation Bond Act,  
7 less (i) the pro rata share of bond sale expenses determined by  
8 the System's share of total bond proceeds, (ii) any amounts  
9 received from the General Revenue Fund in fiscal year 2011, and  
10 (iii) any reduction in bond proceeds due to the issuance of  
11 discounted bonds, if applicable.

12           Beginning in State fiscal year 2046, the minimum State  
13 contribution for each fiscal year shall be the amount needed to  
14 maintain the total assets of the System at 90% of the total  
15 actuarial liabilities of the System.

16           Amounts received by the System pursuant to Section 25 of  
17 the Budget Stabilization Act or Section 8.12 of the State  
18 Finance Act in any fiscal year do not reduce and do not  
19 constitute payment of any portion of the minimum State  
20 contribution required under this Article in that fiscal year.  
21 Such amounts shall not reduce, and shall not be included in the  
22 calculation of, the required State contributions under this  
23 Article in any future year until the System has reached a  
24 funding ratio of at least 90%. A reference in this Article to  
25 the "required State contribution" or any substantially similar  
26 term does not include or apply to any amounts payable to the

1 System under Section 25 of the Budget Stabilization Act.

2 Notwithstanding any other provision of this Section, the  
3 required State contribution for State fiscal year 2005 and for  
4 fiscal year 2008 and each fiscal year thereafter, as calculated  
5 under this Section and certified under Section 15-165, shall  
6 not exceed an amount equal to (i) the amount of the required  
7 State contribution that would have been calculated under this  
8 Section for that fiscal year if the System had not received any  
9 payments under subsection (d) of Section 7.2 of the General  
10 Obligation Bond Act, minus (ii) the portion of the State's  
11 total debt service payments for that fiscal year on the bonds  
12 issued in fiscal year 2003 for the purposes of that Section  
13 7.2, as determined and certified by the Comptroller, that is  
14 the same as the System's portion of the total moneys  
15 distributed under subsection (d) of Section 7.2 of the General  
16 Obligation Bond Act. In determining this maximum for State  
17 fiscal years 2008 through 2010, however, the amount referred to  
18 in item (i) shall be increased, as a percentage of the  
19 applicable employee payroll, in equal increments calculated  
20 from the sum of the required State contribution for State  
21 fiscal year 2007 plus the applicable portion of the State's  
22 total debt service payments for fiscal year 2007 on the bonds  
23 issued in fiscal year 2003 for the purposes of Section 7.2 of  
24 the General Obligation Bond Act, so that, by State fiscal year  
25 2011, the State is contributing at the rate otherwise required  
26 under this Section.

1 (b) If an employee is paid from trust or federal funds, the  
2 employer shall pay to the Board contributions from those funds  
3 which are sufficient to cover the accruing normal costs on  
4 behalf of the employee. However, universities having employees  
5 who are compensated out of local auxiliary funds, income funds,  
6 or service enterprise funds are not required to pay such  
7 contributions on behalf of those employees. The local auxiliary  
8 funds, income funds, and service enterprise funds of  
9 universities shall not be considered trust funds for the  
10 purpose of this Article, but funds of alumni associations,  
11 foundations, and athletic associations which are affiliated  
12 with the universities included as employers under this Article  
13 and other employers which do not receive State appropriations  
14 are considered to be trust funds for the purpose of this  
15 Article.

16 (b-1) The City of Urbana and the City of Champaign shall  
17 each make employer contributions to this System for their  
18 respective firefighter employees who participate in this  
19 System pursuant to subsection (h) of Section 15-107. The rate  
20 of contributions to be made by those municipalities shall be  
21 determined annually by the Board on the basis of the actuarial  
22 assumptions adopted by the Board and the recommendations of the  
23 actuary, and shall be expressed as a percentage of salary for  
24 each such employee. The Board shall certify the rate to the  
25 affected municipalities as soon as may be practical. The  
26 employer contributions required under this subsection shall be



1 remitted by the municipality to the System at the same time and  
2 in the same manner as employee contributions.

3 (c) Through State fiscal year 1995: The total employer  
4 contribution shall be apportioned among the various funds of  
5 the State and other employers, whether trust, federal, or other  
6 funds, in accordance with actuarial procedures approved by the  
7 Board. State of Illinois contributions for employers receiving  
8 State appropriations for personal services shall be payable  
9 from appropriations made to the employers or to the System. The  
10 contributions for Class I community colleges covering earnings  
11 other than those paid from trust and federal funds, shall be  
12 payable solely from appropriations to the Illinois Community  
13 College Board or the System for employer contributions.

14 (d) Beginning in State fiscal year 1996, the required State  
15 contributions to the System shall be appropriated directly to  
16 the System and shall be payable through vouchers issued in  
17 accordance with subsection (c) of Section 15-165, except as  
18 provided in subsection (g).

19 (e) The State Comptroller shall draw warrants payable to  
20 the System upon proper certification by the System or by the  
21 employer in accordance with the appropriation laws and this  
22 Code.

23 (f) Normal costs under this Section means liability for  
24 pensions and other benefits which accrues to the System because  
25 of the credits earned for service rendered by the participants  
26 during the fiscal year and expenses of administering the

1 System, but shall not include the principal of or any  
2 redemption premium or interest on any bonds issued by the Board  
3 or any expenses incurred or deposits required in connection  
4 therewith.

5 (g) If the amount of a participant's earnings for any  
6 academic year used to determine the final rate of earnings,  
7 determined on a full-time equivalent basis, exceeds the amount  
8 of his or her earnings with the same employer for the previous  
9 academic year, determined on a full-time equivalent basis, by  
10 more than 6%, the participant's employer shall pay to the  
11 System, in addition to all other payments required under this  
12 Section and in accordance with guidelines established by the  
13 System, the present value of the increase in benefits resulting  
14 from the portion of the increase in earnings that is in excess  
15 of 6%. This present value shall be computed by the System on  
16 the basis of the actuarial assumptions and tables used in the  
17 most recent actuarial valuation of the System that is available  
18 at the time of the computation. The System may require the  
19 employer to provide any pertinent information or  
20 documentation.

21 Whenever it determines that a payment is or may be required  
22 under this subsection (g), the System shall calculate the  
23 amount of the payment and bill the employer for that amount.  
24 The bill shall specify the calculations used to determine the  
25 amount due. If the employer disputes the amount of the bill, it  
26 may, within 30 days after receipt of the bill, apply to the

1 System in writing for a recalculation. The application must  
2 specify in detail the grounds of the dispute and, if the  
3 employer asserts that the calculation is subject to subsection  
4 (h) or (i) of this Section, must include an affidavit setting  
5 forth and attesting to all facts within the employer's  
6 knowledge that are pertinent to the applicability of subsection  
7 (h) or (i). Upon receiving a timely application for  
8 recalculation, the System shall review the application and, if  
9 appropriate, recalculate the amount due.

10 The employer contributions required under this subsection  
11 (f) may be paid in the form of a lump sum within 90 days after  
12 receipt of the bill. If the employer contributions are not paid  
13 within 90 days after receipt of the bill, then interest will be  
14 charged at a rate equal to the System's annual actuarially  
15 assumed rate of return on investment compounded annually from  
16 the 91st day after receipt of the bill. Payments must be  
17 concluded within 3 years after the employer's receipt of the  
18 bill.

19 (h) This subsection (h) applies only to payments made or  
20 salary increases given on or after June 1, 2005 but before July  
21 1, 2011. The changes made by Public Act 94-1057 shall not  
22 require the System to refund any payments received before July  
23 31, 2006 (the effective date of Public Act 94-1057).

24 When assessing payment for any amount due under subsection  
25 (g), the System shall exclude earnings increases paid to  
26 participants under contracts or collective bargaining

1 agreements entered into, amended, or renewed before June 1,  
2 2005.

3 When assessing payment for any amount due under subsection  
4 (g), the System shall exclude earnings increases paid to a  
5 participant at a time when the participant is 10 or more years  
6 from retirement eligibility under Section 15-135.

7 When assessing payment for any amount due under subsection  
8 (g), the System shall exclude earnings increases resulting from  
9 overload work, including a contract for summer teaching, or  
10 overtime when the employer has certified to the System, and the  
11 System has approved the certification, that: (i) in the case of  
12 overloads (A) the overload work is for the sole purpose of  
13 academic instruction in excess of the standard number of  
14 instruction hours for a full-time employee occurring during the  
15 academic year that the overload is paid and (B) the earnings  
16 increases are equal to or less than the rate of pay for  
17 academic instruction computed using the participant's current  
18 salary rate and work schedule; and (ii) in the case of  
19 overtime, the overtime was necessary for the educational  
20 mission.

21 When assessing payment for any amount due under subsection  
22 (g), the System shall exclude any earnings increase resulting  
23 from (i) a promotion for which the employee moves from one  
24 classification to a higher classification under the State  
25 Universities Civil Service System, (ii) a promotion in academic  
26 rank for a tenured or tenure-track faculty position, or (iii) a

1 promotion that the Illinois Community College Board has  
2 recommended in accordance with subsection (k) of this Section.  
3 These earnings increases shall be excluded only if the  
4 promotion is to a position that has existed and been filled by  
5 a member for no less than one complete academic year and the  
6 earnings increase as a result of the promotion is an increase  
7 that results in an amount no greater than the average salary  
8 paid for other similar positions.

9 (i) When assessing payment for any amount due under  
10 subsection (g), the System shall exclude any salary increase  
11 described in subsection (h) of this Section given on or after  
12 July 1, 2011 but before July 1, 2014 under a contract or  
13 collective bargaining agreement entered into, amended, or  
14 renewed on or after June 1, 2005 but before July 1, 2011.  
15 Notwithstanding any other provision of this Section, any  
16 payments made or salary increases given after June 30, 2014  
17 shall be used in assessing payment for any amount due under  
18 subsection (g) of this Section.

19 (j) The System shall prepare a report and file copies of  
20 the report with the Governor and the General Assembly by  
21 January 1, 2007 that contains all of the following information:

22 (1) The number of recalculations required by the  
23 changes made to this Section by Public Act 94-1057 for each  
24 employer.

25 (2) The dollar amount by which each employer's  
26 contribution to the System was changed due to

1           recalculations required by Public Act 94-1057.

2           (3) The total amount the System received from each  
3           employer as a result of the changes made to this Section by  
4           Public Act 94-4.

5           (4) The increase in the required State contribution  
6           resulting from the changes made to this Section by Public  
7           Act 94-1057.

8           (k) The Illinois Community College Board shall adopt rules  
9           for recommending lists of promotional positions submitted to  
10          the Board by community colleges and for reviewing the  
11          promotional lists on an annual basis. When recommending  
12          promotional lists, the Board shall consider the similarity of  
13          the positions submitted to those positions recognized for State  
14          universities by the State Universities Civil Service System.  
15          The Illinois Community College Board shall file a copy of its  
16          findings with the System. The System shall consider the  
17          findings of the Illinois Community College Board when making  
18          determinations under this Section. The System shall not exclude  
19          any earnings increases resulting from a promotion when the  
20          promotion was not submitted by a community college. Nothing in  
21          this subsection (k) shall require any community college to  
22          submit any information to the Community College Board.

23          (l) For purposes of determining the required State  
24          contribution to the System, the value of the System's assets  
25          shall be equal to the actuarial value of the System's assets,  
26          which shall be calculated as follows:

1           As of June 30, 2008, the actuarial value of the System's  
2 assets shall be equal to the market value of the assets as of  
3 that date. In determining the actuarial value of the System's  
4 assets for fiscal years after June 30, 2008, any actuarial  
5 gains or losses from investment return incurred in a fiscal  
6 year shall be recognized in equal annual amounts over the  
7 5-year period following that fiscal year.

8           (m) For purposes of determining the required State  
9 contribution to the system for a particular year, the actuarial  
10 value of assets shall be assumed to earn a rate of return equal  
11 to the system's actuarially assumed rate of return.

12           (Source: P.A. 95-331, eff. 8-21-07; 95-950, eff. 8-29-08;  
13 96-43, eff. 7-15-09; 96-1497, eff. 1-14-11; 96-1511, eff.  
14 1-27-11; 96-1554, eff. 3-18-11; revised 4-6-11.)

15           (40 ILCS 5/16-158) (from Ch. 108 1/2, par. 16-158)

16           Sec. 16-158. Contributions by State and other employing  
17 units.

18           (a) The State shall make contributions to the System by  
19 means of appropriations from the Common School Fund and other  
20 State funds of amounts which, together with other employer  
21 contributions, employee contributions, investment income, and  
22 other income, will be sufficient to meet the cost of  
23 maintaining and administering the System on a 90% funded basis  
24 in accordance with actuarial recommendations.

25           The Board shall determine the amount of State contributions

1 required for each fiscal year on the basis of the actuarial  
2 tables and other assumptions adopted by the Board and the  
3 recommendations of the actuary, using the formula in subsection  
4 (b-3).

5 (a-1) Annually, on or before November 15, the Board shall  
6 certify to the Governor the amount of the required State  
7 contribution for the coming fiscal year. The certification  
8 shall include a copy of the actuarial recommendations upon  
9 which it is based.

10 On or before May 1, 2004, the Board shall recalculate and  
11 recertify to the Governor the amount of the required State  
12 contribution to the System for State fiscal year 2005, taking  
13 into account the amounts appropriated to and received by the  
14 System under subsection (d) of Section 7.2 of the General  
15 Obligation Bond Act.

16 On or before July 1, 2005 ~~April 1, 2011~~, the Board shall  
17 recalculate and recertify to the Governor the amount of the  
18 required State contribution to the System for State fiscal year  
19 2006, taking into account the changes in required State  
20 contributions made by this amendatory Act of the 94th General  
21 Assembly.

22 On or before April 1, 2011 ~~June 15, 2010~~, the Board shall  
23 recalculate and recertify to the Governor the amount of the  
24 required State contribution to the System for State fiscal year  
25 2011, applying the changes made by Public Act 96-889 to the  
26 System's assets and liabilities as of June 30, 2009 as though



1 Public Act 96-889 was approved on that date.

2 (b) Through State fiscal year 1995, the State contributions  
3 shall be paid to the System in accordance with Section 18-7 of  
4 the School Code.

5 (b-1) Beginning in State fiscal year 1996, on the 15th day  
6 of each month, or as soon thereafter as may be practicable, the  
7 Board shall submit vouchers for payment of State contributions  
8 to the System, in a total monthly amount of one-twelfth of the  
9 required annual State contribution certified under subsection  
10 (a-1). From the effective date of this amendatory Act of the  
11 93rd General Assembly through June 30, 2004, the Board shall  
12 not submit vouchers for the remainder of fiscal year 2004 in  
13 excess of the fiscal year 2004 certified contribution amount  
14 determined under this Section after taking into consideration  
15 the transfer to the System under subsection (a) of Section  
16 6z-61 of the State Finance Act. These vouchers shall be paid by  
17 the State Comptroller and Treasurer by warrants drawn on the  
18 funds appropriated to the System for that fiscal year.

19 If in any month the amount remaining unexpended from all  
20 other appropriations to the System for the applicable fiscal  
21 year (including the appropriations to the System under Section  
22 8.12 of the State Finance Act and Section 1 of the State  
23 Pension Funds Continuing Appropriation Act) is less than the  
24 amount lawfully vouchered under this subsection, the  
25 difference shall be paid from the Common School Fund under the  
26 continuing appropriation authority provided in Section 1.1 of

1 the State Pension Funds Continuing Appropriation Act.

2 (b-2) Allocations from the Common School Fund apportioned  
3 to school districts not coming under this System shall not be  
4 diminished or affected by the provisions of this Article.

5 (b-3) For State fiscal years 2012 through 2045, the minimum  
6 contribution to the System to be made by the State for each  
7 fiscal year shall be an amount determined by the System to be  
8 sufficient to bring the total assets of the System up to 90% of  
9 the total actuarial liabilities of the System by the end of  
10 State fiscal year 2045. In making these determinations, the  
11 required State contribution shall be calculated each year as a  
12 level percentage of payroll over the years remaining to and  
13 including fiscal year 2045 and shall be determined under the  
14 projected unit credit actuarial cost method.

15 For State fiscal years 1996 through 2005, the State  
16 contribution to the System, as a percentage of the applicable  
17 employee payroll, shall be increased in equal annual increments  
18 so that by State fiscal year 2011, the State is contributing at  
19 the rate required under this Section; except that in the  
20 following specified State fiscal years, the State contribution  
21 to the System shall not be less than the following indicated  
22 percentages of the applicable employee payroll, even if the  
23 indicated percentage will produce a State contribution in  
24 excess of the amount otherwise required under this subsection  
25 and subsection (a), and notwithstanding any contrary  
26 certification made under subsection (a-1) before the effective

1 date of this amendatory Act of 1998: 10.02% in FY 1999; 10.77%  
2 in FY 2000; 11.47% in FY 2001; 12.16% in FY 2002; 12.86% in FY  
3 2003; and 13.56% in FY 2004.

4 Notwithstanding any other provision of this Article, the  
5 total required State contribution for State fiscal year 2006 is  
6 \$534,627,700.

7 Notwithstanding any other provision of this Article, the  
8 total required State contribution for State fiscal year 2007 is  
9 \$738,014,500.

10 For each of State fiscal years 2008 through 2009, the State  
11 contribution to the System, as a percentage of the applicable  
12 employee payroll, shall be increased in equal annual increments  
13 from the required State contribution for State fiscal year  
14 2007, so that by State fiscal year 2011, the State is  
15 contributing at the rate otherwise required under this Section.

16 Notwithstanding any other provision of this Article, the  
17 total required State contribution for State fiscal year 2010 is  
18 \$2,089,268,000 and shall be made from the proceeds of bonds  
19 sold in fiscal year 2010 pursuant to Section 7.2 of the General  
20 Obligation Bond Act, less (i) the pro rata share of bond sale  
21 expenses determined by the System's share of total bond  
22 proceeds, (ii) any amounts received from the Common School Fund  
23 in fiscal year 2010, and (iii) any reduction in bond proceeds  
24 due to the issuance of discounted bonds, if applicable.

25 Notwithstanding any other provision of this Article, the  
26 total required State contribution for State fiscal year 2011 is

1 the amount recertified by the System on or before April 1, 2011  
2 pursuant to subsection (a-1) of this Section and shall be made  
3 from the proceeds of bonds sold in fiscal year 2011 pursuant to  
4 Section 7.2 of the General Obligation Bond Act, less (i) the  
5 pro rata share of bond sale expenses determined by the System's  
6 share of total bond proceeds, (ii) any amounts received from  
7 the Common School Fund in fiscal year 2011, and (iii) any  
8 reduction in bond proceeds due to the issuance of discounted  
9 bonds, if applicable. This amount shall include, in addition to  
10 the amount certified by the System, an amount necessary to meet  
11 employer contributions required by the State as an employer  
12 under paragraph (e) of this Section, which may also be used by  
13 the System for contributions required by paragraph (a) of  
14 Section 16-127.

15 Beginning in State fiscal year 2046, the minimum State  
16 contribution for each fiscal year shall be the amount needed to  
17 maintain the total assets of the System at 90% of the total  
18 actuarial liabilities of the System.

19 Amounts received by the System pursuant to Section 25 of  
20 the Budget Stabilization Act or Section 8.12 of the State  
21 Finance Act in any fiscal year do not reduce and do not  
22 constitute payment of any portion of the minimum State  
23 contribution required under this Article in that fiscal year.  
24 Such amounts shall not reduce, and shall not be included in the  
25 calculation of, the required State contributions under this  
26 Article in any future year until the System has reached a

1 funding ratio of at least 90%. A reference in this Article to  
2 the "required State contribution" or any substantially similar  
3 term does not include or apply to any amounts payable to the  
4 System under Section 25 of the Budget Stabilization Act.

5 Notwithstanding any other provision of this Section, the  
6 required State contribution for State fiscal year 2005 and for  
7 fiscal year 2008 and each fiscal year thereafter, as calculated  
8 under this Section and certified under subsection (a-1), shall  
9 not exceed an amount equal to (i) the amount of the required  
10 State contribution that would have been calculated under this  
11 Section for that fiscal year if the System had not received any  
12 payments under subsection (d) of Section 7.2 of the General  
13 Obligation Bond Act, minus (ii) the portion of the State's  
14 total debt service payments for that fiscal year on the bonds  
15 issued in fiscal year 2003 for the purposes of that Section  
16 7.2, as determined and certified by the Comptroller, that is  
17 the same as the System's portion of the total moneys  
18 distributed under subsection (d) of Section 7.2 of the General  
19 Obligation Bond Act. In determining this maximum for State  
20 fiscal years 2008 through 2010, however, the amount referred to  
21 in item (i) shall be increased, as a percentage of the  
22 applicable employee payroll, in equal increments calculated  
23 from the sum of the required State contribution for State  
24 fiscal year 2007 plus the applicable portion of the State's  
25 total debt service payments for fiscal year 2007 on the bonds  
26 issued in fiscal year 2003 for the purposes of Section 7.2 of

1 the General Obligation Bond Act, so that, by State fiscal year  
2 2011, the State is contributing at the rate otherwise required  
3 under this Section.

4 (c) Payment of the required State contributions and of all  
5 pensions, retirement annuities, death benefits, refunds, and  
6 other benefits granted under or assumed by this System, and all  
7 expenses in connection with the administration and operation  
8 thereof, are obligations of the State.

9 If members are paid from special trust or federal funds  
10 which are administered by the employing unit, whether school  
11 district or other unit, the employing unit shall pay to the  
12 System from such funds the full accruing retirement costs based  
13 upon that service, as determined by the System. Employer  
14 contributions, based on salary paid to members from federal  
15 funds, may be forwarded by the distributing agency of the State  
16 of Illinois to the System prior to allocation, in an amount  
17 determined in accordance with guidelines established by such  
18 agency and the System.

19 (d) Effective July 1, 1986, any employer of a teacher as  
20 defined in paragraph (8) of Section 16-106 shall pay the  
21 employer's normal cost of benefits based upon the teacher's  
22 service, in addition to employee contributions, as determined  
23 by the System. Such employer contributions shall be forwarded  
24 monthly in accordance with guidelines established by the  
25 System.

26 However, with respect to benefits granted under Section

1 16-133.4 or 16-133.5 to a teacher as defined in paragraph (8)  
2 of Section 16-106, the employer's contribution shall be 12%  
3 (rather than 20%) of the member's highest annual salary rate  
4 for each year of creditable service granted, and the employer  
5 shall also pay the required employee contribution on behalf of  
6 the teacher. For the purposes of Sections 16-133.4 and  
7 16-133.5, a teacher as defined in paragraph (8) of Section  
8 16-106 who is serving in that capacity while on leave of  
9 absence from another employer under this Article shall not be  
10 considered an employee of the employer from which the teacher  
11 is on leave.

12 (e) Beginning July 1, 1998, every employer of a teacher  
13 shall pay to the System an employer contribution computed as  
14 follows:

15 (1) Beginning July 1, 1998 through June 30, 1999, the  
16 employer contribution shall be equal to 0.3% of each  
17 teacher's salary.

18 (2) Beginning July 1, 1999 and thereafter, the employer  
19 contribution shall be equal to 0.58% of each teacher's  
20 salary.

21 The school district or other employing unit may pay these  
22 employer contributions out of any source of funding available  
23 for that purpose and shall forward the contributions to the  
24 System on the schedule established for the payment of member  
25 contributions.

26 These employer contributions are intended to offset a

1 portion of the cost to the System of the increases in  
2 retirement benefits resulting from this amendatory Act of 1998.

3 Each employer of teachers is entitled to a credit against  
4 the contributions required under this subsection (e) with  
5 respect to salaries paid to teachers for the period January 1,  
6 2002 through June 30, 2003, equal to the amount paid by that  
7 employer under subsection (a-5) of Section 6.6 of the State  
8 Employees Group Insurance Act of 1971 with respect to salaries  
9 paid to teachers for that period.

10 The additional 1% employee contribution required under  
11 Section 16-152 by this amendatory Act of 1998 is the  
12 responsibility of the teacher and not the teacher's employer,  
13 unless the employer agrees, through collective bargaining or  
14 otherwise, to make the contribution on behalf of the teacher.

15 If an employer is required by a contract in effect on May  
16 1, 1998 between the employer and an employee organization to  
17 pay, on behalf of all its full-time employees covered by this  
18 Article, all mandatory employee contributions required under  
19 this Article, then the employer shall be excused from paying  
20 the employer contribution required under this subsection (e)  
21 for the balance of the term of that contract. The employer and  
22 the employee organization shall jointly certify to the System  
23 the existence of the contractual requirement, in such form as  
24 the System may prescribe. This exclusion shall cease upon the  
25 termination, extension, or renewal of the contract at any time  
26 after May 1, 1998.



1 (f) If the amount of a teacher's salary for any school year  
2 used to determine final average salary exceeds the member's  
3 annual full-time salary rate with the same employer for the  
4 previous school year by more than 6%, the teacher's employer  
5 shall pay to the System, in addition to all other payments  
6 required under this Section and in accordance with guidelines  
7 established by the System, the present value of the increase in  
8 benefits resulting from the portion of the increase in salary  
9 that is in excess of 6%. This present value shall be computed  
10 by the System on the basis of the actuarial assumptions and  
11 tables used in the most recent actuarial valuation of the  
12 System that is available at the time of the computation. If a  
13 teacher's salary for the 2005-2006 school year is used to  
14 determine final average salary under this subsection (f), then  
15 the changes made to this subsection (f) by Public Act 94-1057  
16 shall apply in calculating whether the increase in his or her  
17 salary is in excess of 6%. For the purposes of this Section,  
18 change in employment under Section 10-21.12 of the School Code  
19 on or after June 1, 2005 shall constitute a change in employer.  
20 The System may require the employer to provide any pertinent  
21 information or documentation. The changes made to this  
22 subsection (f) by this amendatory Act of the 94th General  
23 Assembly apply without regard to whether the teacher was in  
24 service on or after its effective date.

25 Whenever it determines that a payment is or may be required  
26 under this subsection, the System shall calculate the amount of

1 the payment and bill the employer for that amount. The bill  
2 shall specify the calculations used to determine the amount  
3 due. If the employer disputes the amount of the bill, it may,  
4 within 30 days after receipt of the bill, apply to the System  
5 in writing for a recalculation. The application must specify in  
6 detail the grounds of the dispute and, if the employer asserts  
7 that the calculation is subject to subsection (g) or (h) of  
8 this Section, must include an affidavit setting forth and  
9 attesting to all facts within the employer's knowledge that are  
10 pertinent to the applicability of that subsection. Upon  
11 receiving a timely application for recalculation, the System  
12 shall review the application and, if appropriate, recalculate  
13 the amount due.

14 The employer contributions required under this subsection  
15 (f) may be paid in the form of a lump sum within 90 days after  
16 receipt of the bill. If the employer contributions are not paid  
17 within 90 days after receipt of the bill, then interest will be  
18 charged at a rate equal to the System's annual actuarially  
19 assumed rate of return on investment compounded annually from  
20 the 91st day after receipt of the bill. Payments must be  
21 concluded within 3 years after the employer's receipt of the  
22 bill.

23 (g) This subsection (g) applies only to payments made or  
24 salary increases given on or after June 1, 2005 but before July  
25 1, 2011. The changes made by Public Act 94-1057 shall not  
26 require the System to refund any payments received before July

1 31, 2006 (the effective date of Public Act 94-1057).

2 When assessing payment for any amount due under subsection  
3 (f), the System shall exclude salary increases paid to teachers  
4 under contracts or collective bargaining agreements entered  
5 into, amended, or renewed before June 1, 2005.

6 When assessing payment for any amount due under subsection  
7 (f), the System shall exclude salary increases paid to a  
8 teacher at a time when the teacher is 10 or more years from  
9 retirement eligibility under Section 16-132 or 16-133.2.

10 When assessing payment for any amount due under subsection  
11 (f), the System shall exclude salary increases resulting from  
12 overload work, including summer school, when the school  
13 district has certified to the System, and the System has  
14 approved the certification, that (i) the overload work is for  
15 the sole purpose of classroom instruction in excess of the  
16 standard number of classes for a full-time teacher in a school  
17 district during a school year and (ii) the salary increases are  
18 equal to or less than the rate of pay for classroom instruction  
19 computed on the teacher's current salary and work schedule.

20 When assessing payment for any amount due under subsection  
21 (f), the System shall exclude a salary increase resulting from  
22 a promotion (i) for which the employee is required to hold a  
23 certificate or supervisory endorsement issued by the State  
24 Teacher Certification Board that is a different certification  
25 or supervisory endorsement than is required for the teacher's  
26 previous position and (ii) to a position that has existed and

1 been filled by a member for no less than one complete academic  
2 year and the salary increase from the promotion is an increase  
3 that results in an amount no greater than the lesser of the  
4 average salary paid for other similar positions in the district  
5 requiring the same certification or the amount stipulated in  
6 the collective bargaining agreement for a similar position  
7 requiring the same certification.

8 When assessing payment for any amount due under subsection  
9 (f), the System shall exclude any payment to the teacher from  
10 the State of Illinois or the State Board of Education over  
11 which the employer does not have discretion, notwithstanding  
12 that the payment is included in the computation of final  
13 average salary.

14 (h) When assessing payment for any amount due under  
15 subsection (f), the System shall exclude any salary increase  
16 described in subsection (g) of this Section given on or after  
17 July 1, 2011 but before July 1, 2014 under a contract or  
18 collective bargaining agreement entered into, amended, or  
19 renewed on or after June 1, 2005 but before July 1, 2011.  
20 Notwithstanding any other provision of this Section, any  
21 payments made or salary increases given after June 30, 2014  
22 shall be used in assessing payment for any amount due under  
23 subsection (f) of this Section.

24 (i) The System shall prepare a report and file copies of  
25 the report with the Governor and the General Assembly by  
26 January 1, 2007 that contains all of the following information:

1           (1) The number of recalculations required by the  
2 changes made to this Section by Public Act 94-1057 for each  
3 employer.

4           (2) The dollar amount by which each employer's  
5 contribution to the System was changed due to  
6 recalculations required by Public Act 94-1057.

7           (3) The total amount the System received from each  
8 employer as a result of the changes made to this Section by  
9 Public Act 94-4.

10          (4) The increase in the required State contribution  
11 resulting from the changes made to this Section by Public  
12 Act 94-1057.

13          (j) For purposes of determining the required State  
14 contribution to the System, the value of the System's assets  
15 shall be equal to the actuarial value of the System's assets,  
16 which shall be calculated as follows:

17           As of June 30, 2008, the actuarial value of the System's  
18 assets shall be equal to the market value of the assets as of  
19 that date. In determining the actuarial value of the System's  
20 assets for fiscal years after June 30, 2008, any actuarial  
21 gains or losses from investment return incurred in a fiscal  
22 year shall be recognized in equal annual amounts over the  
23 5-year period following that fiscal year.

24          (k) For purposes of determining the required State  
25 contribution to the system for a particular year, the actuarial  
26 value of assets shall be assumed to earn a rate of return equal

1 to the system's actuarially assumed rate of return.  
2 (Source: P.A. 95-331, eff. 8-21-07; 95-950, eff. 8-29-08;  
3 96-43, eff. 7-15-09; 96-1497, eff. 1-14-11; 96-1511, eff.  
4 1-27-11; 96-1554, eff. 3-18-11; revised 4-6-11.)

5 (40 ILCS 5/18-131) (from Ch. 108 1/2, par. 18-131)  
6 Sec. 18-131. Financing; employer contributions.

7 (a) The State of Illinois shall make contributions to this  
8 System by appropriations of the amounts which, together with  
9 the contributions of participants, net earnings on  
10 investments, and other income, will meet the costs of  
11 maintaining and administering this System on a 90% funded basis  
12 in accordance with actuarial recommendations.

13 (b) The Board shall determine the amount of State  
14 contributions required for each fiscal year on the basis of the  
15 actuarial tables and other assumptions adopted by the Board and  
16 the prescribed rate of interest, using the formula in  
17 subsection (c).

18 (c) For State fiscal years 2012 through 2045, the minimum  
19 contribution to the System to be made by the State for each  
20 fiscal year shall be an amount determined by the System to be  
21 sufficient to bring the total assets of the System up to 90% of  
22 the total actuarial liabilities of the System by the end of  
23 State fiscal year 2045. In making these determinations, the  
24 required State contribution shall be calculated each year as a  
25 level percentage of payroll over the years remaining to and

1 including fiscal year 2045 and shall be determined under the  
2 projected unit credit actuarial cost method.

3 For State fiscal years 1996 through 2005, the State  
4 contribution to the System, as a percentage of the applicable  
5 employee payroll, shall be increased in equal annual increments  
6 so that by State fiscal year 2011, the State is contributing at  
7 the rate required under this Section.

8 Notwithstanding any other provision of this Article, the  
9 total required State contribution for State fiscal year 2006 is  
10 \$29,189,400.

11 Notwithstanding any other provision of this Article, the  
12 total required State contribution for State fiscal year 2007 is  
13 \$35,236,800.

14 For each of State fiscal years 2008 through 2009, the State  
15 contribution to the System, as a percentage of the applicable  
16 employee payroll, shall be increased in equal annual increments  
17 from the required State contribution for State fiscal year  
18 2007, so that by State fiscal year 2011, the State is  
19 contributing at the rate otherwise required under this Section.

20 Notwithstanding any other provision of this Article, the  
21 total required State contribution for State fiscal year 2010 is  
22 \$78,832,000 and shall be made from the proceeds of bonds sold  
23 in fiscal year 2010 pursuant to Section 7.2 of the General  
24 Obligation Bond Act, less (i) the pro rata share of bond sale  
25 expenses determined by the System's share of total bond  
26 proceeds, (ii) any amounts received from the General Revenue

1 Fund in fiscal year 2010, and (iii) any reduction in bond  
2 proceeds due to the issuance of discounted bonds, if  
3 applicable.

4 Notwithstanding any other provision of this Article, the  
5 total required State contribution for State fiscal year 2011 is  
6 the amount recertified by the System on or before April 1, 2011  
7 pursuant to Section 18-140 and shall be made from the proceeds  
8 of bonds sold in fiscal year 2011 pursuant to Section 7.2 of  
9 the General Obligation Bond Act, less (i) the pro rata share of  
10 bond sale expenses determined by the System's share of total  
11 bond proceeds, (ii) any amounts received from the General  
12 Revenue Fund in fiscal year 2011, and (iii) any reduction in  
13 bond proceeds due to the issuance of discounted bonds, if  
14 applicable.

15 Beginning in State fiscal year 2046, the minimum State  
16 contribution for each fiscal year shall be the amount needed to  
17 maintain the total assets of the System at 90% of the total  
18 actuarial liabilities of the System.

19 Amounts received by the System pursuant to Section 25 of  
20 the Budget Stabilization Act or Section 8.12 of the State  
21 Finance Act in any fiscal year do not reduce and do not  
22 constitute payment of any portion of the minimum State  
23 contribution required under this Article in that fiscal year.  
24 Such amounts shall not reduce, and shall not be included in the  
25 calculation of, the required State contributions under this  
26 Article in any future year until the System has reached a



1 funding ratio of at least 90%. A reference in this Article to  
2 the "required State contribution" or any substantially similar  
3 term does not include or apply to any amounts payable to the  
4 System under Section 25 of the Budget Stabilization Act.

5 Notwithstanding any other provision of this Section, the  
6 required State contribution for State fiscal year 2005 and for  
7 fiscal year 2008 and each fiscal year thereafter, as calculated  
8 under this Section and certified under Section 18-140, shall  
9 not exceed an amount equal to (i) the amount of the required  
10 State contribution that would have been calculated under this  
11 Section for that fiscal year if the System had not received any  
12 payments under subsection (d) of Section 7.2 of the General  
13 Obligation Bond Act, minus (ii) the portion of the State's  
14 total debt service payments for that fiscal year on the bonds  
15 issued in fiscal year 2003 for the purposes of that Section  
16 7.2, as determined and certified by the Comptroller, that is  
17 the same as the System's portion of the total moneys  
18 distributed under subsection (d) of Section 7.2 of the General  
19 Obligation Bond Act. In determining this maximum for State  
20 fiscal years 2008 through 2010, however, the amount referred to  
21 in item (i) shall be increased, as a percentage of the  
22 applicable employee payroll, in equal increments calculated  
23 from the sum of the required State contribution for State  
24 fiscal year 2007 plus the applicable portion of the State's  
25 total debt service payments for fiscal year 2007 on the bonds  
26 issued in fiscal year 2003 for the purposes of Section 7.2 of

1 the General Obligation Bond Act, so that, by State fiscal year  
2 2011, the State is contributing at the rate otherwise required  
3 under this Section.

4 (d) For purposes of determining the required State  
5 contribution to the System, the value of the System's assets  
6 shall be equal to the actuarial value of the System's assets,  
7 which shall be calculated as follows:

8 As of June 30, 2008, the actuarial value of the System's  
9 assets shall be equal to the market value of the assets as of  
10 that date. In determining the actuarial value of the System's  
11 assets for fiscal years after June 30, 2008, any actuarial  
12 gains or losses from investment return incurred in a fiscal  
13 year shall be recognized in equal annual amounts over the  
14 5-year period following that fiscal year.

15 (e) For purposes of determining the required State  
16 contribution to the system for a particular year, the actuarial  
17 value of assets shall be assumed to earn a rate of return equal  
18 to the system's actuarially assumed rate of return.

19 (Source: P.A. 95-950, eff. 8-29-08; 96-43, eff. 7-15-09;  
20 96-1497, eff. 1-14-11; 96-1511, eff. 1-27-11; 96-1554, eff.  
21 3-18-11; revised 4-6-11.)

22 (40 ILCS 5/22-101) (from Ch. 108 1/2, par. 22-101)

23 Sec. 22-101. Retirement Plan for Chicago Transit Authority  
24 Employees.

25 (a) There shall be established and maintained by the

1 Authority created by the "Metropolitan Transit Authority Act",  
2 approved April 12, 1945, as amended, (referred to in this  
3 Section as the "Authority") a financially sound pension and  
4 retirement system adequate to provide for all payments when due  
5 under such established system or as modified from time to time  
6 by ordinance of the Chicago Transit Board or collective  
7 bargaining agreement. For this purpose, the Board must make  
8 contributions to the established system as required under this  
9 Section and may make any additional contributions provided for  
10 by Board ordinance or collective bargaining agreement. The  
11 participating employees shall make such periodic payments to  
12 the established system as required under this Section and may  
13 make any additional contributions provided for by Board  
14 ordinance or collective bargaining agreement.

15 Provisions shall be made by the Board for all officers,  
16 except those who first become members on or after January 1,  
17 2012, and employees of the Authority appointed pursuant to the  
18 "Metropolitan Transit Authority Act" to become, subject to  
19 reasonable rules and regulations, participants of the pension  
20 or retirement system with uniform rights, privileges,  
21 obligations and status as to the class in which such officers  
22 and employees belong. The terms, conditions and provisions of  
23 any pension or retirement system or of any amendment or  
24 modification thereof affecting employees who are members of any  
25 labor organization may be established, amended or modified by  
26 agreement with such labor organization, provided the terms,

1 conditions and provisions must be consistent with this Act, the  
2 annual funding levels for the retirement system established by  
3 law must be met and the benefits paid to future participants in  
4 the system may not exceed the benefit ceilings set for future  
5 participants under this Act and the contribution levels  
6 required by the Authority and its employees may not be less  
7 than the contribution levels established under this Act.

8 (b) The Board of Trustees shall consist of 11 members  
9 appointed as follows: (i) 5 trustees shall be appointed by the  
10 Chicago Transit Board; (ii) 3 trustees shall be appointed by an  
11 organization representing the highest number of Chicago  
12 Transit Authority participants; (iii) one trustee shall be  
13 appointed by an organization representing the second-highest  
14 number of Chicago Transit Authority participants; (iv) one  
15 trustee shall be appointed by the recognized coalition  
16 representatives of participants who are not represented by an  
17 organization with the highest or second-highest number of  
18 Chicago Transit Authority participants; and (v) one trustee  
19 shall be selected by the Regional Transportation Authority  
20 Board of Directors, and the trustee shall be a professional  
21 fiduciary who has experience in the area of collectively  
22 bargained pension plans. Trustees shall serve until a successor  
23 has been appointed and qualified, or until resignation, death,  
24 incapacity, or disqualification.

25 Any person appointed as a trustee of the board shall  
26 qualify by taking an oath of office that he or she will

1 diligently and honestly administer the affairs of the system  
2 and will not knowingly violate or willfully permit the  
3 violation of any of the provisions of law applicable to the  
4 Plan, including Sections 1-109, 1-109.1, 1-109.2, 1-110,  
5 1-111, 1-114, and 1-115 of the Illinois Pension Code.

6 Each trustee shall cast individual votes, and a majority  
7 vote shall be final and binding upon all interested parties,  
8 provided that the Board of Trustees may require a supermajority  
9 vote with respect to the investment of the assets of the  
10 Retirement Plan, and may set forth that requirement in the  
11 Retirement Plan documents, by-laws, or rules of the Board of  
12 Trustees. Each trustee shall have the rights, privileges,  
13 authority, and obligations as are usual and customary for such  
14 fiduciaries.

15 The Board of Trustees may cause amounts on deposit in the  
16 Retirement Plan to be invested in those investments that are  
17 permitted investments for the investment of moneys held under  
18 any one or more of the pension or retirement systems of the  
19 State, any unit of local government or school district, or any  
20 agency or instrumentality thereof. The Board, by a vote of at  
21 least two-thirds of the trustees, may transfer investment  
22 management to the Illinois State Board of Investment, which is  
23 hereby authorized to manage these investments when so requested  
24 by the Board of Trustees.

25 Notwithstanding any other provision of this Article or any  
26 law to the contrary, any person who first becomes a member of

1 the Chicago Transit Board on or after January 1, 2012 shall not  
2 be eligible to participate in this Retirement Plan.

3 (c) All individuals who were previously participants in the  
4 Retirement Plan for Chicago Transit Authority Employees shall  
5 remain participants, and shall receive the same benefits  
6 established by the Retirement Plan for Chicago Transit  
7 Authority Employees, except as provided in this amendatory Act  
8 or by subsequent legislative enactment or amendment to the  
9 Retirement Plan. For Authority employees hired on or after the  
10 effective date of this amendatory Act of the 95th General  
11 Assembly, the Retirement Plan for Chicago Transit Authority  
12 Employees shall be the exclusive retirement plan and such  
13 employees shall not be eligible for any supplemental plan,  
14 except for a deferred compensation plan funded only by employee  
15 contributions.

16 For all Authority employees who are first hired on or after  
17 the effective date of this amendatory Act of the 95th General  
18 Assembly and are participants in the Retirement Plan for  
19 Chicago Transit Authority Employees, the following terms,  
20 conditions and provisions with respect to retirement shall be  
21 applicable:

22 (1) Such participant shall be eligible for an unreduced  
23 retirement allowance for life upon the attainment of age 64  
24 with 25 years of continuous service.

25 (2) Such participant shall be eligible for a reduced  
26 retirement allowance for life upon the attainment of age 55

1 with 10 years of continuous service.

2 (3) For the purpose of determining the retirement  
3 allowance to be paid to a retiring employee, the term  
4 "Continuous Service" as used in the Retirement Plan for  
5 Chicago Transit Authority Employees shall also be deemed to  
6 include all pension credit for service with any retirement  
7 system established under Article 8 or Article 11 of this  
8 Code, provided that the employee forfeits and relinquishes  
9 all pension credit under Article 8 or Article 11 of this  
10 Code, and the contribution required under this subsection  
11 is made by the employee. The Retirement Plan's actuary  
12 shall determine the contribution paid by the employee as an  
13 amount equal to the normal cost of the benefit accrued, had  
14 the service been rendered as an employee, plus interest per  
15 annum from the time such service was rendered until the  
16 date the payment is made.

17 (d) From the effective date of this amendatory Act through  
18 December 31, 2008, all participating employees shall  
19 contribute to the Retirement Plan in an amount not less than 6%  
20 of compensation, and the Authority shall contribute to the  
21 Retirement Plan in an amount not less than 12% of compensation.

22 (e) (1) Beginning January 1, 2009 the Authority shall make  
23 contributions to the Retirement Plan in an amount equal to  
24 twelve percent (12%) of compensation and participating  
25 employees shall make contributions to the Retirement Plan in an  
26 amount equal to six percent (6%) of compensation. These

1 contributions may be paid by the Authority and participating  
2 employees on a payroll or other periodic basis, but shall in  
3 any case be paid to the Retirement Plan at least monthly.

4 (2) For the period ending December 31, 2040, the amount  
5 paid by the Authority in any year with respect to debt service  
6 on bonds issued for the purposes of funding a contribution to  
7 the Retirement Plan under Section 12c of the Metropolitan  
8 Transit Authority Act, other than debt service paid with the  
9 proceeds of bonds or notes issued by the Authority for any year  
10 after calendar year 2008, shall be treated as a credit against  
11 the amount of required contribution to the Retirement Plan by  
12 the Authority under subsection (e)(1) for the following year up  
13 to an amount not to exceed 6% of compensation paid by the  
14 Authority in that following year.

15 (3) By September 15 of each year beginning in 2009 and  
16 ending on December 31, 2039, on the basis of a report prepared  
17 by an enrolled actuary retained by the Plan, the Board of  
18 Trustees of the Retirement Plan shall determine the estimated  
19 funded ratio of the total assets of the Retirement Plan to its  
20 total actuarially determined liabilities. A report containing  
21 that determination and the actuarial assumptions on which it is  
22 based shall be filed with the Authority, the representatives of  
23 its participating employees, the Auditor General of the State  
24 of Illinois, and the Regional Transportation Authority. If the  
25 funded ratio is projected to decline below 60% in any year  
26 before 2040, the Board of Trustees shall also determine the



1 increased contribution required each year as a level percentage  
2 of payroll over the years remaining until 2040 using the  
3 projected unit credit actuarial cost method so the funded ratio  
4 does not decline below 60% and include that determination in  
5 its report. If the actual funded ratio declines below 60% in  
6 any year prior to 2040, the Board of Trustees shall also  
7 determine the increased contribution required each year as a  
8 level percentage of payroll during the years after the then  
9 current year using the projected unit credit actuarial cost  
10 method so the funded ratio is projected to reach at least 60%  
11 no later than 10 years after the then current year and include  
12 that determination in its report. Within 60 days after  
13 receiving the report, the Auditor General shall review the  
14 determination and the assumptions on which it is based, and if  
15 he finds that the determination and the assumptions on which it  
16 is based are unreasonable in the aggregate, he shall issue a  
17 new determination of the funded ratio, the assumptions on which  
18 it is based and the increased contribution required each year  
19 as a level percentage of payroll over the years remaining until  
20 2040 using the projected unit credit actuarial cost method so  
21 the funded ratio does not decline below 60%, or, in the event  
22 of an actual decline below 60%, so the funded ratio is  
23 projected to reach 60% by no later than 10 years after the then  
24 current year. If the Board of Trustees or the Auditor General  
25 determine that an increased contribution is required to meet  
26 the funded ratio required by the subsection, effective January

1 following the determination or 30 days after such  
2 determination, whichever is later, one-third of the increased  
3 contribution shall be paid by participating employees and  
4 two-thirds by the Authority, in addition to the contributions  
5 required by this subsection (1).

6 (4) For the period beginning 2040, the minimum contribution  
7 to the Retirement Plan for each fiscal year shall be an amount  
8 determined by the Board of Trustees of the Retirement Plan to  
9 be sufficient to bring the total assets of the Retirement Plan  
10 up to 90% of its total actuarial liabilities by the end of  
11 2059. Participating employees shall be responsible for  
12 one-third of the required contribution and the Authority shall  
13 be responsible for two-thirds of the required contribution. In  
14 making these determinations, the Board of Trustees shall  
15 calculate the required contribution each year as a level  
16 percentage of payroll over the years remaining to and including  
17 fiscal year 2059 using the projected unit credit actuarial cost  
18 method. A report containing that determination and the  
19 actuarial assumptions on which it is based shall be filed by  
20 September 15 of each year with the Authority, the  
21 representatives of its participating employees, the Auditor  
22 General of the State of Illinois and the Regional  
23 Transportation Authority. If the funded ratio is projected to  
24 fail to reach 90% by December 31, 2059, the Board of Trustees  
25 shall also determine the increased contribution required each  
26 year as a level percentage of payroll over the years remaining

1 until December 31, 2059 using the projected unit credit  
2 actuarial cost method so the funded ratio will meet 90% by  
3 December 31, 2059 and include that determination in its report.  
4 Within 60 days after receiving the report, the Auditor General  
5 shall review the determination and the assumptions on which it  
6 is based and if he finds that the determination and the  
7 assumptions on which it is based are unreasonable in the  
8 aggregate, he shall issue a new determination of the funded  
9 ratio, the assumptions on which it is based and the increased  
10 contribution required each year as a level percentage of  
11 payroll over the years remaining until December 31, 2059 using  
12 the projected unit credit actuarial cost method so the funded  
13 ratio reaches no less than 90% by December 31, 2059. If the  
14 Board of Trustees or the Auditor General determine that an  
15 increased contribution is required to meet the funded ratio  
16 required by this subsection, effective January 1 following the  
17 determination or 30 days after such determination, whichever is  
18 later, one-third of the increased contribution shall be paid by  
19 participating employees and two-thirds by the Authority, in  
20 addition to the contributions required by subsection (e) (1).

21 (5) Beginning in 2060, the minimum contribution for each  
22 year shall be the amount needed to maintain the total assets of  
23 the Retirement Plan at 90% of the total actuarial liabilities  
24 of the Plan, and the contribution shall be funded two-thirds by  
25 the Authority and one-third by the participating employees in  
26 accordance with this subsection.

1 (f) The Authority shall take the steps necessary to comply  
2 with Section 414(h)(2) of the Internal Revenue Code of 1986, as  
3 amended, to permit the pick-up of employee contributions under  
4 subsections (d) and (e) on a tax-deferred basis.

5 (g) The Board of Trustees shall certify to the Governor,  
6 the General Assembly, the Auditor General, the Board of the  
7 Regional Transportation Authority, and the Authority at least  
8 90 days prior to the end of each fiscal year the amount of the  
9 required contributions to the retirement system for the next  
10 retirement system fiscal year under this Section. The  
11 certification shall include a copy of the actuarial  
12 recommendations upon which it is based. In addition, copies of  
13 the certification shall be sent to the Commission on Government  
14 Forecasting and Accountability and the Mayor of Chicago.

15 (h)(1) As to an employee who first becomes entitled to a  
16 retirement allowance commencing on or after November 30, 1989,  
17 the retirement allowance shall be the amount determined in  
18 accordance with the following formula:

19 (A) One percent (1%) of his "Average Annual  
20 Compensation in the highest four (4) completed Plan Years"  
21 for each full year of continuous service from the date of  
22 original employment to the effective date of the Plan; plus

23 (B) One and seventy-five hundredths percent (1.75%) of  
24 his "Average Annual Compensation in the highest four (4)  
25 completed Plan Years" for each year (including fractions  
26 thereof to completed calendar months) of continuous

1 service as provided for in the Retirement Plan for Chicago  
2 Transit Authority Employees.

3 Provided, however that:

4 (2) As to an employee who first becomes entitled to a  
5 retirement allowance commencing on or after January 1, 1993,  
6 the retirement allowance shall be the amount determined in  
7 accordance with the following formula:

8 (A) One percent (1%) of his "Average Annual  
9 Compensation in the highest four (4) completed Plan Years"  
10 for each full year of continuous service from the date of  
11 original employment to the effective date of the Plan; plus

12 (B) One and eighty hundredths percent (1.80%) of his  
13 "Average Annual Compensation in the highest four (4)  
14 completed Plan Years" for each year (including fractions  
15 thereof to completed calendar months) of continuous  
16 service as provided for in the Retirement Plan for Chicago  
17 Transit Authority Employees.

18 Provided, however that:

19 (3) As to an employee who first becomes entitled to a  
20 retirement allowance commencing on or after January 1, 1994,  
21 the retirement allowance shall be the amount determined in  
22 accordance with the following formula:

23 (A) One percent (1%) of his "Average Annual  
24 Compensation in the highest four (4) completed Plan Years"  
25 for each full year of continuous service from the date of  
26 original employment to the effective date of the Plan; plus

1           (B) One and eighty-five hundredths percent (1.85%) of  
2           his "Average Annual Compensation in the highest four (4)  
3           completed Plan Years" for each year (including fractions  
4           thereof to completed calendar months) of continuous  
5           service as provided for in the Retirement Plan for Chicago  
6           Transit Authority Employees.

7           Provided, however that:

8           (4) As to an employee who first becomes entitled to a  
9           retirement allowance commencing on or after January 1, 2000,  
10          the retirement allowance shall be the amount determined in  
11          accordance with the following formula:

12           (A) One percent (1%) of his "Average Annual  
13           Compensation in the highest four (4) completed Plan Years"  
14           for each full year of continuous service from the date of  
15           original employment to the effective date of the Plan; plus

16           (B) Two percent (2%) of his "Average Annual  
17           Compensation in the highest four (4) completed Plan Years"  
18           for each year (including fractions thereof to completed  
19           calendar months) of continuous service as provided for in  
20           the Retirement Plan for Chicago Transit Authority  
21           Employees.

22          Provided, however that:

23          (5) As to an employee who first becomes entitled to a  
24          retirement allowance commencing on or after January 1, 2001,  
25          the retirement allowance shall be the amount determined in  
26          accordance with the following formula:

1           (A) One percent (1%) of his "Average Annual  
2           Compensation in the highest four (4) completed Plan Years"  
3           for each full year of continuous service from the date of  
4           original employment to the effective date of the Plan; plus

5           (B) Two and fifteen hundredths percent (2.15%) of his  
6           "Average Annual Compensation in the highest four (4)  
7           completed Plan Years" for each year (including fractions  
8           thereof to completed calendar months) of continuous  
9           service as provided for in the Retirement Plan for Chicago  
10          Transit Authority Employees.

11          The changes made by this amendatory Act of the 95th General  
12          Assembly, to the extent that they affect the rights or  
13          privileges of Authority employees that are currently the  
14          subject of collective bargaining, have been agreed to between  
15          the authorized representatives of these employees and of the  
16          Authority prior to enactment of this amendatory Act, as  
17          evidenced by a Memorandum of Understanding between these  
18          representatives that will be filed with the Secretary of State  
19          Index Department and designated as "95-GA-C05". The General  
20          Assembly finds and declares that those changes are consistent  
21          with 49 U.S.C. 5333(b) (also known as Section 13(c) of the  
22          Federal Transit Act) because of this agreement between  
23          authorized representatives of these employees and of the  
24          Authority, and that any future amendments to the provisions of  
25          this amendatory Act of the 95th General Assembly, to the extent  
26          those amendments would affect the rights and privileges of

1 Authority employees that are currently the subject of  
2 collective bargaining, would be consistent with 49 U.S.C.  
3 5333(b) if and only if those amendments were agreed to between  
4 these authorized representatives prior to enactment.

5 (i) Early retirement incentive plan; funded ratio.

6 (1) Beginning on the effective date of this Section, no  
7 early retirement incentive shall be offered to  
8 participants of the Plan unless the Funded Ratio of the  
9 Plan is at least 80% or more.

10 (2) For the purposes of this Section, the Funded Ratio  
11 shall be the Adjusted Assets divided by the Actuarial  
12 Accrued Liability developed in accordance with Statement  
13 #25 promulgated by the Government Accounting Standards  
14 Board and the actuarial assumptions described in the Plan.  
15 The Adjusted Assets shall be calculated based on the  
16 methodology described in the Plan.

17 (j) Nothing in this amendatory Act of the 95th General  
18 Assembly shall impair the rights or privileges of Authority  
19 employees under any other law.

20 (k) Any individual who, on or after August 19, 2011 (the  
21 effective date of Public Act 97-442) ~~this amendatory Act of the~~  
22 ~~97th General Assembly~~, first becomes a participant of the  
23 Retirement Plan shall not be paid any of the benefits provided  
24 under this Code if he or she is convicted of a felony relating  
25 to, arising out of, or in connection with his or her service as  
26 a participant.



1           This subsection (k) shall not operate to impair any  
2 contract or vested right acquired before August 19, 2011 (the  
3 effective date of Public Act 97-442) ~~this amendatory Act of the~~  
4 ~~97th General Assembly~~ under any law or laws continued in this  
5 Code, and it shall not preclude the right to refund.

6           (Source: P.A. 97-442, eff. 8-19-11; 97-609, eff. 1-1-12;  
7 revised 9-28-11.)

8           (40 ILCS 5/22-103)

9           Sec. 22-103. Regional Transportation Authority and related  
10 pension plans.

11           (a) As used in this Section:

12           "Affected pension plan" means a defined-benefit pension  
13 plan supported in whole or in part by employer contributions  
14 and maintained by the Regional Transportation Authority, the  
15 Suburban Bus Division, or the Commuter Rail Division, or any  
16 combination thereof, under the general authority of the  
17 Regional Transportation Authority Act, including but not  
18 limited to any such plan that has been established under or is  
19 subject to a collective bargaining agreement or is limited to  
20 employees covered by a collective bargaining agreement.  
21 "Affected pension plan" does not include any pension fund or  
22 retirement system subject to Section 22-101 of this Section.

23           "Authority" means the Regional Transportation Authority  
24 created under the Regional Transportation Authority Act.

25           "Contributing employer" means an employer that is required

1 to make contributions to an affected pension plan under the  
2 terms of that plan.

3 "Funding ratio" means the ratio of an affected pension  
4 plan's assets to the present value of its actuarial  
5 liabilities, as determined at its latest actuarial valuation in  
6 accordance with applicable actuarial assumptions and  
7 recommendations.

8 "Under-funded pension plan" or "under-funded" means an  
9 affected pension plan that, at the time of its last actuarial  
10 valuation, has a funding ratio of less than 90%.

11 (b) The contributing employers of each affected pension  
12 plan have a general duty to make the required employer  
13 contributions to the affected pension plan in a timely manner  
14 in accordance with the terms of the plan. A contributing  
15 employer must make contributions to the affected pension plan  
16 as required under this subsection and, if applicable,  
17 subsection (c); a contributing employer may make any additional  
18 contributions provided for by the board of the employer or  
19 collective bargaining agreement.

20 (c) In the case of an affected pension plan that is  
21 under-funded on January 1, 2009 or becomes under-funded at any  
22 time after that date, the contributing employers shall  
23 contribute to the affected pension plan, in addition to all  
24 amounts otherwise required, amounts sufficient to bring the  
25 funding ratio of the affected pension plan up to 90% in  
26 accordance with an amortization schedule adopted jointly by the

1 contributing employers and the trustee of the affected pension  
2 plan. The amortization schedule may extend for any period up to  
3 a maximum of 50 years and shall provide for additional employer  
4 contributions in substantially equal annual amounts over the  
5 selected period. If the contributing employers and the trustee  
6 of the affected pension plan do not agree on an appropriate  
7 period for the amortization schedule within 6 months of the  
8 date of determination that the plan is under-funded, then the  
9 amortization schedule shall be based on a period of 50 years.

10 In the case of an affected pension plan that has more than  
11 one contributing employer, each contributing employer's share  
12 of the total additional employer contributions required under  
13 this subsection shall be determined: (i) in proportion to the  
14 amounts, if any, by which the respective contributing employers  
15 have failed to meet their contribution obligations under the  
16 terms of the affected pension plan; or (ii) if all of the  
17 contributing employers have met their contribution obligations  
18 under the terms of the affected pension plan, then in the same  
19 proportion as they are required to contribute under the terms  
20 of that plan. In the case of an affected pension plan that has  
21 only one contributing employer, that contributing employer is  
22 responsible for all of the additional employer contributions  
23 required under this subsection.

24 If an under-funded pension plan is determined to have  
25 achieved a funding ratio of at least 90% during the period when  
26 an amortization schedule is in force under this Section, the

1 contributing employers and the trustee of the affected pension  
2 plan, acting jointly, may cancel the amortization schedule and  
3 the contributing employers may cease making additional  
4 contributions under this subsection for as long as the affected  
5 pension plan retains a funding ratio of at least 90%.

6 (d) Beginning January 1, 2009, if the Authority fails to  
7 pay to an affected pension fund within 30 days after it is due  
8 (i) any employer contribution that it is required to make as a  
9 contributing employer, (ii) any additional employer  
10 contribution that it is required to pay under subsection (c),  
11 or (iii) any payment that it is required to make under Section  
12 4.02a or 4.02b of the Regional Transportation Authority Act,  
13 the trustee of the affected pension fund shall promptly so  
14 notify the Commission on Government Forecasting and  
15 Accountability, the Mayor of Chicago, the Governor, and the  
16 General Assembly.

17 (e) For purposes of determining employer contributions,  
18 assets, and actuarial liabilities under this subsection,  
19 contributions, assets, and liabilities relating to health care  
20 benefits shall not be included.

21 (f) This amendatory Act of the 94th General Assembly does  
22 not affect or impair the right of any contributing employer or  
23 its employees to collectively bargain the amount or level of  
24 employee contributions to an affected pension plan, to the  
25 extent that the plan includes employees subject to collective  
26 bargaining.

1           (g) Any individual who, on or after August 19, 2011 (the  
2 effective date of Public Act 97-442) ~~this amendatory Act of the~~  
3 ~~97th General Assembly~~, first becomes a participant of an  
4 affected pension plan shall not be paid any of the benefits  
5 provided under this Code if he or she is convicted of a felony  
6 relating to, arising out of, or in connection with his or her  
7 service as a participant.

8           This subsection shall not operate to impair any contract or  
9 vested right acquired before August 19, 2011 (the effective  
10 date of Public Act 97-442) ~~this amendatory Act of the 97th~~  
11 ~~General Assembly~~ under any law or laws continued in this Code,  
12 and it shall not preclude the right to refund.

13           (h) ~~(g)~~ Notwithstanding any other provision of this Article  
14 or any law to the contrary, a person who, on or after January  
15 1, 2012 (the effective date of Public Act 97-609) ~~this~~  
16 ~~amendatory Act of the 97th General Assembly~~, first becomes a  
17 director on the Suburban Bus Board, the Commuter Rail Board, or  
18 the Board of Directors of the Regional Transportation Authority  
19 shall not be eligible to participate in an affected pension  
20 plan.

21           (Source: P.A. 97-442, eff. 8-19-11; 97-609, eff. 1-1-12;  
22 revised 9-28-11.)

23           Section 185. The State Pension Funds Continuing  
24 Appropriation Act is amended by changing Section 1.2 as  
25 follows:

1 (40 ILCS 15/1.2)

2 Sec. 1.2. Appropriations for the State Employees'  
3 Retirement System.

4 (a) From each fund from which an amount is appropriated for  
5 personal services to a department or other employer under  
6 Article 14 of the Illinois Pension Code, there is hereby  
7 appropriated to that department or other employer, on a  
8 continuing annual basis for each State fiscal year, an  
9 additional amount equal to the amount, if any, by which (1) an  
10 amount equal to the percentage of the personal services line  
11 item for that department or employer from that fund for that  
12 fiscal year that the Board of Trustees of the State Employees'  
13 Retirement System of Illinois has certified under Section  
14 14-135.08 of the Illinois Pension Code to be necessary to meet  
15 the State's obligation under Section 14-131 of the Illinois  
16 Pension Code for that fiscal year, exceeds (2) the amounts  
17 otherwise appropriated to that department or employer from that  
18 fund for State contributions to the State Employees' Retirement  
19 System for that fiscal year. From the effective date of this  
20 amendatory Act of the 93rd General Assembly through the final  
21 payment from a department or employer's personal services line  
22 item for fiscal year 2004, payments to the State Employees'  
23 Retirement System that otherwise would have been made under  
24 this subsection (a) shall be governed by the provisions in  
25 subsection (a-1).

1           (a-1) If a Fiscal Year 2004 Shortfall is certified under  
2 subsection (f) of Section 14-131 of the Illinois Pension Code,  
3 there is hereby appropriated to the State Employees' Retirement  
4 System of Illinois on a continuing basis from the General  
5 Revenue Fund an additional aggregate amount equal to the Fiscal  
6 Year 2004 Shortfall.

7           (a-2) If a Fiscal Year 2010 Shortfall is certified under  
8 subsection (g) of Section 14-131 of the Illinois Pension Code,  
9 there is hereby appropriated to the State Employees' Retirement  
10 System of Illinois on a continuing basis from the General  
11 Revenue Fund an additional aggregate amount equal to the Fiscal  
12 Year 2010 Shortfall.

13           (b) The continuing appropriations provided for by this  
14 Section shall first be available in State fiscal year 1996.

15           (c) Beginning in Fiscal Year 2005, any continuing  
16 appropriation under this Section arising out of an  
17 appropriation for personal services from the Road Fund to the  
18 Department of State Police or the Secretary of State shall be  
19 payable from the General Revenue Fund rather than the Road  
20 Fund.

21           (d) For State fiscal year 2010 only, a continuing  
22 appropriation is provided to the State Employees' Retirement  
23 System equal to the amount certified by the System on or before  
24 December 31, 2008, less the gross proceeds of the bonds sold in  
25 fiscal year 2010 under the authorization contained in  
26 subsection (a) of Section 7.2 of the General Obligation Bond

1 Act.

2 (e) For State fiscal year 2011 only, the continuing  
3 appropriation under this Section provided to the State  
4 Employees' Retirement System is limited to an amount equal to  
5 the amount certified by the System on or before December 31,  
6 2009, less any amounts received pursuant to subsection (a-3) of  
7 Section 14.1 of the State Finance Act.

8 (f) ~~(e)~~ For State fiscal year 2011 only, a continuing  
9 appropriation is provided to the State Employees' Retirement  
10 System equal to the amount certified by the System on or before  
11 April 1, 2011, less the gross proceeds of the bonds sold in  
12 fiscal year 2011 under the authorization contained in  
13 subsection (a) of Section 7.2 of the General Obligation Bond  
14 Act.

15 (Source: P.A. 96-43, eff. 7-15-09; 96-45, eff. 7-15-09; 96-958,  
16 eff. 7-1-10; 96-1000, eff. 7-2-10; 96-1497, eff. 1-14-11;  
17 96-1511, eff. 1-27-11; revised 4-5-11.)

18 Section 190. The Counties Code is amended by changing  
19 Sections 5-1006.7, 5-1069.3, and 5-12001.1 as follows:

20 (55 ILCS 5/5-1006.7)

21 Sec. 5-1006.7. School facility occupation taxes.

22 (a) In any county, a tax shall be imposed upon all persons  
23 engaged in the business of selling tangible personal property,  
24 other than personal property titled or registered with an



1 agency of this State's government, at retail in the county on  
2 the gross receipts from the sales made in the course of  
3 business to provide revenue to be used exclusively for school  
4 facility purposes if a proposition for the tax has been  
5 submitted to the electors of that county and approved by a  
6 majority of those voting on the question as provided in  
7 subsection (c). The tax under this Section shall be imposed  
8 only in one-quarter percent increments and may not exceed 1%.

9 This additional tax may not be imposed on the sale of food  
10 for human consumption that is to be consumed off the premises  
11 where it is sold (other than alcoholic beverages, soft drinks,  
12 and food that has been prepared for immediate consumption) and  
13 prescription and non-prescription medicines, drugs, medical  
14 appliances and insulin, urine testing materials, syringes and  
15 needles used by diabetics. The Department of Revenue has full  
16 power to administer and enforce this subsection, to collect all  
17 taxes and penalties due under this subsection, to dispose of  
18 taxes and penalties so collected in the manner provided in this  
19 subsection, and to determine all rights to credit memoranda  
20 arising on account of the erroneous payment of a tax or penalty  
21 under this subsection. The Department shall deposit all taxes  
22 and penalties collected under this subsection into a special  
23 fund created for that purpose.

24 In the administration of and compliance with this  
25 subsection, the Department and persons who are subject to this  
26 subsection (i) have the same rights, remedies, privileges,

1 immunities, powers, and duties, (ii) are subject to the same  
2 conditions, restrictions, limitations, penalties, and  
3 definitions of terms, and (iii) shall employ the same modes of  
4 procedure as are set forth in Sections 1 through 1o, 2 through  
5 2-70 (in respect to all provisions contained in those Sections  
6 other than the State rate of tax), 2a through 2h, 3 (except as  
7 to the disposition of taxes and penalties collected), 4, 5, 5a,  
8 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8,  
9 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act  
10 and all provisions of the Uniform Penalty and Interest Act as  
11 if those provisions were set forth in this subsection.

12 The certificate of registration that is issued by the  
13 Department to a retailer under the Retailers' Occupation Tax  
14 Act permits the retailer to engage in a business that is  
15 taxable without registering separately with the Department  
16 under an ordinance or resolution under this subsection.

17 Persons subject to any tax imposed under the authority  
18 granted in this subsection may reimburse themselves for their  
19 seller's tax liability by separately stating that tax as an  
20 additional charge, which may be stated in combination, in a  
21 single amount, with State tax that sellers are required to  
22 collect under the Use Tax Act, pursuant to any bracketed  
23 schedules set forth by the Department.

24 (b) If a tax has been imposed under subsection (a), then a  
25 service occupation tax must also be imposed at the same rate  
26 upon all persons engaged, in the county, in the business of

1 making sales of service, who, as an incident to making those  
2 sales of service, transfer tangible personal property within  
3 the county as an incident to a sale of service.

4 This tax may not be imposed on sales of food for human  
5 consumption that is to be consumed off the premises where it is  
6 sold (other than alcoholic beverages, soft drinks, and food  
7 prepared for immediate consumption) and prescription and  
8 non-prescription medicines, drugs, medical appliances and  
9 insulin, urine testing materials, syringes, and needles used by  
10 diabetics.

11 The tax imposed under this subsection and all civil  
12 penalties that may be assessed as an incident thereof shall be  
13 collected and enforced by the Department and deposited into a  
14 special fund created for that purpose. The Department has full  
15 power to administer and enforce this subsection, to collect all  
16 taxes and penalties due under this subsection, to dispose of  
17 taxes and penalties so collected in the manner provided in this  
18 subsection, and to determine all rights to credit memoranda  
19 arising on account of the erroneous payment of a tax or penalty  
20 under this subsection.

21 In the administration of and compliance with this  
22 subsection, the Department and persons who are subject to this  
23 subsection shall (i) have the same rights, remedies,  
24 privileges, immunities, powers and duties, (ii) be subject to  
25 the same conditions, restrictions, limitations, penalties and  
26 definition of terms, and (iii) employ the same modes of

1 procedure as are set forth in Sections 2 (except that that  
2 reference to State in the definition of supplier maintaining a  
3 place of business in this State means the county), 2a through  
4 2d, 3 through 3-50 (in respect to all provisions contained in  
5 those Sections other than the State rate of tax), 4 (except  
6 that the reference to the State shall be to the county), 5, 7,  
7 8 (except that the jurisdiction to which the tax is a debt to  
8 the extent indicated in that Section 8 is the county), 9  
9 (except as to the disposition of taxes and penalties  
10 collected), 10, 11, 12 (except the reference therein to Section  
11 2b of the Retailers' Occupation Tax Act), 13 (except that any  
12 reference to the State means the county), Section 15, 16, 17,  
13 18, 19, and 20 of the Service Occupation Tax Act and all  
14 provisions of the Uniform Penalty and Interest Act, as fully as  
15 if those provisions were set forth herein.

16 Persons subject to any tax imposed under the authority  
17 granted in this subsection may reimburse themselves for their  
18 serviceman's tax liability by separately stating the tax as an  
19 additional charge, which may be stated in combination, in a  
20 single amount, with State tax that servicemen are authorized to  
21 collect under the Service Use Tax Act, pursuant to any  
22 bracketed schedules set forth by the Department.

23 (c) The tax under this Section may not be imposed until the  
24 question of imposing the tax has been submitted to the electors  
25 of the county at a regular election and approved by a majority  
26 of the electors voting on the question. For all regular

1 elections held prior to the effective date of this amendatory  
2 Act of the 97th General Assembly, upon a resolution by the  
3 county board or a resolution by school district boards that  
4 represent at least 51% of the student enrollment within the  
5 county, the county board must certify the question to the  
6 proper election authority in accordance with the Election Code.

7 For all regular elections held prior to the effective date  
8 of this amendatory Act of the 97th General Assembly, the  
9 election authority must submit the question in substantially  
10 the following form:

11 Shall (name of county) be authorized to impose a  
12 retailers' occupation tax and a service occupation tax  
13 (commonly referred to as a "sales tax") at a rate of  
14 (insert rate) to be used exclusively for school facility  
15 purposes?

16 The election authority must record the votes as "Yes" or "No".

17 If a majority of the electors voting on the question vote  
18 in the affirmative, then the county may, thereafter, impose the  
19 tax.

20 For all regular elections held on or after the effective  
21 date of this amendatory Act of the 97th General Assembly, the  
22 regional superintendent of schools for the county must, upon  
23 receipt of a resolution or resolutions of school district  
24 boards that represent more than 50% of the student enrollment  
25 within the county, certify the question to the proper election  
26 authority for submission to the electors of the county at the

1 next regular election at which the question lawfully may be  
2 submitted to the electors, all in accordance with the Election  
3 Code.

4 For all regular elections held on or after the effective  
5 date of this amendatory Act of the 97th General Assembly, the  
6 election authority must submit the question in substantially  
7 the following form:

8 Shall a retailers' occupation tax and a service  
9 occupation tax (commonly referred to as a "sales tax") be  
10 imposed in (name of county) at a rate of (insert rate) to  
11 be used exclusively for school facility purposes?

12 The election authority must record the votes as "Yes" or "No".

13 If a majority of the electors voting on the question vote  
14 in the affirmative, then the tax shall be imposed at the rate  
15 set forth in the question.

16 For the purposes of this subsection (c), "enrollment" means  
17 the head count of the students residing in the county on the  
18 last school day of September of each year, which must be  
19 reported on the Illinois State Board of Education Public School  
20 Fall Enrollment/Housing Report.

21 (d) The Department shall immediately pay over to the State  
22 Treasurer, ex officio, as trustee, all taxes and penalties  
23 collected under this Section to be deposited into the School  
24 Facility Occupation Tax Fund, which shall be an unappropriated  
25 trust fund held outside the State treasury.

26 On or before the 25th day of each calendar month, the

1 Department shall prepare and certify to the Comptroller the  
2 disbursement of stated sums of money to the regional  
3 superintendents of schools in counties from which retailers or  
4 servicemen have paid taxes or penalties to the Department  
5 during the second preceding calendar month. The amount to be  
6 paid to each regional superintendent of schools and disbursed  
7 to him or her in accordance with Section 3-14.31 of the School  
8 Code, is equal to the amount (not including credit memoranda)  
9 collected from the county under this Section during the second  
10 preceding calendar month by the Department, (i) less 2% of that  
11 amount, which shall be deposited into the Tax Compliance and  
12 Administration Fund and shall be used by the Department,  
13 subject to appropriation, to cover the costs of the Department  
14 in administering and enforcing the provisions of this Section,  
15 on behalf of the county, (ii) plus an amount that the  
16 Department determines is necessary to offset any amounts that  
17 were erroneously paid to a different taxing body; (iii) less an  
18 amount equal to the amount of refunds made during the second  
19 preceding calendar month by the Department on behalf of the  
20 county; and (iv) less any amount that the Department determines  
21 is necessary to offset any amounts that were payable to a  
22 different taxing body but were erroneously paid to the county.  
23 When certifying the amount of a monthly disbursement to a  
24 regional superintendent of schools under this Section, the  
25 Department shall increase or decrease the amounts by an amount  
26 necessary to offset any miscalculation of previous

1 disbursements within the previous 6 months from the time a  
2 miscalculation is discovered.

3       Within 10 days after receipt by the Comptroller from the  
4 Department of the disbursement certification to the regional  
5 superintendents of the schools provided for in this Section,  
6 the Comptroller shall cause the orders to be drawn for the  
7 respective amounts in accordance with directions contained in  
8 the certification.

9       If the Department determines that a refund should be made  
10 under this Section to a claimant instead of issuing a credit  
11 memorandum, then the Department shall notify the Comptroller,  
12 who shall cause the order to be drawn for the amount specified  
13 and to the person named in the notification from the  
14 Department. The refund shall be paid by the Treasurer out of  
15 the School Facility Occupation Tax Fund.

16       (e) For the purposes of determining the local governmental  
17 unit whose tax is applicable, a retail sale by a producer of  
18 coal or another mineral mined in Illinois is a sale at retail  
19 at the place where the coal or other mineral mined in Illinois  
20 is extracted from the earth. This subsection does not apply to  
21 coal or another mineral when it is delivered or shipped by the  
22 seller to the purchaser at a point outside Illinois so that the  
23 sale is exempt under the United States Constitution as a sale  
24 in interstate or foreign commerce.

25       (f) Nothing in this Section may be construed to authorize a  
26 tax to be imposed upon the privilege of engaging in any



1 business that under the Constitution of the United States may  
2 not be made the subject of taxation by this State.

3 (g) If a county board imposes a tax under this Section  
4 pursuant to a referendum held before the effective date of this  
5 amendatory Act of the 97th General Assembly at a rate below the  
6 rate set forth in the question approved by a majority of  
7 electors of that county voting on the question as provided in  
8 subsection (c), then the county board may, by ordinance,  
9 increase the rate of the tax up to the rate set forth in the  
10 question approved by a majority of electors of that county  
11 voting on the question as provided in subsection (c). If a  
12 county board imposes a tax under this Section pursuant to a  
13 referendum held before the effective date of this amendatory  
14 Act of the 97th General Assembly, then the board may, by  
15 ordinance, discontinue or reduce the rate of the tax. If a tax  
16 is imposed under this Section pursuant to a referendum held on  
17 or after the effective date of this amendatory Act of the 97th  
18 General Assembly, then the county board may reduce or  
19 discontinue the tax, but only in accordance with subsection  
20 (h-5) of this Section. If, however, a school board issues bonds  
21 that are secured by the proceeds of the tax under this Section,  
22 then the county board may not reduce the tax rate or  
23 discontinue the tax if that rate reduction or discontinuance  
24 would adversely affect the school board's ability to pay the  
25 principal and interest on those bonds as they become due or  
26 necessitate the extension of additional property taxes to pay

1 the principal and interest on those bonds. If the county board  
2 reduces the tax rate or discontinues the tax, then a referendum  
3 must be held in accordance with subsection (c) of this Section  
4 in order to increase the rate of the tax or to reimpose the  
5 discontinued tax.

6 The results of any election that imposes, reduces, or  
7 discontinues a tax under this Section must be certified by the  
8 election authority, and any ordinance that increases or lowers  
9 the rate or discontinues the tax must be certified by the  
10 county clerk and, in each case, filed with the Illinois  
11 Department of Revenue either (i) on or before the first day of  
12 April, whereupon the Department shall proceed to administer and  
13 enforce the tax or change in the rate as of the first day of  
14 July next following the filing; or (ii) on or before the first  
15 day of October, whereupon the Department shall proceed to  
16 administer and enforce the tax or change in the rate as of the  
17 first day of January next following the filing.

18 (h) For purposes of this Section, "school facility  
19 purposes" means (i) the acquisition, development,  
20 construction, reconstruction, rehabilitation, improvement,  
21 financing, architectural planning, and installation of capital  
22 facilities consisting of buildings, structures, and durable  
23 equipment and for the acquisition and improvement of real  
24 property and interest in real property required, or expected to  
25 be required, in connection with the capital facilities and (ii)  
26 the payment of bonds or other obligations heretofore or

1 hereafter issued, including bonds or other obligations  
2 heretofore or hereafter issued to refund or to continue to  
3 refund bonds or other obligations issued, for school facility  
4 purposes, provided that the taxes levied to pay those bonds are  
5 abated by the amount of the taxes imposed under this Section  
6 that are used to pay those bonds. "School-facility purposes"  
7 also includes fire prevention, safety, energy conservation,  
8 disabled accessibility, school security, and specified repair  
9 purposes set forth under Section 17-2.11 of the School Code.

10 (h-5) A county board in a county where a tax has been  
11 imposed under this Section pursuant to a referendum held on or  
12 after the effective date of this amendatory Act of the 97th  
13 General Assembly may, by ordinance or resolution, submit to the  
14 voters of the county the question of reducing or discontinuing  
15 the tax. In the ordinance or resolution, the county board shall  
16 certify the question to the proper election authority in  
17 accordance with the Election Code. The election authority must  
18 submit the question in substantially the following form:

19 Shall the school facility retailers' occupation tax  
20 and service occupation tax (commonly referred to as the  
21 "school facility sales tax") currently imposed in (name of  
22 county) at a rate of (insert rate) be (reduced to (insert  
23 rate)) (discontinued)?

24 If a majority of the electors voting on the question vote in  
25 the affirmative, then, subject to the provisions of subsection  
26 (g) of this Section, the tax shall be reduced or discontinued

1 as set forth in the question.

2 (i) This Section does not apply to Cook County.

3 (j) This Section may be cited as the County School Facility  
4 Occupation Tax Law.

5 (Source: P.A. 97-542, eff. 8-23-11; revised 11-18-11.)

6 (55 ILCS 5/5-1069.3)

7 Sec. 5-1069.3. Required health benefits. If a county,  
8 including a home rule county, is a self-insurer for purposes of  
9 providing health insurance coverage for its employees, the  
10 coverage shall include coverage for the post-mastectomy care  
11 benefits required to be covered by a policy of accident and  
12 health insurance under Section 356t and the coverage required  
13 under Sections 356g, 356g.5, 356g.5-1, 356u, 356w, 356x,  
14 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,  
15 356z.14, and 356z.15 of the Illinois Insurance Code. The  
16 coverage shall comply with Sections ~~Section~~ 155.22a and 356z.19  
17 of the Illinois Insurance Code. The requirement that health  
18 benefits be covered as provided in this Section is an exclusive  
19 power and function of the State and is a denial and limitation  
20 under Article VII, Section 6, subsection (h) of the Illinois  
21 Constitution. A home rule county to which this Section applies  
22 must comply with every provision of this Section.

23 Rulemaking authority to implement Public Act 95-1045, if  
24 any, is conditioned on the rules being adopted in accordance  
25 with all provisions of the Illinois Administrative Procedure

1 Act and all rules and procedures of the Joint Committee on  
2 Administrative Rules; any purported rule not so adopted, for  
3 whatever reason, is unauthorized.

4 (Source: P.A. 96-139, eff. 1-1-10; 96-328, eff. 8-11-09;  
5 96-1000, eff. 7-2-10; 97-282, eff. 8-9-11; 97-343, eff. 1-1-12;  
6 revised 10-14-11.)

7 (55 ILCS 5/5-12001.1)

8 Sec. 5-12001.1. Authority to regulate certain specified  
9 facilities of a telecommunications carrier and to regulate,  
10 pursuant to subsections (a) through (g), AM broadcast towers  
11 and facilities.

12 (a) Notwithstanding any other Section in this Division, the  
13 county board or board of county commissioners of any county  
14 shall have the power to regulate the location of the  
15 facilities, as defined in subsection (c), of a  
16 telecommunications carrier or AM broadcast station established  
17 outside the corporate limits of cities, villages, and  
18 incorporated towns that have municipal zoning ordinances in  
19 effect. The power shall only be exercised to the extent and in  
20 the manner set forth in this Section.

21 (b) The provisions of this Section shall not abridge any  
22 rights created by or authority confirmed in the federal  
23 Telecommunications Act of 1996, P.L. 104-104.

24 (c) As used in this Section, unless the context otherwise  
25 requires:

1           (1) "county jurisdiction area" means those portions of  
2 a county that lie outside the corporate limits of cities,  
3 villages, and incorporated towns that have municipal  
4 zoning ordinances in effect;

5           (2) "county board" means the county board or board of  
6 county commissioners of any county;

7           (3) "residential zoning district" means a zoning  
8 district that is designated under a county zoning ordinance  
9 and is zoned predominantly for residential uses;

10          (4) "non-residential zoning district" means the county  
11 jurisdiction area of a county, except for those portions  
12 within a residential zoning district;

13          (5) "residentially zoned lot" means a zoning lot in a  
14 residential zoning district;

15          (6) "non-residentially zoned lot" means a zoning lot in  
16 a non-residential zoning district;

17          (7) "telecommunications carrier" means a  
18 telecommunications carrier as defined in the Public  
19 Utilities Act as of January 1, 1997;

20          (8) "facility" means that part of the signal  
21 distribution system used or operated by a  
22 telecommunications carrier or AM broadcast station under a  
23 license from the FCC consisting of a combination of  
24 improvements and equipment including (i) one or more  
25 antennas, (ii) a supporting structure and the hardware by  
26 which antennas are attached; (iii) equipment housing; and

1 (iv) ancillary equipment such as signal transmission  
2 cables and miscellaneous hardware;

3 (9) "FAA" means the Federal Aviation Administration of  
4 the United States Department of Transportation;

5 (10) "FCC" means the Federal Communications  
6 Commission;

7 (11) "antenna" means an antenna device by which radio  
8 signals are transmitted, received, or both;

9 (12) "supporting structure" means a structure, whether  
10 an antenna tower or another type of structure, that  
11 supports one or more antennas as part of a facility;

12 (13) "qualifying structure" means a supporting  
13 structure that is (i) an existing structure, if the height  
14 of the facility, including the structure, is not more than  
15 15 feet higher than the structure just before the facility  
16 is installed, or (ii) a substantially similar,  
17 substantially same-location replacement of an existing  
18 structure, if the height of the facility, including the  
19 replacement structure, is not more than 15 feet higher than  
20 the height of the existing structure just before the  
21 facility is installed;

22 (14) "equipment housing" means a combination of one or  
23 more equipment buildings or enclosures housing equipment  
24 that operates in conjunction with the antennas of a  
25 facility, and the equipment itself;

26 (15) "height" of a facility means the total height of

1 the facility's supporting structure and any antennas that  
2 will extend above the top of the supporting structure;  
3 however, if the supporting structure's foundation extends  
4 more than 3 feet above the uppermost ground level along the  
5 perimeter of the foundation, then each full foot in excess  
6 of 3 feet shall be counted as an additional foot of  
7 facility height. The height of a facility's supporting  
8 structure is to be measured from the highest point of the  
9 supporting structure's foundation;

10 (16) "facility lot" means the zoning lot on which a  
11 facility is or will be located;

12 (17) "principal residential building" has its common  
13 meaning but shall not include any building under the same  
14 ownership as the land of the facility lot. "Principal  
15 residential building" shall not include any structure that  
16 is not designed for human habitation;

17 (18) "horizontal separation distance" means the  
18 distance measured from the center of the base of the  
19 facility's supporting structure to the point where the  
20 ground meets a vertical wall of a principal residential  
21 building;

22 (19) "lot line set back distance" means the distance  
23 measured from the center of the base of the facility's  
24 supporting structure to the nearest point on the common lot  
25 line between the facility lot and the nearest residentially  
26 zoned lot. If there is no common lot line, the measurement



1 shall be made to the nearest point on the lot line of the  
2 nearest residentially zoned lot without deducting the  
3 width of any intervening right of way; and

4 (20) "AM broadcast station" means a facility and one or  
5 more towers for the purpose of transmitting communication  
6 in the 540 kHz to 1700 kHz band for public reception  
7 authorized by the FCC.

8 (d) In choosing a location for a facility, a  
9 telecommunications carrier or AM broadcast station shall  
10 consider the following:

11 (1) A non-residentially zoned lot is the most desirable  
12 location.

13 (2) A residentially zoned lot that is not used for  
14 residential purposes is the second most desirable  
15 location.

16 (3) A residentially zoned lot that is 2 acres or more  
17 in size and is used for residential purposes is the third  
18 most desirable location.

19 (4) A residentially zoned lot that is less than 2 acres  
20 in size and is used for residential purposes is the least  
21 desirable location.

22 The size of a lot shall be the lot's gross area in square  
23 feet without deduction of any unbuildable or unusable land, any  
24 roadway, or any other easement.

25 (e) In designing a facility, a telecommunications carrier  
26 or AM broadcast station shall consider the following

1 guidelines:

2 (1) No building or tower that is part of a facility  
3 should encroach onto any recorded easement prohibiting the  
4 encroachment unless the grantees of the easement have given  
5 their approval.

6 (2) Lighting should be installed for security and  
7 safety purposes only. Except with respect to lighting  
8 required by the FCC or FAA, all lighting should be shielded  
9 so that no glare extends substantially beyond the  
10 boundaries of a facility.

11 (3) No facility should encroach onto an existing septic  
12 field.

13 (4) Any facility located in a special flood hazard area  
14 or wetland should meet the legal requirements for those  
15 lands.

16 (5) Existing trees more than 3 inches in diameter  
17 should be preserved if reasonably feasible during  
18 construction. If any tree more than 3 inches in diameter is  
19 removed during construction a tree 3 inches or more in  
20 diameter of the same or a similar species shall be planted  
21 as a replacement if reasonably feasible. Tree diameter  
22 shall be measured at a point 3 feet above ground level.

23 (6) If any elevation of a facility faces an existing,  
24 adjoining residential use within a residential zoning  
25 district, low maintenance landscaping should be provided  
26 on or near the facility lot to provide at least partial

1 screening of the facility. The quantity and type of that  
2 landscaping should be in accordance with any county  
3 landscaping regulations of general applicability, except  
4 that paragraph (5) of this subsection (e) shall control  
5 over any tree-related regulations imposing a greater  
6 burden.

7 (7) Fencing should be installed around a facility. The  
8 height and materials of the fencing should be in accordance  
9 with any county fence regulations of general  
10 applicability.

11 (8) Any building that is part of a facility located  
12 adjacent to a residentially zoned lot should be designed  
13 with exterior materials and colors that are reasonably  
14 compatible with the residential character of the area.

15 (f) The following provisions shall apply to all facilities  
16 established in any county jurisdiction area (i) after the  
17 effective date of the amendatory Act of 1997 with respect to  
18 telecommunications carriers and (ii) after the effective date  
19 of this amendatory Act of the 94th General Assembly with  
20 respect to AM broadcast stations:

21 (1) Except as provided in this Section, no yard or set  
22 back regulations shall apply to or be required for a  
23 facility.

24 (2) A facility may be located on the same zoning lot as  
25 one or more other structures or uses without violating any  
26 ordinance or regulation that prohibits or limits multiple

1 structures, buildings, or uses on a zoning lot.

2 (3) No minimum lot area, width, or depth shall be  
3 required for a facility, and unless the facility is to be  
4 manned on a regular, daily basis, no off-street parking  
5 spaces shall be required for a facility. If the facility is  
6 to be manned on a regular, daily basis, one off-street  
7 parking space shall be provided for each employee regularly  
8 at the facility. No loading facilities are required.

9 (4) No portion of a facility's supporting structure or  
10 equipment housing shall be less than 15 feet from the front  
11 lot line of the facility lot or less than 10 feet from any  
12 other lot line.

13 (5) No bulk regulations or lot coverage, building  
14 coverage, or floor area ratio limitations shall be applied  
15 to a facility or to any existing use or structure  
16 coincident with the establishment of a facility. Except as  
17 provided in this Section, no height limits or restrictions  
18 shall apply to a facility.

19 (6) A county's review of a building permit application  
20 for a facility shall be completed within 30 days. If a  
21 decision of the county board is required to permit the  
22 establishment of a facility, the county's review of the  
23 application shall be simultaneous with the process leading  
24 to the county board's decision.

25 (7) The improvements and equipment comprising the  
26 facility may be wholly or partly freestanding or wholly or

1 partly attached to, enclosed in, or installed in or on a  
2 structure or structures.

3 (8) Any public hearing authorized under this Section  
4 shall be conducted in a manner determined by the county  
5 board. Notice of any such public hearing shall be published  
6 at least 15 days before the hearing in a newspaper of  
7 general circulation published in the county. Notice of any  
8 such public hearing shall also be sent by certified mail at  
9 least 15 days prior to the hearing to the owners of record  
10 of all residential property that is adjacent to the lot  
11 upon which the facility is proposed to be sited.

12 (9) Any decision regarding a facility by the county  
13 board or a county agency or official shall be supported by  
14 written findings of fact. The circuit court shall have  
15 jurisdiction to review the reasonableness of any adverse  
16 decision and the plaintiff shall bear the burden of proof,  
17 but there shall be no presumption of the validity of the  
18 decision.

19 (10) Thirty days prior to the issuance of a building  
20 permit for a facility necessitating the erection of a new  
21 tower, the permit applicant shall provide written notice of  
22 its intent to construct the facility to the State  
23 Representative and the State Senator of the district in  
24 which the subject facility is to be constructed and all  
25 county board members for the county board district in the  
26 county in which the subject facility is to be constructed.

1 This notice shall include, but not be limited to, the  
2 following information: (i) the name, address, and  
3 telephone number of the company responsible for the  
4 construction of the facility; (ii) the name, address, and  
5 telephone number of the governmental entity authorized to  
6 issue the building permit; and (iii) the location of the  
7 proposed facility. The applicant shall demonstrate  
8 compliance with the notice requirements set forth in this  
9 item (10) by submitting certified mail receipts or  
10 equivalent mail service receipts at the same time that the  
11 applicant submits the permit application.

12 (g) The following provisions shall apply to all facilities  
13 established (i) after the effective date of this amendatory Act  
14 of 1997 with respect to telecommunications carriers and (ii)  
15 after the effective date of this amendatory Act of the 94th  
16 General Assembly with respect to AM broadcast stations in the  
17 county jurisdiction area of any county with a population of  
18 less than 180,000:

19 (1) A facility is permitted if its supporting structure  
20 is a qualifying structure or if both of the following  
21 conditions are met:

22 (A) the height of the facility shall not exceed 200  
23 feet, except that if a facility is located more than  
24 one and one-half miles from the corporate limits of any  
25 municipality with a population of 25,000 or more the  
26 height of the facility shall not exceed 350 feet; and

1           (B) the horizontal separation distance to the  
2           nearest principal residential building shall not be  
3           less than the height of the supporting structure;  
4           except that if the supporting structure exceeds 99 feet  
5           in height, the horizontal separation distance to the  
6           nearest principal residential building shall be at  
7           least 100 feet or 80% of the height of the supporting  
8           structure, whichever is greater. Compliance with this  
9           paragraph shall only be evaluated as of the time that a  
10          building permit application for the facility is  
11          submitted. If the supporting structure is not an  
12          antenna tower this paragraph is satisfied.

13          (2) Unless a facility is permitted under paragraph (1)  
14          of this subsection (g), a facility can be established only  
15          after the county board gives its approval following  
16          consideration of the provisions of paragraph (3) of this  
17          subsection (g). The county board may give its approval  
18          after one public hearing on the proposal, but only by the  
19          favorable vote of a majority of the members present at a  
20          meeting held no later than 75 days after submission of a  
21          complete application by the telecommunications carrier. If  
22          the county board fails to act on the application within 75  
23          days after its submission, the application shall be deemed  
24          to have been approved. No more than one public hearing  
25          shall be required.

26          (3) For purposes of paragraph (2) of this subsection

1 (g), the following siting considerations, but no other  
2 matter, shall be considered by the county board or any  
3 other body conducting the public hearing:

4 (A) the criteria in subsection (d) of this Section;

5 (B) whether a substantial adverse effect on public  
6 safety will result from some aspect of the facility's  
7 design or proposed construction, but only if that  
8 aspect of design or construction is modifiable by the  
9 applicant;

10 (C) the benefits to be derived by the users of the  
11 services to be provided or enhanced by the facility and  
12 whether public safety and emergency response  
13 capabilities would benefit by the establishment of the  
14 facility;

15 (D) the existing uses on adjacent and nearby  
16 properties; and

17 (E) the extent to which the design of the proposed  
18 facility reflects compliance with subsection (e) of  
19 this Section.

20 (4) On judicial review of an adverse decision, the  
21 issue shall be the reasonableness of the county board's  
22 decision in light of the evidence presented on the siting  
23 considerations and the well-reasoned recommendations of  
24 any other body that conducts the public hearing.

25 (h) The following provisions shall apply to all facilities  
26 established after the effective date of this amendatory Act of



1 1997 in the county jurisdiction area of any county with a  
2 population of 180,000 or more. A facility is permitted in any  
3 zoning district subject to the following:

4 (1) A facility shall not be located on a lot under  
5 paragraph (4) of subsection (d) unless a variation is  
6 granted by the county board under paragraph (4) of this  
7 subsection (h).

8 (2) Unless a height variation is granted by the county  
9 board, the height of a facility shall not exceed 75 feet if  
10 the facility will be located in a residential zoning  
11 district or 200 feet if the facility will be located in a  
12 non-residential zoning district. However, the height of a  
13 facility may exceed the height limit in this paragraph, and  
14 no height variation shall be required, if the supporting  
15 structure is a qualifying structure.

16 (3) The improvements and equipment of the facility  
17 shall be placed to comply with the requirements of this  
18 paragraph at the time a building permit application for the  
19 facility is submitted. If the supporting structure is an  
20 antenna tower other than a qualifying structure then (i) if  
21 the facility will be located in a residential zoning  
22 district the lot line set back distance to the nearest  
23 residentially zoned lot shall be at least 50% of the height  
24 of the facility's supporting structure or (ii) if the  
25 facility will be located in a non-residential zoning  
26 district the horizontal separation distance to the nearest

1 principal residential building shall be at least equal to  
2 the height of the facility's supporting structure.

3 (4) The county board may grant variations for any of  
4 the regulations, conditions, and restrictions of this  
5 subsection (h), after one public hearing on the proposed  
6 variations held at a zoning or other appropriate committee  
7 meeting with proper notice given as provided in this  
8 Section, by a favorable vote of a majority of the members  
9 present at a meeting held no later than 75 days after  
10 submission of an application by the telecommunications  
11 carrier. If the county board fails to act on the  
12 application within 75 days after submission, the  
13 application shall be deemed to have been approved. In its  
14 consideration of an application for variations, the county  
15 board, and any other body conducting the public hearing,  
16 shall consider the following, and no other matters:

17 (A) whether, but for the granting of a variation,  
18 the service that the telecommunications carrier seeks  
19 to enhance or provide with the proposed facility will  
20 be less available, impaired, or diminished in quality,  
21 quantity, or scope of coverage;

22 (B) whether the conditions upon which the  
23 application for variations is based are unique in some  
24 respect or, if not, whether the strict application of  
25 the regulations would result in a hardship on the  
26 telecommunications carrier;

1 (C) whether a substantial adverse effect on public  
2 safety will result from some aspect of the facility's  
3 design or proposed construction, but only if that  
4 aspect of design or construction is modifiable by the  
5 applicant;

6 (D) whether there are benefits to be derived by the  
7 users of the services to be provided or enhanced by the  
8 facility and whether public safety and emergency  
9 response capabilities would benefit by the  
10 establishment of the facility; and

11 (E) the extent to which the design of the proposed  
12 facility reflects compliance with subsection (e) of  
13 this Section.

14 No more than one public hearing shall be required.

15 (5) On judicial review of an adverse decision, the  
16 issue shall be the reasonableness of the county board's  
17 decision in light of the evidence presented and the  
18 well-reasoned recommendations of any other body that  
19 conducted the public hearing.

20 (i) Notwithstanding any other provision of law to the  
21 contrary, 30 days prior to the issuance of any permits for a  
22 new telecommunications facility within a county, the  
23 telecommunications carrier constructing the facility shall  
24 provide written notice of its intent to construct the facility.  
25 The notice shall include, but not be limited to, the following  
26 information: (i) the name, address, and telephone number of the

1 company responsible for the construction of the facility, (ii)  
2 the address and telephone number of the governmental entity  
3 that is to issue the building permit for the telecommunications  
4 facility, (iii) a site plan and site map of sufficient  
5 specificity to indicate both the location of the parcel where  
6 the telecommunications facility is to be constructed and the  
7 location of all the telecommunications facilities within that  
8 parcel, and (iv) the property index number and common address  
9 of the parcel where the telecommunications facility is to be  
10 located. The notice shall not contain any material that appears  
11 to be an advertisement for the telecommunications carrier or  
12 any services provided by the telecommunications carrier. The  
13 notice shall be provided in person, by overnight private  
14 courier, or by certified mail to all owners of property within  
15 250 feet of the parcel in which the telecommunications carrier  
16 has a leasehold or ownership interest. For the purposes of this  
17 notice requirement, "owners" means those persons or entities  
18 identified from the authentic tax records of the county in  
19 which the telecommunications facility is to be located. If,  
20 after a bona fide effort by the telecommunications carrier to  
21 determine the owner and his or her address, the owner of the  
22 property on whom the notice must be served cannot be found at  
23 the owner's last known address, or if the mailed notice is  
24 returned because the owner cannot be found at the last known  
25 address, the notice requirement of this paragraph is deemed  
26 satisfied.

1 (Source: P.A. 96-696, eff. 1-1-10; 97-242, eff. 8-4-11; 97-496,  
2 eff. 8-22-11; revised 9-28-11.)

3 Section 195. The County Care for Persons with Developmental  
4 Disabilities Act is amended by changing Sections 1.1 and 1.2 as  
5 follows:

6 (55 ILCS 105/1.1)

7 Sec. 1.1. Petition for submission to referendum by county.

8 (a) If, on and after the effective date of this amendatory  
9 Act of the 96th General Assembly, the county board passes an  
10 ordinance or resolution as provided in Section 1 of this Act  
11 asking that an annual tax may be levied for the purpose of  
12 providing facilities or services set forth in that Section and  
13 so instructs the county clerk, the clerk shall certify the  
14 proposition to the proper election officials for submission at  
15 the next general county election. The proposition shall be in  
16 substantially the following form:

17 Shall ..... County levy an annual tax not to exceed  
18 0.1% upon the equalized assessed value of all taxable  
19 property in the county for the purposes of providing  
20 facilities or services for the benefit of its residents who  
21 are intellectually disabled or under a developmental  
22 disability and who are not eligible to participate in any  
23 program provided under Article 14 of the School Code, 105  
24 ILCS 5/14-1.01 ~~105 ILCS 5/14.1 1.01~~ et seq., including

1 contracting for those facilities or services with any  
2 privately or publicly operated entity that provides those  
3 facilities or services either in or out of the county?

4 (b) If a majority of the votes cast upon the proposition  
5 are in favor thereof, such tax levy shall be authorized and the  
6 county shall levy a tax not to exceed the rate set forth in  
7 Section 1 of this Act.

8 (Source: P.A. 96-1350, eff. 7-28-10; 97-227, eff. 1-1-12;  
9 revised 11-18-11.)

10 (55 ILCS 105/1.2)

11 Sec. 1.2. Petition for submission to referendum by  
12 electors.

13 (a) Whenever a petition for submission to referendum by the  
14 electors which requests the establishment and maintenance of  
15 facilities or services for the benefit of its residents with a  
16 developmental disability and the levy of an annual tax not to  
17 exceed 0.1% upon all the taxable property in the county at the  
18 value thereof, as equalized or assessed by the Department of  
19 Revenue, is signed by electors of the county equal in number to  
20 at least 10% of the total votes cast for the office that  
21 received the greatest total number of votes at the last  
22 preceding general county election and is presented to the  
23 county clerk, the clerk shall certify the proposition to the  
24 proper election authorities for submission at the next general  
25 county election. The proposition shall be in substantially the

1 following form:

2           Shall ..... County levy an annual tax not to exceed  
3           0.1% upon the equalized assessed value of all taxable  
4           property in the county for the purposes of establishing and  
5           maintaining facilities or services for the benefit of its  
6           residents who are intellectually disabled or under a  
7           developmental disability and who are not eligible to  
8           participate in any program provided under Article 14 of the  
9           School Code, 105 ILCS 5/14-1.01 ~~105 ILCS 5/14.1-1.01~~ et  
10          seq., including contracting for those facilities or  
11          services with any privately or publicly operated entity  
12          that provides those facilities or services either in or out  
13          of the county?

14          (b) If a majority of the votes cast upon the proposition  
15          are in favor thereof, such tax levy shall be authorized and the  
16          county shall levy a tax not to exceed the rate set forth in  
17          Section 1 of this Act.

18          (Source: P.A. 96-1350, eff. 7-28-10; 97-227, eff. 1-1-12;  
19          revised 11-18-11.)

20          Section 200. The Illinois Municipal Code is amended by  
21          changing Sections 8-11-1.7, 10-2.1-4, 10-4-2.3, 11-23-4,  
22          11-124-5, and 11-126-4 as follows:

23                 (65 ILCS 5/8-11-1.7)

24                 Sec. 8-11-1.7. Non-home rule municipal service occupation

1 tax; municipalities between 20,000 and 25,000. The corporate  
2 authorities of a non-home rule municipality with a population  
3 of more than 20,000 but less than 25,000 as determined by the  
4 last preceding decennial census that has, prior to January 1,  
5 1987, established a Redevelopment Project Area that has been  
6 certified as a State Sales Tax Boundary and has issued bonds or  
7 otherwise incurred indebtedness to pay for costs in excess of  
8 \$5,000,000, which is secured in part by a tax increment  
9 allocation fund, in accordance with the provisions of Division  
10 11-74.4 ~~11-74.7~~ of this Code may, by passage of an ordinance,  
11 impose a tax upon all persons engaged in the municipality in  
12 the business of making sales of service. If imposed, the tax  
13 shall only be imposed in .25% increments of the selling price  
14 of all tangible personal property transferred by such  
15 servicemen either in the form of tangible personal property or  
16 in the form of real estate as an incident to a sale of service.  
17 This tax may not be imposed on the sales of food for human  
18 consumption that is to be consumed off the premises where it is  
19 sold (other than alcoholic beverages, soft drinks, and food  
20 that has been prepared for immediate consumption) and  
21 prescription and nonprescription medicines, drugs, medical  
22 appliances and insulin, urine testing materials, syringes, and  
23 needles used by diabetics. The tax imposed by a municipality  
24 under this Sec. and all civil penalties that may be assessed as  
25 an incident thereof shall be collected and enforced by the  
26 State Department of Revenue. An ordinance imposing a tax



1 hereunder or effecting a change in the rate thereof shall be  
2 adopted and a certified copy thereof filed with the Department  
3 on or before the first day of October, whereupon the Department  
4 shall proceed to administer and enforce this Section as of the  
5 first day of January next following such adoption and filing.  
6 The certificate of registration that is issued by the  
7 Department to a retailer under the Retailers' Occupation Tax  
8 Act or under the Service Occupation Tax Act shall permit the  
9 registrant to engage in a business that is taxable under any  
10 ordinance or resolution enacted under this Section without  
11 registering separately with the Department under the ordinance  
12 or resolution or under this Section. The Department shall have  
13 full power to administer and enforce this Section, to collect  
14 all taxes and penalties due hereunder, to dispose of taxes and  
15 penalties so collected in a manner hereinafter provided, and to  
16 determine all rights to credit memoranda arising on account of  
17 the erroneous payment of tax or penalty hereunder. In the  
18 administration of and compliance with this Section, the  
19 Department and persons who are subject to this Section shall  
20 have the same rights, remedies, privileges, immunities,  
21 powers, and duties, and be subject to the same conditions,  
22 restrictions, limitations, penalties and definitions of terms,  
23 and employ the same modes of procedure, as are prescribed in  
24 Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all  
25 provisions therein other than the State rate of tax), 4 (except  
26 that the reference to the State shall be to the taxing

1 municipality), 5, 7, 8 (except that the jurisdiction to which  
2 the tax shall be a debt to the extent indicated in that Section  
3 8 shall be the taxing municipality), 9 (except as to the  
4 disposition of taxes and penalties collected, and except that  
5 the returned merchandise credit for this municipal tax may not  
6 be taken against any State tax), 10, 11, 12, (except the  
7 reference therein to Section 2b of the Retailers' Occupation  
8 Tax Act), 13 (except that any reference to the State shall mean  
9 the taxing municipality), the first paragraph of Sections 15,  
10 16, 17, 18, 19, and 20 of the Service Occupation Tax Act and  
11 Section 3-7 of the Uniform Penalty and Interest Act, as fully  
12 as if those provisions were set forth herein.

13 A tax may not be imposed by a municipality under this  
14 Section unless the municipality also imposes a tax at the same  
15 rate under Section 8-11-1.6 of this Act.

16 Person subject to any tax imposed under the authority  
17 granted in this Section may reimburse themselves for their  
18 servicemen's tax liability hereunder by separately stating the  
19 tax as an additional charge, which charge may be stated in  
20 combination, in a single amount, with State tax that servicemen  
21 are authorized to collect under the Service Use Tax Act, under  
22 such bracket schedules as the Department may prescribe.

23 Whenever the Department determines that a refund should be  
24 made under this Section to a claimant instead of issuing credit  
25 memorandum, the Department shall notify the State Comptroller,  
26 who shall cause the order to be drawn for the amount specified,

1 and to the person named, in such notification from the  
2 Department. The refund shall be paid by the State Treasurer out  
3 of the Non-Home Rule Municipal Retailers' Occupation Tax Fund.

4 The Department shall forthwith pay over to the State  
5 Treasurer, ex officio, as trustee, all taxes and penalties  
6 collected hereunder.

7 As soon as possible after the first day of each month,  
8 beginning January 1, 2011, upon certification of the Department  
9 of Revenue, the Comptroller shall order transferred, and the  
10 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
11 local sales tax increment, as defined in the Innovation  
12 Development and Economy Act, collected under this Section  
13 during the second preceding calendar month for sales within a  
14 STAR bond district.

15 After the monthly transfer to the STAR Bonds Revenue Fund,  
16 on or before the 25th day of each calendar month, the  
17 Department shall prepare and certify to the Comptroller the  
18 disbursement of stated sums of money to named municipalities,  
19 the municipalities to be those from which suppliers and  
20 servicemen have paid taxes or penalties hereunder to the  
21 Department during the second preceding calendar month. The  
22 amount to be paid to each municipality shall be the amount (not  
23 including credit memoranda) collected hereunder during the  
24 second preceding calendar month by the Department, and not  
25 including an amount equal to the amount of refunds made during  
26 the second preceding calendar month by the Department on behalf

1 of such municipality, and not including any amounts that are  
2 transferred to the STAR Bonds Revenue Fund. Within 10 days  
3 after receipt by the Comptroller of the disbursement  
4 certification to the municipalities and the General Revenue  
5 Fund, provided for in this Section to be given to the  
6 Comptroller by the Department, the Comptroller shall cause the  
7 orders to be drawn for the respective amounts in accordance  
8 with the directions contained in the certification.

9 When certifying the amount of a monthly disbursement to a  
10 municipality under this Section, the Department shall increase  
11 or decrease the amount by an amount necessary to offset any  
12 misallocation of previous disbursements. The offset amount  
13 shall be the amount erroneously disbursed within the previous 6  
14 months from the time a misallocation is discovered.

15 Nothing in this Section shall be construed to authorize a  
16 municipality to impose a tax upon the privilege of engaging in  
17 any business which under the constitution of the United States  
18 may not be made the subject of taxation by this State.

19 (Source: P.A. 96-939, eff. 6-24-10; revised 11-18-11.)

20 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

21 Sec. 10-2.1-4. Fire and police departments; Appointment of  
22 members; Certificates of appointments.

23 The board of fire and police commissioners shall appoint  
24 all officers and members of the fire and police departments of  
25 the municipality, including the chief of police and the chief

1 of the fire department, unless the council or board of trustees  
2 shall by ordinance as to them otherwise provide; except as  
3 otherwise provided in this Section, and except that in any  
4 municipality which adopts or has adopted this Division 2.1 and  
5 also adopts or has adopted Article 5 of this Code, the chief of  
6 police and the chief of the fire department shall be appointed  
7 by the municipal manager, if it is provided by ordinance in  
8 such municipality that such chiefs, or either of them, shall  
9 not be appointed by the board of fire and police commissioners.

10 If the chief of the fire department or the chief of the  
11 police department or both of them are appointed in the manner  
12 provided by ordinance, they may be removed or discharged by the  
13 appointing authority. In such case the appointing authority  
14 shall file with the corporate authorities the reasons for such  
15 removal or discharge, which removal or discharge shall not  
16 become effective unless confirmed by a majority vote of the  
17 corporate authorities.

18 If a member of the department is appointed chief of police  
19 or chief of the fire department prior to being eligible to  
20 retire on pension, he shall be considered as on furlough from  
21 the rank he held immediately prior to his appointment as chief.  
22 If he resigns as chief or is discharged as chief prior to  
23 attaining eligibility to retire on pension, he shall revert to  
24 and be established in whatever rank he currently holds, except  
25 for previously appointed positions, and thereafter be entitled  
26 to all the benefits and emoluments of that rank, without regard

1 as to whether a vacancy then exists in that rank.

2 All appointments to each department other than that of the  
3 lowest rank, however, shall be from the rank next below that to  
4 which the appointment is made except as otherwise provided in  
5 this Section, and except that the chief of police and the chief  
6 of the fire department may be appointed from among members of  
7 the police and fire departments, respectively, regardless of  
8 rank, unless the council or board of trustees shall have by  
9 ordinance as to them otherwise provided. A chief of police or  
10 the chief of the fire department, having been appointed from  
11 among members of the police or fire department, respectively,  
12 shall be permitted, regardless of rank, to take promotional  
13 exams and be promoted to a higher classified rank than he  
14 currently holds, without having to resign as chief of police or  
15 chief of the fire department.

16 The sole authority to issue certificates of appointment  
17 shall be vested in the Board of Fire and Police Commissioners  
18 and all certificates of appointments issued to any officer or  
19 member of the fire or police department of a municipality shall  
20 be signed by the chairman and secretary respectively of the  
21 board of fire and police commissioners of such municipality,  
22 upon appointment of such officer or member of the fire and  
23 police department of such municipality by action of the board  
24 of fire and police commissioners. In any municipal fire  
25 department that employs full-time firefighters and is subject  
26 to a collective bargaining agreement, a person who has not

1 qualified for regular appointment under the provisions of this  
2 Division 2.1 shall not be used as a temporary or permanent  
3 substitute for classified members of a municipality's fire  
4 department or for regular appointment as a classified member of  
5 a municipality's fire department unless mutually agreed to by  
6 the employee's certified bargaining agent. Such agreement  
7 shall be considered a permissive subject of bargaining.  
8 Municipal fire departments covered by the changes made by this  
9 amendatory Act of the 95th General Assembly that are using  
10 non-certificated employees as substitutes immediately prior to  
11 the effective date of this amendatory Act of the 95th General  
12 Assembly may, by mutual agreement with the certified bargaining  
13 agent, continue the existing practice or a modified practice  
14 and that agreement shall be considered a permissive subject of  
15 bargaining. A home rule unit may not regulate the hiring of  
16 temporary or substitute members of the municipality's fire  
17 department in a manner that is inconsistent with this Section.  
18 This Section is a limitation under subsection (i) of Section 6  
19 of Article VII of the Illinois Constitution on the concurrent  
20 exercise by home rule units of powers and functions exercised  
21 by the State.

22 The term "policemen" as used in this Division does not  
23 include auxiliary police officers except as provided for in  
24 Section 10-2.1-6.

25 Any full time member of a regular fire or police department  
26 of any municipality which comes under the provisions of this

1 Division or adopts this Division 2.1 or which has adopted any  
2 of the prior Acts pertaining to fire and police commissioners,  
3 is a city officer.

4 Notwithstanding any other provision of this Section, the  
5 Chief of Police of a department in a non-home rule ~~non-homerule~~  
6 municipality of more than 130,000 inhabitants may, without the  
7 advice or consent of the Board of Fire and Police  
8 Commissioners, appoint up to 6 officers who shall be known as  
9 deputy chiefs or assistant deputy chiefs, and whose rank shall  
10 be immediately below that of Chief. The deputy or assistant  
11 deputy chiefs may be appointed from any rank of sworn officers  
12 of that municipality, but no person who is not such a sworn  
13 officer may be so appointed. Such deputy chief or assistant  
14 deputy chief shall have the authority to direct and issue  
15 orders to all employees of the Department holding the rank of  
16 captain or any lower rank. A deputy chief of police or  
17 assistant deputy chief of police, having been appointed from  
18 any rank of sworn officers of that municipality, shall be  
19 permitted, regardless of rank, to take promotional exams and be  
20 promoted to a higher classified rank than he currently holds,  
21 without having to resign as deputy chief of police or assistant  
22 deputy chief of police.

23 Notwithstanding any other provision of this Section, a  
24 non-home rule ~~non-homerule~~ municipality of 130,000 or fewer  
25 inhabitants, through its council or board of trustees, may, by  
26 ordinance, provide for a position of deputy chief to be



1 appointed by the chief of the police department. The ordinance  
2 shall provide for no more than one deputy chief position if the  
3 police department has fewer than 25 full-time police officers  
4 and for no more than 2 deputy chief positions if the police  
5 department has 25 or more full-time police officers. The deputy  
6 chief position shall be an exempt rank immediately below that  
7 of Chief. The deputy chief may be appointed from any rank of  
8 sworn, full-time officers of the municipality's police  
9 department, but must have at least 5 years of full-time service  
10 as a police officer in that department. A deputy chief shall  
11 serve at the discretion of the Chief and, if removed from the  
12 position, shall revert to the rank currently held, without  
13 regard as to whether a vacancy exists in that rank. A deputy  
14 chief of police, having been appointed from any rank of sworn  
15 full-time officers of that municipality's police department,  
16 shall be permitted, regardless of rank, to take promotional  
17 exams and be promoted to a higher classified rank than he  
18 currently holds, without having to resign as deputy chief of  
19 police.

20 No municipality having a population less than 1,000,000  
21 shall require that any firefighter appointed to the lowest rank  
22 serve a probationary employment period of longer than one year.  
23 The limitation on periods of probationary employment provided  
24 in this amendatory Act of 1989 is an exclusive power and  
25 function of the State. Pursuant to subsection (h) of Section 6  
26 of Article VII of the Illinois Constitution, a home rule

1 municipality having a population less than 1,000,000 must  
2 comply with this limitation on periods of probationary  
3 employment, which is a denial and limitation of home rule  
4 powers. Notwithstanding anything to the contrary in this  
5 Section, the probationary employment period limitation may be  
6 extended for a firefighter who is required, as a condition of  
7 employment, to be a certified paramedic, during which time the  
8 sole reason that a firefighter may be discharged without a  
9 hearing is for failing to meet the requirements for paramedic  
10 certification.

11 To the extent that this Section or any other Section in  
12 this Division conflicts with Section 10-2.1-6.3 or 10-2.1-6.4,  
13 then Section 10-2.1-6.3 or 10-2.1-6.4 shall control.

14 (Source: P.A. 97-251, eff. 8-4-11; revised 11-18-11.)

15 (65 ILCS 5/10-4-2.3)

16 Sec. 10-4-2.3. Required health benefits. If a  
17 municipality, including a home rule municipality, is a  
18 self-insurer for purposes of providing health insurance  
19 coverage for its employees, the coverage shall include coverage  
20 for the post-mastectomy care benefits required to be covered by  
21 a policy of accident and health insurance under Section 356t  
22 and the coverage required under Sections 356g, 356g.5,  
23 356g.5-1, 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.10,  
24 356z.11, 356z.12, 356z.13, 356z.14, and 356z.15 of the Illinois  
25 Insurance Code. The coverage shall comply with Sections ~~Section~~

1 155.22a and 356z.19 of the Illinois Insurance Code. The  
2 requirement that health benefits be covered as provided in this  
3 is an exclusive power and function of the State and is a denial  
4 and limitation under Article VII, Section 6, subsection (h) of  
5 the Illinois Constitution. A home rule municipality to which  
6 this Section applies must comply with every provision of this  
7 Section.

8 Rulemaking authority to implement Public Act 95-1045, if  
9 any, is conditioned on the rules being adopted in accordance  
10 with all provisions of the Illinois Administrative Procedure  
11 Act and all rules and procedures of the Joint Committee on  
12 Administrative Rules; any purported rule not so adopted, for  
13 whatever reason, is unauthorized.

14 (Source: P.A. 96-139, eff. 1-1-10; 96-328, eff. 8-11-09;  
15 96-1000, eff. 7-2-10; 97-282, eff. 8-9-11; 97-343, eff. 1-1-12;  
16 revised 10-14-11.)

17 (65 ILCS 5/11-23-4) (from Ch. 24, par. 11-23-4)

18 Sec. 11-23-4. When such a city council has decided to  
19 establish and maintain, or to purchase and maintain, a public  
20 hospital under this Division 23, the mayor, with the approval  
21 of the city council, shall appoint a board of 3 directors for  
22 the hospital.

23 One of the directors shall hold office for one year, one  
24 for 2 years, and one for 3 years, from the first day of July  
25 following their appointments. At their first regular meeting

1 the directors shall cast lots for the respective terms. Before  
2 the first day of July each year thereafter, the mayor, with the  
3 approval of the city council, shall appoint one director to  
4 take the place of the retiring director, who shall hold office  
5 for 3 years, and until his successor is appointed.

6 The city council may, by resolution, increase the  
7 membership of the board to 5 directors. Such resolution shall  
8 not affect ~~effect~~ the terms of the incumbent directors. Before  
9 the first day of July following the adoption of such resolution  
10 the mayor with the approval of the city council, shall appoint  
11 3 directors, one to succeed the incumbent whose term expires  
12 and the 2 additional provided for in the resolution, for terms  
13 of 3, 4 and 5 years from July 1 of the year of the appointment.  
14 Thereafter, upon the expiration of the term of any director his  
15 successor shall be appointed for a term of 5 years and until  
16 his successor is appointed for a like term.

17 If the city council has, by previous resolution, increased  
18 the membership of the board to 5 directors, the city council  
19 may by new resolution increase the membership of the board by 2  
20 new members in any one year up to a maximum of 11 directors.  
21 Such new resolution shall not affect the terms of incumbent  
22 directors. Before the first day of July following the adoption  
23 of the new resolution the mayor with the approval of the city  
24 council shall appoint a sufficient number of directors so that  
25 there will be a successor for the full term of each incumbent  
26 whose term expires, and the 2 additional provided for in the

1 resolution for terms of 4 and 5 years from July 1 of the year of  
2 appointment. Thereafter, upon the expiration of the term of any  
3 director, his successor shall be appointed for a term of 5  
4 years and until his successor is appointed and qualified for a  
5 like term.

6 The mayor, with the consent of the city council, may remove  
7 any director for misconduct or neglect of duty. Vacancies in  
8 the board of directors, however occasioned, shall be filled for  
9 the unexpired term in like manner as original appointments. No  
10 director shall receive compensation for serving as a director.  
11 No director shall be interested, either directly or indirectly,  
12 in the purchase or sale of any supplies for the hospital.

13 (Source: P.A. 86-739; revised 11-18-11.)

14 (65 ILCS 5/11-124-5)

15 Sec. 11-124-5. Acquisition of water systems by eminent  
16 domain.

17 (a) In addition to other provisions providing for the  
18 acquisition of water systems or water works, whenever a public  
19 utility subject to the Public Utilities Act utilizes public  
20 property (including, but not limited to, right-of-way) of a  
21 municipality for the installation or maintenance of all or part  
22 of its water distribution system, the municipality has the  
23 right to exercise eminent domain to acquire all or part of the  
24 water system, in accordance with this Section. Unless it  
25 complies with the provisions set forth in this Section, a

1 municipality is not permitted to acquire by eminent domain that  
2 portion of a system located in another incorporated  
3 municipality without agreement of that municipality, but this  
4 provision shall not prevent the acquisition of that portion of  
5 the water system existing within the acquiring municipality.

6 (b) Where a water system that is owned by a public utility  
7 (as defined in the Public ~~46~~ Utilities Act) provides water to  
8 customers located in 2 or more municipalities, the system may  
9 be acquired by a majority of the municipalities by eminent  
10 domain. If the system is to be acquired by more than one  
11 municipality, then there must be an intergovernmental  
12 agreement in existence between the acquiring municipalities  
13 providing for the acquisition.

14 (c) If a water system that is owned by a public utility  
15 provides water to customers located in one or more  
16 municipalities and also to customers in an unincorporated area  
17 and if at least 70% of the customers of the system or portion  
18 thereof are located within the municipality or municipalities,  
19 then the system, or portion thereof as determined by the  
20 corporate authorities, may be acquired, using eminent domain or  
21 otherwise, by either a municipality under subsection (a) or an  
22 entity created by agreement between municipalities where at  
23 least 70% of the customers reside. For the purposes of  
24 determining "customers of the system", only retail customers  
25 directly billed by the company shall be included in the  
26 computation. The number of customers of the system most

1 recently reported to the Illinois Commerce Commission for any  
2 calendar year preceding the year a resolution is passed by a  
3 municipality or municipalities expressing preliminary intent  
4 to purchase the water system or portion thereof shall be  
5 presumed to be the total number of customers within the system.  
6 The public utility shall provide information relative to the  
7 number of customers within each municipality and within the  
8 system within 60 days after any such request by a municipality.

9 (d) In the case of acquisition by a municipality or  
10 municipalities or a public entity created by law to own or  
11 operate a water system under this Section, service and water  
12 supply must be provided to persons who are customers of the  
13 system on the effective date of this amendatory Act of the 94th  
14 General Assembly without discrimination based on whether the  
15 customer is located within or outside of the boundaries of the  
16 acquiring municipality or municipalities or entity, and a  
17 supply contract existing on the effective date of this  
18 amendatory Act of the 94th General Assembly must be honored by  
19 an acquiring municipality, municipalities, or entity according  
20 to the terms so long as the agreement does not conflict with  
21 any other existing agreement.

22 (e) For the purposes of this Section, "system" includes all  
23 assets reasonably necessary to provide water service to a  
24 contiguous or compact geographical service area or to an area  
25 served by a common pipeline and include, but are not limited  
26 to, interests in real estate, all wells, pipes, treatment

1 plants, pumps and other physical apparatus, data and records of  
2 facilities and customers, fire hydrants, equipment, or  
3 vehicles and also includes service agreements and obligations  
4 derived from use of the assets, whether or not the assets are  
5 contiguous to the municipality, municipalities, or entity  
6 created for the purpose of owning or operating a water system.

7 (f) Before making a good faith offer, a municipality may  
8 pass a resolution of intent to study the feasibility of  
9 purchasing or exercising its power of eminent domain to acquire  
10 any water system or water works, sewer system or sewer works,  
11 or combined water and sewer system or works, or part thereof.  
12 Upon the passage of such a resolution, the municipality shall  
13 have the right to review and inspect all financial and other  
14 records, and both corporeal and incorporeal assets of such  
15 utility related to the condition and the operation of the  
16 system or works, or part thereof, as part of the study and  
17 determination of feasibility of the proposed acquisition by  
18 purchase or exercise of the power of eminent domain, and the  
19 utility shall make knowledgeable persons who have access to all  
20 relevant facts and information regarding the subject system or  
21 works available to answer inquiries related to the study and  
22 determination.

23 The right to review and inspect shall be upon reasonable  
24 notice to the utility, with reasonable inspection and review  
25 time limitations and reasonable response times for production,  
26 copying, and answer. In addition, the utility may utilize a



1 reasonable security protocol for personnel on the  
2 municipality's physical inspection team.

3 In the absence of other agreement, the utility must respond  
4 to any notice by the municipality concerning its review and  
5 inspection within 21 days after receiving the notice. The  
6 review and inspection of the assets of the company shall be  
7 over such period of time and carried out in such manner as is  
8 reasonable under the circumstances.

9 Information requested that is not privileged or protected  
10 from discovery under the Illinois Code of Civil Procedure but  
11 is reasonably claimed to be proprietary, including, without  
12 limitation, information that constitutes trade secrets or  
13 information that involves system security concerns, shall be  
14 provided, but shall not be considered a public record and shall  
15 be kept confidential by the municipality.

16 In addition, the municipality must, upon request,  
17 reimburse the utility for the actual, reasonable costs and  
18 expenses, excluding attorneys' fees, incurred by the utility as  
19 a result of the municipality's inspection and requests for  
20 information. Upon written request, the utility shall issue a  
21 statement itemizing, with reasonable detail, the costs and  
22 expenses for which reimbursement is sought by the utility.  
23 Where such written request for a statement has been made, no  
24 payment shall be required until 30 days after receipt of the  
25 statement. Such reimbursement by the municipality shall be  
26 considered income for purposes of any rate proceeding or other

1 financial request before the Illinois Commerce Commission by  
2 the utility.

3 The municipality and the utility shall cooperate to resolve  
4 any dispute arising under this subsection. In the event the  
5 dispute under this subsection cannot be resolved, either party  
6 may request relief from the circuit court in any county in  
7 which the water system is located, with the prevailing party to  
8 be awarded such relief as the court deems appropriate under the  
9 discovery abuse sanctions currently set forth in the Illinois  
10 Code of Civil Procedure.

11 The municipality's right to inspect physical assets and  
12 records in connection with the purpose of this Section shall  
13 not be exercised with respect to any system more than one time  
14 during a 5-year period, unless a substantial change in the size  
15 of the system or condition of the operating assets of the  
16 system has occurred since the previous inspection. Rights under  
17 franchise agreements and other agreements or statutory or  
18 regulatory provisions are not limited by this Section and are  
19 preserved.

20 The passage of time between an inspection of the utilities  
21 and physical assets and the making of a good faith offer or  
22 initiation of an eminent domain action because of the limit  
23 placed on inspections by this subsection shall not be used as a  
24 basis for challenging the good faith of any offer or be used as  
25 the basis for attacking any appraisal, expert, argument, or  
26 position before a court related to an acquisition by purchase

1 or eminent domain.

2 (g) Notwithstanding any other provision of law, the  
3 Illinois Commerce Commission has no approval authority of any  
4 eminent domain action brought by any governmental entity or  
5 combination of such entities to acquire water systems or water  
6 works.

7 (h) The provisions of this Section are severable under  
8 Section 1.31 of the Statute on Statutes.

9 (i) This Section does not apply to any public utility  
10 company that, on January 1, 2006, supplied a total of 70,000 or  
11 fewer meter connections in the State unless and until (i) that  
12 public utility company receives approval from the Illinois  
13 Commerce Commission under Section 7-204 of the Public Utilities  
14 Act for the reorganization of the public utility company or  
15 (ii) the majority control of the company changes through a  
16 stock sale, a sale of assets, a merger (other than an internal  
17 reorganization) or otherwise. For the purpose of this Section,  
18 "public utility company" means the public utility providing  
19 water service and includes any of its corporate parents,  
20 subsidiaries, or affiliates possessing a franchised water  
21 service in the State.

22 (j) Any contractor or subcontractor that performs work on a  
23 water system acquired by a municipality or municipalities under  
24 this Section shall comply with the requirements of Section  
25 30-22 of the Illinois Procurement Code. The contractor or  
26 subcontractor shall submit evidence of compliance with Section

1 30-22 to the municipality or municipalities.

2 (k) The municipality or municipalities acquiring the water  
3 system shall offer available employee positions to the  
4 qualified employees of the acquired water system.

5 (Source: P.A. 97-586, eff. 8-26-11; revised 11-18-11.)

6 (65 ILCS 5/11-126-4) (from Ch. 24, par. 11-126-4)

7 Sec. 11-126-4. The corporate authorities of each  
8 municipality may ~~make~~ make and enforce all needful rules and  
9 regulations in the construction and management of such a system  
10 of waterworks, and for the use of the water supplied thereby.

11 The corporate authorities of each municipality also may  
12 make and enforce all needful rules, regulations, and enact  
13 ordinances for the improvement, care, and protection from  
14 pollution or other injury of any impounding reservoir or  
15 artificial lake constructed or maintained by the municipality  
16 for water supply purposes and any adjacent zone of land which  
17 the municipality may acquire or control. If the leasing of  
18 portions of such adjacent zone of land will, in the discretion  
19 of the corporate authorities, aid in the protection from  
20 pollution or other injury of the impounding reservoir or  
21 artificial lake by promoting forestation, development or care  
22 of other suitable vegetation, and the improvement, care and  
23 maintenance of the premises, the corporate authorities may  
24 lease those portions of that land jointly or severally to  
25 custodians of good reputation and character for periods not to

1 exceed 60 years, and permit those custodians to construct,  
2 maintain, use, and occupy dwelling houses and other structures  
3 thereon for such rental and on such other terms and conditions  
4 and subject to such rules and regulations and with such powers  
5 and duties as may be determined by the corporate authorities.

6 The corporate authorities of each municipality have the  
7 power to fix and collect from the inhabitants thereof the rent  
8 or rates for the use and benefit of water used or supplied to  
9 them by such a system of waterworks, as the corporate  
10 authorities shall deem just and expedient. These rents or rates  
11 shall be paid and collected in such manner as the corporate  
12 authorities by ordinance shall provide. Such charges, rents, or  
13 rates are liens upon the real estate upon or for which water  
14 service is supplied whenever the charges, rents, or rates  
15 become delinquent as provided by the ordinance of the  
16 municipality fixing a delinquency date. However, the  
17 municipality has no preference over the rights of any  
18 purchaser, mortgagee, judgment creditor, or other lien holder  
19 arising prior to the filing of the notice of such a lien in the  
20 office of the recorder of the county in which such real estate  
21 is located, or in the office of the registrar of titles of such  
22 county if the property affected is registered under "An Act  
23 concerning land titles", approved May 1, 1897, as amended. This  
24 notice shall consist of a sworn statement setting out (1) a  
25 description of such real estate sufficient for the  
26 identification thereof, (2) the amount of money due for such

1 water service, and (3) the date when such amount became  
2 delinquent. The municipality may foreclose this lien in the  
3 same manner and with the same effect as in the foreclosure of  
4 mortgages on real estate.

5 (Source: P.A. 83-358; revised 11-18-11.)

6 Section 205. The Civic Center Code is amended by changing  
7 Section 205-100 as follows:

8 (70 ILCS 200/205-100)

9 Sec. 205-100. Partial invalidity. The provisions of this  
10 Article and the applications thereof to any person or  
11 circumstance are declared to be severable.

12 If any Section, clause, sentence, paragraph, part or  
13 provision of this Article shall be held to be invalid by any  
14 court, it shall be conclusively presumed that the remaining  
15 portions of this Article would have been passed by the  
16 Legislature without such invalid Section, clause, sentence,  
17 paragraph, part or provision.

18 If the application of any Section, clause, sentence,  
19 paragraph, part or provision of this Article to any person or  
20 circumstances is held invalid, such invalidity shall not affect  
21 ~~effect~~ the application thereof to other persons or  
22 circumstances.

23 (Source: P.A. 90-328, eff. 1-1-98; revised 11-18-11.)

1           Section 210. The Metropolitan Pier and Exposition  
2 Authority Act is amended by changing Section 28 as follows:

3           (70 ILCS 210/28) (from Ch. 85, par. 1248)

4           Sec. 28. If any provision of this Act is held invalid such  
5 provision shall be deemed to be excised from this Act ~~act~~ and  
6 the invalidity thereof shall not affect ~~effect~~ any of the other  
7 provisions of this Act. If the application of any provision of  
8 this Act to any person or circumstance is held invalid, it  
9 shall not affect the application of such provision to such  
10 persons or circumstances other than those as to which it is  
11 held invalid.

12           (Source: Laws 1955, p. 1125; revised 11-18-11.)

13           Section 215. The Soil and Water Conservation Districts Act  
14 is amended by changing Sections 3 and 6 as follows:

15           (70 ILCS 405/3) (from Ch. 5, par. 108)

16           Sec. 3. Definitions. As used in this Act, unless the  
17 context clearly otherwise requires, the terms defined in the  
18 Sections following this Section and preceding Section 4  
19 ~~Sections 3.01 through 3.30~~ have the meanings ascribed to them  
20 in those Sections.

21           (Source: P.A. 81-1509; revised 11-18-11.)

22           (70 ILCS 405/6) (from Ch. 5, par. 111)

1           Sec. 6. Powers and duties. In addition to the powers and  
2 duties otherwise conferred upon the Department, it shall have  
3 the following powers and duties:

4           (1) To offer such assistance as may be appropriate to the  
5 directors of soil and water conservation districts, organized  
6 as provided hereinafter, in the carrying out of any of the  
7 powers and programs.

8           (2) To keep the directors of each of said several districts  
9 informed of the activities and experience of other such  
10 districts, and to facilitate an interchange of advice and  
11 experience between such districts and cooperation between  
12 them.

13           (3) To coordinate the programs of the several districts so  
14 far as this may be done by advice and consultation.

15           (4) To seek the cooperation and assistance of the United  
16 States and of agencies of this State, in the work of such  
17 districts.

18           (5) To disseminate information throughout the State  
19 concerning the formation of such districts, and to assist in  
20 the formation of such districts in areas where their  
21 organization is desirable.

22           (6) To consider, review, and express its opinion concerning  
23 any rules, regulations, ordinances or other action of the board  
24 of directors of any district and to advise such board of  
25 directors accordingly.

26           (7) To prepare and submit to the Director of the Department



1 an annual budget.

2 (8) To develop and coordinate a comprehensive State erosion  
3 and sediment control program, including guidelines to be used  
4 by districts in implementing this program. In developing this  
5 program, the Department may consult with and request technical  
6 assistance from local, State and federal agencies, and may  
7 consult and advise with technically qualified persons and with  
8 the soil and water conservation districts. The guidelines  
9 developed may be revised from time to time as necessary.

10 (9) To promote among its members the management of marginal  
11 agricultural and other rural lands for forestry, consistent  
12 with the goals and purposes of the "Illinois Forestry  
13 Development Act".

14 Nothing in this Act shall authorize the Department or any  
15 district to regulate or control point source discharges to  
16 waters.

17 (10) To make grants subject to annual appropriation from  
18 ~~the~~ the Build Illinois Bond Fund or any other sources,  
19 including the federal government, to Soil and Water  
20 Conservation Districts and the Soil Conservation Service.

21 (11) To provide payment for outstanding health care costs  
22 of Soil and Water Conservation District employees incurred  
23 between January 1, 1996 and December 31, 1996 that were  
24 eligible for reimbursement from the District's insurance  
25 carrier, Midcontinent Medical Benefit Trust, but have not been  
26 paid to date by Midcontinent. All claims shall be filed with

1 the Department on or before January 30, 1998 to be considered  
2 for payment under the provisions of this amendatory Act of  
3 1997. The Department shall approve or reject claims based upon  
4 documentation and in accordance with established procedures.  
5 The authority granted under this item (11) expires on September  
6 1, 1998.

7 Nothing in this Act shall authorize the Department in any  
8 district to regulate or curtail point source discharges to  
9 waters.

10 (Source: P.A. 94-91, eff. 7-1-05; revised 11-18-11.)

11 Section 220. The Illinois International Port District Act  
12 is amended by changing Section 26 as follows:

13 (70 ILCS 1810/26) (from Ch. 19, par. 177)

14 Sec. 26. If any provision of this Act is held invalid such  
15 provision shall be deemed to be exercised from this Act and the  
16 invalidity thereof shall not affect ~~effect~~ any of the other  
17 provisions of this Act. If the application of any provision of  
18 this Act to any person or circumstance is held invalid it shall  
19 not affect the application of such persons or circumstances  
20 other than those as to which it is invalid. The provisions of  
21 this Act shall not be considered as impairing, altering,  
22 modifying, repealing or superseding any of the jurisdiction or  
23 powers of the Illinois Commerce Commission or of the Department  
24 of Natural Resources under the Rivers, Lakes, and Streams Act.

1 Nothing in this Act or done under its authority shall apply to,  
2 restrict, limit or interfere with the use of any terminal,  
3 terminal facility or port facility owned or operated by any  
4 private person for the storage or handling or transfer of any  
5 commodity moving in interstate commerce or the use of the land  
6 and facilities of a common carrier or other public utility and  
7 the space above such land and facilities or the right to use  
8 such land and such facilities in the business of such common  
9 carrier or other public utility, without approval of the  
10 Illinois Commerce Commission and without the payment of just  
11 compensation to any such common carrier or other public utility  
12 for damages resulting from any such restriction, limitation or  
13 interference.

14 (Source: P.A. 89-445, eff. 2-7-96; revised 11-18-11.)

15 Section 225. The Regional Transportation Authority Act is  
16 amended by setting forth, renumbering, and changing multiple  
17 versions of Section 2.37 and by changing Section 4.03 as  
18 follows:

19 (70 ILCS 3615/2.37)

20 Sec. 2.37. Wireless Internet study. By January 1, 2012, the  
21 Authority must prepare and submit a report to the Governor and  
22 General Assembly regarding the feasibility of providing  
23 wireless Internet services on all fixed-route public  
24 transportation services.

1 (Source: P.A. 97-85, eff. 7-7-11.)

2 (70 ILCS 3615/2.38)

3 Sec. 2.38 ~~2.37~~. Universal fare instrument for persons age  
4 65 and over. No later than 120 days after January 1, 2012 (the  
5 effective date of Public Act 97-271) ~~this amendatory Act of the~~  
6 ~~97th General Assembly~~, the Authority must develop and make  
7 available for use by riders age 65 and over a universal fare  
8 instrument that may be used interchangeably on all public  
9 transportation funded by the Authority, except for ADA  
10 paratransit services.

11 (Source: P.A. 97-271, eff. 1-1-12; revised 8-11-11.)

12 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

13 Sec. 4.03. Taxes.

14 (a) In order to carry out any of the powers or purposes of  
15 the Authority, the Board may by ordinance adopted with the  
16 concurrence of 12 of the then Directors, impose throughout the  
17 metropolitan region any or all of the taxes provided in this  
18 Section. Except as otherwise provided in this Act, taxes  
19 imposed under this Section and civil penalties imposed incident  
20 thereto shall be collected and enforced by the State Department  
21 of Revenue. The Department shall have the power to administer  
22 and enforce the taxes and to determine all rights for refunds  
23 for erroneous payments of the taxes. Nothing in this amendatory  
24 Act of the 95th General Assembly is intended to invalidate any

1 taxes currently imposed by the Authority. The increased vote  
2 requirements to impose a tax shall only apply to actions taken  
3 after the effective date of this amendatory Act of the 95th  
4 General Assembly.

5 (b) The Board may impose a public transportation tax upon  
6 all persons engaged in the metropolitan region in the business  
7 of selling at retail motor fuel for operation of motor vehicles  
8 upon public highways. The tax shall be at a rate not to exceed  
9 5% of the gross receipts from the sales of motor fuel in the  
10 course of the business. As used in this Act, the term "motor  
11 fuel" shall have the same meaning as in the Motor Fuel Tax Law.  
12 The Board may provide for details of the tax. The provisions of  
13 any tax shall conform, as closely as may be practicable, to the  
14 provisions of the Municipal Retailers Occupation Tax Act,  
15 including without limitation, conformity to penalties with  
16 respect to the tax imposed and as to the powers of the State  
17 Department of Revenue to promulgate and enforce rules and  
18 regulations relating to the administration and enforcement of  
19 the provisions of the tax imposed, except that reference in the  
20 Act to any municipality shall refer to the Authority and the  
21 tax shall be imposed only with regard to receipts from sales of  
22 motor fuel in the metropolitan region, at rates as limited by  
23 this Section.

24 (c) In connection with the tax imposed under paragraph (b)  
25 of this Section the Board may impose a tax upon the privilege  
26 of using in the metropolitan region motor fuel for the

1 operation of a motor vehicle upon public highways, the tax to  
2 be at a rate not in excess of the rate of tax imposed under  
3 paragraph (b) of this Section. The Board may provide for  
4 details of the tax.

5 (d) The Board may impose a motor vehicle parking tax upon  
6 the privilege of parking motor vehicles at off-street parking  
7 facilities in the metropolitan region at which a fee is  
8 charged, and may provide for reasonable classifications in and  
9 exemptions to the tax, for administration and enforcement  
10 thereof and for civil penalties and refunds thereunder and may  
11 provide criminal penalties thereunder, the maximum penalties  
12 not to exceed the maximum criminal penalties provided in the  
13 Retailers' Occupation Tax Act. The Authority may collect and  
14 enforce the tax itself or by contract with any unit of local  
15 government. The State Department of Revenue shall have no  
16 responsibility for the collection and enforcement unless the  
17 Department agrees with the Authority to undertake the  
18 collection and enforcement. As used in this paragraph, the term  
19 "parking facility" means a parking area or structure having  
20 parking spaces for more than 2 vehicles at which motor vehicles  
21 are permitted to park in return for an hourly, daily, or other  
22 periodic fee, whether publicly or privately owned, but does not  
23 include parking spaces on a public street, the use of which is  
24 regulated by parking meters.

25 (e) The Board may impose a Regional Transportation  
26 Authority Retailers' Occupation Tax upon all persons engaged in

1 the business of selling tangible personal property at retail in  
2 the metropolitan region. In Cook County the tax rate shall be  
3 1.25% of the gross receipts from sales of food for human  
4 consumption that is to be consumed off the premises where it is  
5 sold (other than alcoholic beverages, soft drinks and food that  
6 has been prepared for immediate consumption) and prescription  
7 and nonprescription medicines, drugs, medical appliances and  
8 insulin, urine testing materials, syringes and needles used by  
9 diabetics, and 1% of the gross receipts from other taxable  
10 sales made in the course of that business. In DuPage, Kane,  
11 Lake, McHenry, and Will Counties, the tax rate shall be 0.75%  
12 of the gross receipts from all taxable sales made in the course  
13 of that business. The tax imposed under this Section and all  
14 civil penalties that may be assessed as an incident thereof  
15 shall be collected and enforced by the State Department of  
16 Revenue. The Department shall have full power to administer and  
17 enforce this Section; to collect all taxes and penalties so  
18 collected in the manner hereinafter provided; and to determine  
19 all rights to credit memoranda arising on account of the  
20 erroneous payment of tax or penalty hereunder. In the  
21 administration of, and compliance with this Section, the  
22 Department and persons who are subject to this Section shall  
23 have the same rights, remedies, privileges, immunities, powers  
24 and duties, and be subject to the same conditions,  
25 restrictions, limitations, penalties, exclusions, exemptions  
26 and definitions of terms, and employ the same modes of

1 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,  
2 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions  
3 therein other than the State rate of tax), 2c, 3 (except as to  
4 the disposition of taxes and penalties collected), 4, 5, 5a,  
5 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8,  
6 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and  
7 Section 3-7 of the Uniform Penalty and Interest Act, as fully  
8 as if those provisions were set forth herein.

9 Persons subject to any tax imposed under the authority  
10 granted in this Section may reimburse themselves for their  
11 seller's tax liability hereunder by separately stating the tax  
12 as an additional charge, which charge may be stated in  
13 combination in a single amount with State taxes that sellers  
14 are required to collect under the Use Tax Act, under any  
15 bracket schedules the Department may prescribe.

16 Whenever the Department determines that a refund should be  
17 made under this Section to a claimant instead of issuing a  
18 credit memorandum, the Department shall notify the State  
19 Comptroller, who shall cause the warrant to be drawn for the  
20 amount specified, and to the person named, in the notification  
21 from the Department. The refund shall be paid by the State  
22 Treasurer out of the Regional Transportation Authority tax fund  
23 established under paragraph (n) of this Section.

24 If a tax is imposed under this subsection (e), a tax shall  
25 also be imposed under subsections (f) and (g) of this Section.

26 For the purpose of determining whether a tax authorized



1 under this Section is applicable, a retail sale by a producer  
2 of coal or other mineral mined in Illinois, is a sale at retail  
3 at the place where the coal or other mineral mined in Illinois  
4 is extracted from the earth. This paragraph does not apply to  
5 coal or other mineral when it is delivered or shipped by the  
6 seller to the purchaser at a point outside Illinois so that the  
7 sale is exempt under the Federal Constitution as a sale in  
8 interstate or foreign commerce.

9 No tax shall be imposed or collected under this subsection  
10 on the sale of a motor vehicle in this State to a resident of  
11 another state if that motor vehicle will not be titled in this  
12 State.

13 Nothing in this Section shall be construed to authorize the  
14 Regional Transportation Authority to impose a tax upon the  
15 privilege of engaging in any business that under the  
16 Constitution of the United States may not be made the subject  
17 of taxation by this State.

18 (f) If a tax has been imposed under paragraph (e), a  
19 Regional Transportation Authority Service Occupation Tax shall  
20 also be imposed upon all persons engaged, in the metropolitan  
21 region in the business of making sales of service, who as an  
22 incident to making the sales of service, transfer tangible  
23 personal property within the metropolitan region, either in the  
24 form of tangible personal property or in the form of real  
25 estate as an incident to a sale of service. In Cook County, the  
26 tax rate shall be: (1) 1.25% of the serviceman's cost price of

1 food prepared for immediate consumption and transferred  
2 incident to a sale of service subject to the service occupation  
3 tax by an entity licensed under the Hospital Licensing Act, the  
4 Nursing Home Care Act, the Specialized Mental Health  
5 Rehabilitation Act, or the ID/DD Community Care Act that is  
6 located in the metropolitan region; (2) 1.25% of the selling  
7 price of food for human consumption that is to be consumed off  
8 the premises where it is sold (other than alcoholic beverages,  
9 soft drinks and food that has been prepared for immediate  
10 consumption) and prescription and nonprescription medicines,  
11 drugs, medical appliances and insulin, urine testing  
12 materials, syringes and needles used by diabetics; and (3) 1%  
13 of the selling price from other taxable sales of tangible  
14 personal property transferred. In DuPage, Kane, Lake, McHenry  
15 and Will Counties the rate shall be 0.75% of the selling price  
16 of all tangible personal property transferred.

17 The tax imposed under this paragraph and all civil  
18 penalties that may be assessed as an incident thereof shall be  
19 collected and enforced by the State Department of Revenue. The  
20 Department shall have full power to administer and enforce this  
21 paragraph; to collect all taxes and penalties due hereunder; to  
22 dispose of taxes and penalties collected in the manner  
23 hereinafter provided; and to determine all rights to credit  
24 memoranda arising on account of the erroneous payment of tax or  
25 penalty hereunder. In the administration of and compliance with  
26 this paragraph, the Department and persons who are subject to

1 this paragraph shall have the same rights, remedies,  
2 privileges, immunities, powers and duties, and be subject to  
3 the same conditions, restrictions, limitations, penalties,  
4 exclusions, exemptions and definitions of terms, and employ the  
5 same modes of procedure, as are prescribed in Sections 1a-1, 2,  
6 2a, 3 through 3-50 (in respect to all provisions therein other  
7 than the State rate of tax), 4 (except that the reference to  
8 the State shall be to the Authority), 5, 7, 8 (except that the  
9 jurisdiction to which the tax shall be a debt to the extent  
10 indicated in that Section 8 shall be the Authority), 9 (except  
11 as to the disposition of taxes and penalties collected, and  
12 except that the returned merchandise credit for this tax may  
13 not be taken against any State tax), 10, 11, 12 (except the  
14 reference therein to Section 2b of the Retailers' Occupation  
15 Tax Act), 13 (except that any reference to the State shall mean  
16 the Authority), the first paragraph of Section 15, 16, 17, 18,  
17 19 and 20 of the Service Occupation Tax Act and Section 3-7 of  
18 the Uniform Penalty and Interest Act, as fully as if those  
19 provisions were set forth herein.

20 Persons subject to any tax imposed under the authority  
21 granted in this paragraph may reimburse themselves for their  
22 serviceman's tax liability hereunder by separately stating the  
23 tax as an additional charge, that charge may be stated in  
24 combination in a single amount with State tax that servicemen  
25 are authorized to collect under the Service Use Tax Act, under  
26 any bracket schedules the Department may prescribe.

1           Whenever the Department determines that a refund should be  
2 made under this paragraph to a claimant instead of issuing a  
3 credit memorandum, the Department shall notify the State  
4 Comptroller, who shall cause the warrant to be drawn for the  
5 amount specified, and to the person named in the notification  
6 from the Department. The refund shall be paid by the State  
7 Treasurer out of the Regional Transportation Authority tax fund  
8 established under paragraph (n) of this Section.

9           Nothing in this paragraph shall be construed to authorize  
10 the Authority to impose a tax upon the privilege of engaging in  
11 any business that under the Constitution of the United States  
12 may not be made the subject of taxation by the State.

13           (g) If a tax has been imposed under paragraph (e), a tax  
14 shall also be imposed upon the privilege of using in the  
15 metropolitan region, any item of tangible personal property  
16 that is purchased outside the metropolitan region at retail  
17 from a retailer, and that is titled or registered with an  
18 agency of this State's government. In Cook County the tax rate  
19 shall be 1% of the selling price of the tangible personal  
20 property, as "selling price" is defined in the Use Tax Act. In  
21 DuPage, Kane, Lake, McHenry and Will counties the tax rate  
22 shall be 0.75% of the selling price of the tangible personal  
23 property, as "selling price" is defined in the Use Tax Act. The  
24 tax shall be collected from persons whose Illinois address for  
25 titling or registration purposes is given as being in the  
26 metropolitan region. The tax shall be collected by the

1 Department of Revenue for the Regional Transportation  
2 Authority. The tax must be paid to the State, or an exemption  
3 determination must be obtained from the Department of Revenue,  
4 before the title or certificate of registration for the  
5 property may be issued. The tax or proof of exemption may be  
6 transmitted to the Department by way of the State agency with  
7 which, or the State officer with whom, the tangible personal  
8 property must be titled or registered if the Department and the  
9 State agency or State officer determine that this procedure  
10 will expedite the processing of applications for title or  
11 registration.

12 The Department shall have full power to administer and  
13 enforce this paragraph; to collect all taxes, penalties and  
14 interest due hereunder; to dispose of taxes, penalties and  
15 interest collected in the manner hereinafter provided; and to  
16 determine all rights to credit memoranda or refunds arising on  
17 account of the erroneous payment of tax, penalty or interest  
18 hereunder. In the administration of and compliance with this  
19 paragraph, the Department and persons who are subject to this  
20 paragraph shall have the same rights, remedies, privileges,  
21 immunities, powers and duties, and be subject to the same  
22 conditions, restrictions, limitations, penalties, exclusions,  
23 exemptions and definitions of terms and employ the same modes  
24 of procedure, as are prescribed in Sections 2 (except the  
25 definition of "retailer maintaining a place of business in this  
26 State"), 3 through 3-80 (except provisions pertaining to the

1 State rate of tax, and except provisions concerning collection  
2 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,  
3 19 (except the portions pertaining to claims by retailers and  
4 except the last paragraph concerning refunds), 20, 21 and 22 of  
5 the Use Tax Act, and are not inconsistent with this paragraph,  
6 as fully as if those provisions were set forth herein.

7 Whenever the Department determines that a refund should be  
8 made under this paragraph to a claimant instead of issuing a  
9 credit memorandum, the Department shall notify the State  
10 Comptroller, who shall cause the order to be drawn for the  
11 amount specified, and to the person named in the notification  
12 from the Department. The refund shall be paid by the State  
13 Treasurer out of the Regional Transportation Authority tax fund  
14 established under paragraph (n) of this Section.

15 (h) The Authority may impose a replacement vehicle tax of  
16 \$50 on any passenger car as defined in Section 1-157 of the  
17 Illinois Vehicle Code purchased within the metropolitan region  
18 by or on behalf of an insurance company to replace a passenger  
19 car of an insured person in settlement of a total loss claim.  
20 The tax imposed may not become effective before the first day  
21 of the month following the passage of the ordinance imposing  
22 the tax and receipt of a certified copy of the ordinance by the  
23 Department of Revenue. The Department of Revenue shall collect  
24 the tax for the Authority in accordance with Sections 3-2002  
25 and 3-2003 of the Illinois Vehicle Code.

26 The Department shall immediately pay over to the State

1 Treasurer, ex officio, as trustee, all taxes collected  
2 hereunder.

3 As soon as possible after the first day of each month,  
4 beginning January 1, 2011, upon certification of the Department  
5 of Revenue, the Comptroller shall order transferred, and the  
6 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
7 local sales tax increment, as defined in the Innovation  
8 Development and Economy Act, collected under this Section  
9 during the second preceding calendar month for sales within a  
10 STAR bond district.

11 After the monthly transfer to the STAR Bonds Revenue Fund,  
12 on or before the 25th day of each calendar month, the  
13 Department shall prepare and certify to the Comptroller the  
14 disbursement of stated sums of money to the Authority. The  
15 amount to be paid to the Authority shall be the amount  
16 collected hereunder during the second preceding calendar month  
17 by the Department, less any amount determined by the Department  
18 to be necessary for the payment of refunds, and less any  
19 amounts that are transferred to the STAR Bonds Revenue Fund.  
20 Within 10 days after receipt by the Comptroller of the  
21 disbursement certification to the Authority provided for in  
22 this Section to be given to the Comptroller by the Department,  
23 the Comptroller shall cause the orders to be drawn for that  
24 amount in accordance with the directions contained in the  
25 certification.

26 (i) The Board may not impose any other taxes except as it

1 may from time to time be authorized by law to impose.

2 (j) A certificate of registration issued by the State  
3 Department of Revenue to a retailer under the Retailers'  
4 Occupation Tax Act or under the Service Occupation Tax Act  
5 shall permit the registrant to engage in a business that is  
6 taxed under the tax imposed under paragraphs (b), (e), (f) or  
7 (g) of this Section and no additional registration shall be  
8 required under the tax. A certificate issued under the Use Tax  
9 Act or the Service Use Tax Act shall be applicable with regard  
10 to any tax imposed under paragraph (c) of this Section.

11 (k) The provisions of any tax imposed under paragraph (c)  
12 of this Section shall conform as closely as may be practicable  
13 to the provisions of the Use Tax Act, including without  
14 limitation conformity as to penalties with respect to the tax  
15 imposed and as to the powers of the State Department of Revenue  
16 to promulgate and enforce rules and regulations relating to the  
17 administration and enforcement of the provisions of the tax  
18 imposed. The taxes shall be imposed only on use within the  
19 metropolitan region and at rates as provided in the paragraph.

20 (l) The Board in imposing any tax as provided in paragraphs  
21 (b) and (c) of this Section, shall, after seeking the advice of  
22 the State Department of Revenue, provide means for retailers,  
23 users or purchasers of motor fuel for purposes other than those  
24 with regard to which the taxes may be imposed as provided in  
25 those paragraphs to receive refunds of taxes improperly paid,  
26 which provisions may be at variance with the refund provisions



1 as applicable under the Municipal Retailers Occupation Tax Act.  
2 The State Department of Revenue may provide for certificates of  
3 registration for users or purchasers of motor fuel for purposes  
4 other than those with regard to which taxes may be imposed as  
5 provided in paragraphs (b) and (c) of this Section to  
6 facilitate the reporting and nontaxability of the exempt sales  
7 or uses.

8 (m) Any ordinance imposing or discontinuing any tax under  
9 this Section shall be adopted and a certified copy thereof  
10 filed with the Department on or before June 1, whereupon the  
11 Department of Revenue shall proceed to administer and enforce  
12 this Section on behalf of the Regional Transportation Authority  
13 as of September 1 next following such adoption and filing.  
14 Beginning January 1, 1992, an ordinance or resolution imposing  
15 or discontinuing the tax hereunder shall be adopted and a  
16 certified copy thereof filed with the Department on or before  
17 the first day of July, whereupon the Department shall proceed  
18 to administer and enforce this Section as of the first day of  
19 October next following such adoption and filing. Beginning  
20 January 1, 1993, an ordinance or resolution imposing,  
21 increasing, decreasing, or discontinuing the tax hereunder  
22 shall be adopted and a certified copy thereof filed with the  
23 Department, whereupon the Department shall proceed to  
24 administer and enforce this Section as of the first day of the  
25 first month to occur not less than 60 days following such  
26 adoption and filing. Any ordinance or resolution of the

1 Authority imposing a tax under this Section and in effect on  
2 August 1, 2007 shall remain in full force and effect and shall  
3 be administered by the Department of Revenue under the terms  
4 and conditions and rates of tax established by such ordinance  
5 or resolution until the Department begins administering and  
6 enforcing an increased tax under this Section as authorized by  
7 this amendatory Act of the 95th General Assembly. The tax rates  
8 authorized by this amendatory Act of the 95th General Assembly  
9 are effective only if imposed by ordinance of the Authority.

10 (n) The State Department of Revenue shall, upon collecting  
11 any taxes as provided in this Section, pay the taxes over to  
12 the State Treasurer as trustee for the Authority. The taxes  
13 shall be held in a trust fund outside the State Treasury. On or  
14 before the 25th day of each calendar month, the State  
15 Department of Revenue shall prepare and certify to the  
16 Comptroller of the State of Illinois and to the Authority (i)  
17 the amount of taxes collected in each County other than Cook  
18 County in the metropolitan region, (ii) the amount of taxes  
19 collected within the City of Chicago, and (iii) the amount  
20 collected in that portion of Cook County outside of Chicago,  
21 each amount less the amount necessary for the payment of  
22 refunds to taxpayers located in those areas described in items  
23 (i), (ii), and (iii). Within 10 days after receipt by the  
24 Comptroller of the certification of the amounts, the  
25 Comptroller shall cause an order to be drawn for the payment of  
26 two-thirds of the amounts certified in item (i) of this

1 subsection to the Authority and one-third of the amounts  
2 certified in item (i) of this subsection to the respective  
3 counties other than Cook County and the amount certified in  
4 items (ii) and (iii) of this subsection to the Authority.

5 In addition to the disbursement required by the preceding  
6 paragraph, an allocation shall be made in July 1991 and each  
7 year thereafter to the Regional Transportation Authority. The  
8 allocation shall be made in an amount equal to the average  
9 monthly distribution during the preceding calendar year  
10 (excluding the 2 months of lowest receipts) and the allocation  
11 shall include the amount of average monthly distribution from  
12 the Regional Transportation Authority Occupation and Use Tax  
13 Replacement Fund. The distribution made in July 1992 and each  
14 year thereafter under this paragraph and the preceding  
15 paragraph shall be reduced by the amount allocated and  
16 disbursed under this paragraph in the preceding calendar year.  
17 The Department of Revenue shall prepare and certify to the  
18 Comptroller for disbursement the allocations made in  
19 accordance with this paragraph.

20 (o) Failure to adopt a budget ordinance or otherwise to  
21 comply with Section 4.01 of this Act or to adopt a Five-year  
22 Capital Program or otherwise to comply with paragraph (b) of  
23 Section 2.01 of this Act shall not affect the validity of any  
24 tax imposed by the Authority otherwise in conformity with law.

25 (p) At no time shall a public transportation tax or motor  
26 vehicle parking tax authorized under paragraphs (b), (c) and

1 (d) of this Section be in effect at the same time as any  
2 retailers' occupation, use or service occupation tax  
3 authorized under paragraphs (e), (f) and (g) of this Section is  
4 in effect.

5 Any taxes imposed under the authority provided in  
6 paragraphs (b), (c) and (d) shall remain in effect only until  
7 the time as any tax authorized by paragraphs (e), (f) or (g) of  
8 this Section are imposed and becomes effective. Once any tax  
9 authorized by paragraphs (e), (f) or (g) is imposed the Board  
10 may not reimpose taxes as authorized in paragraphs (b), (c) and  
11 (d) of the Section unless any tax authorized by paragraphs (e),  
12 (f) or (g) of this Section becomes ineffective by means other  
13 than an ordinance of the Board.

14 (q) Any existing rights, remedies and obligations  
15 (including enforcement by the Regional Transportation  
16 Authority) arising under any tax imposed under paragraphs (b),  
17 (c) or (d) of this Section shall not be affected by the  
18 imposition of a tax under paragraphs (e), (f) or (g) of this  
19 Section.

20 (Source: P.A. 96-339, eff. 7-1-10; 96-939, eff. 6-24-10; 97-38,  
21 eff. 6-28-11; 97-227, eff. 1-1-12; revised 9-28-11.)

22 Section 230. The School Code is amended by changing  
23 Sections 1D-1, 10-20.43, 10-21.9, 10-22.3f, 10-22.6, 18-8.05,  
24 21-1b, 21-7.1, 21-25, 21-28, 21B-75, 27A-4, 27A-5, 34-18,  
25 34-18.5, 34-19, 34-200, 34-205, 34-225, and 34-230, by setting

1     forth and renumbering multiple versions of Sections 2-3.153 and  
2     22-65, and by changing and renumbering multiple versions of  
3     Sections 10-20.53 and 34-18.45 as follows:

4             (105 ILCS 5/1D-1)

5             Sec. 1D-1. Block grant funding.

6             (a) For fiscal year 1996 and each fiscal year thereafter,  
7     the State Board of Education shall award to a school district  
8     having a population exceeding 500,000 inhabitants a general  
9     education block grant and an educational services block grant,  
10    determined as provided in this Section, in lieu of distributing  
11    to the district separate State funding for the programs  
12    described in subsections (b) and (c). The provisions of this  
13    Section, however, do not apply to any federal funds that the  
14    district is entitled to receive. In accordance with Section  
15    2-3.32, all block grants are subject to an audit. Therefore,  
16    block grant receipts and block grant expenditures shall be  
17    recorded to the appropriate fund code for the designated block  
18    grant.

19            (b) The general education block grant shall include the  
20    following programs: REI Initiative, Summer Bridges, Preschool  
21    At Risk, K-6 Comprehensive Arts, School Improvement Support,  
22    Urban Education, Scientific Literacy, Substance Abuse  
23    Prevention, Second Language Planning, Staff Development,  
24    Outcomes and Assessment, K-6 Reading Improvement, 7-12  
25    Continued Reading Improvement, Truants' Optional Education,

1 Hispanic Programs, Agriculture Education, Parental Education,  
2 Prevention Initiative, Report Cards, and Criminal Background  
3 Investigations. Notwithstanding any other provision of law,  
4 all amounts paid under the general education block grant from  
5 State appropriations to a school district in a city having a  
6 population exceeding 500,000 inhabitants shall be appropriated  
7 and expended by the board of that district for any of the  
8 programs included in the block grant or any of the board's  
9 lawful purposes.

10 (c) The educational services block grant shall include the  
11 following programs: Regular and Vocational Transportation,  
12 State Lunch and Free Breakfast Program, Special Education  
13 (Personnel, Transportation, Orphanage, Private Tuition),  
14 funding for children requiring special education services,  
15 Summer School, Educational Service Centers, and  
16 Administrator's Academy. This subsection (c) does not relieve  
17 the district of its obligation to provide the services required  
18 under a program that is included within the educational  
19 services block grant. It is the intention of the General  
20 Assembly in enacting the provisions of this subsection (c) to  
21 relieve the district of the administrative burdens that impede  
22 efficiency and accompany single-program funding. The General  
23 Assembly encourages the board to pursue mandate waivers  
24 pursuant to Section 2-3.25g.

25 The funding program included in the educational services  
26 block grant for funding for children requiring special

1 education services in each fiscal year shall be treated in that  
2 fiscal year as a payment to the school district in respect of  
3 services provided or costs incurred in the prior fiscal year,  
4 calculated in each case as provided in this Section. Nothing in  
5 this Section shall change the nature of payments for any  
6 program that, apart from this Section, would be or, prior to  
7 adoption or amendment of this Section, was on the basis of a  
8 payment in a fiscal year in respect of services provided or  
9 costs incurred in the prior fiscal year, calculated in each  
10 case as provided in this Section.

11 (d) For fiscal year 1996 and each fiscal year thereafter,  
12 the amount of the district's block grants shall be determined  
13 as follows: (i) with respect to each program that is included  
14 within each block grant, the district shall receive an amount  
15 equal to the same percentage of the current fiscal year  
16 appropriation made for that program as the percentage of the  
17 appropriation received by the district from the 1995 fiscal  
18 year appropriation made for that program, and (ii) the total  
19 amount that is due the district under the block grant shall be  
20 the aggregate of the amounts that the district is entitled to  
21 receive for the fiscal year with respect to each program that  
22 is included within the block grant that the State Board of  
23 Education shall award the district under this Section for that  
24 fiscal year. In the case of the Summer Bridges program, the  
25 amount of the district's block grant shall be equal to 44% of  
26 the amount of the current fiscal year appropriation made for

1 that program.

2 (e) The district is not required to file any application or  
3 other claim in order to receive the block grants to which it is  
4 entitled under this Section. The State Board of Education shall  
5 make payments to the district of amounts due under the  
6 district's block grants on a schedule determined by the State  
7 Board of Education.

8 (f) A school district to which this Section applies shall  
9 report to the State Board of Education on its use of the block  
10 grants in such form and detail as the State Board of Education  
11 may specify. In addition, the report must include the following  
12 description for the district, which must also be reported to  
13 the General Assembly: block grant allocation and expenditures  
14 by program; population and service levels by program; and  
15 administrative expenditures by program. The State Board of  
16 Education shall ensure that the reporting requirements for the  
17 district are the same as for all other school districts in this  
18 State.

19 (g) This paragraph provides for the treatment of block  
20 grants under Article 1C for purposes of calculating the amount  
21 of block grants for a district under this Section. Those block  
22 grants under Article 1C are, for this purpose, treated as  
23 included in the amount of appropriation for the various  
24 programs set forth in paragraph (b) above. The appropriation in  
25 each current fiscal year for each block grant under Article 1C  
26 shall be treated for these purposes as appropriations for the



1 individual program included in that block grant. The proportion  
2 of each block grant so allocated to each such program included  
3 in it shall be the proportion which the appropriation for that  
4 program was of all appropriations for such purposes now in that  
5 block grant, in fiscal 1995.

6 Payments to the school district under this Section with  
7 respect to each program for which payments to school districts  
8 generally, as of the date of this amendatory Act of the 92nd  
9 General Assembly, are on a reimbursement basis shall continue  
10 to be made to the district on a reimbursement basis, pursuant  
11 to the provisions of this Code governing those programs.

12 (h) Notwithstanding any other provision of law, any school  
13 district receiving a block grant under this Section may  
14 classify all or a portion of the funds that it receives in a  
15 particular fiscal year from any block grant authorized under  
16 this Code or from general State aid pursuant to Section 18-8.05  
17 of this Code (other than supplemental general State aid) as  
18 funds received in connection with any funding program for which  
19 it is entitled to receive funds from the State in that fiscal  
20 year (including, without limitation, any funding program  
21 referred to in subsection (c) of this Section), regardless of  
22 the source or timing of the receipt. The district may not  
23 classify more funds as funds received in connection with the  
24 funding program than the district is entitled to receive in  
25 that fiscal year for that program. Any classification by a  
26 district must be made by a resolution of its board of

1 education. The resolution must identify the amount of any block  
2 grant or general State aid to be classified under this  
3 subsection (h) and must specify the funding program to which  
4 the funds are to be treated as received in connection  
5 therewith. This resolution is controlling as to the  
6 classification of funds referenced therein. A certified copy of  
7 the resolution must be sent to the State Superintendent of  
8 Education. The resolution shall still take effect even though a  
9 copy of the resolution has not been sent to the State  
10 Superintendent of Education in a timely manner. No  
11 classification under this subsection (h) by a district shall  
12 affect the total amount or timing of money the district is  
13 entitled to receive under this Code. No classification under  
14 this subsection (h) by a district shall in any way relieve the  
15 district from or affect any requirements that otherwise would  
16 apply with respect to the block grant as provided in this  
17 Section, including any accounting of funds by source, reporting  
18 expenditures by original source and purpose, reporting  
19 requirements, or requirements of provision of services.

20 (Source: P.A. 97-238, eff. 8-2-11; 97-324, eff. 8-12-11;  
21 revised 9-21-11.)

22 (105 ILCS 5/2-3.153)

23 Sec. 2-3.153. Survey of learning conditions. The State  
24 Board of Education shall select for statewide administration an  
25 instrument to provide feedback from, at a minimum, students in

1 grades 6 through 12 and teachers on the instructional  
2 environment within a school after giving consideration to the  
3 recommendations of the Performance Evaluation Advisory Council  
4 made pursuant to subdivision (6) of subsection (a) of Section  
5 24A-20 of this Code. Subject to appropriation to the State  
6 Board of Education for the State's cost of development and  
7 administration and commencing with the 2012-2013 school year,  
8 each school district shall administer, at least biannually, the  
9 instrument in every public school attendance center by a date  
10 specified by the State Superintendent of Education, and data  
11 resulting from the instrument's administration must be  
12 provided to the State Board of Education. The survey component  
13 that requires completion by the teachers must be administered  
14 during teacher meetings or professional development days or at  
15 other times that would not interfere with the teachers' regular  
16 classroom and direct instructional duties. The State  
17 Superintendent, following consultation with teachers,  
18 principals, and other appropriate stakeholders, shall publicly  
19 report on selected indicators of learning conditions resulting  
20 from administration of the instrument at the individual school,  
21 district, and State levels and shall identify whether the  
22 indicators result from an anonymous administration of the  
23 instrument. If in any year the appropriation to the State Board  
24 of Education is insufficient for the State's costs associated  
25 with statewide administration of the instrument, the State  
26 Board of Education shall give priority to districts with

1 low-performing schools and a representative sample of other  
2 districts.

3 (Source: P.A. 97-8, eff. 6-13-11.)

4 (105 ILCS 5/2-3.154)

5 Sec. 2-3.154 ~~2-3.153~~. Low Performing Schools Intervention  
6 Program. From any funds appropriated to the State Board of  
7 Education for the purposes of intervening in low performing  
8 schools, the State Superintendent may, in his or her  
9 discretion, select school districts and schools in which to  
10 directly or indirectly intervene; provided however that such  
11 school districts and schools are within the lowest 5% in terms  
12 of performance in the State as determined by the State  
13 Superintendent. Intervention may take the form of a needs  
14 assessment or additional, more intensive intervention, as  
15 determined by the State Superintendent. Expenditures from  
16 funds appropriated for this purpose may include, without  
17 limitation, contracts, grants and travel to support the  
18 intervention.

19 (Source: P.A. 97-72, eff. 7-1-11; revised 10-7-11.)

20 (105 ILCS 5/2-3.155)

21 Sec. 2-3.155 ~~2-3.153~~. Textbook block grant program.

22 (a) The provisions of this Section are in the public  
23 interest, for the public benefit, and serve secular public  
24 purposes.

1           (b) As used in this Section, "textbook" means any book or  
2 book substitute that a pupil uses as a text or text substitute,  
3 including electronic textbooks. "Textbook" includes books,  
4 reusable workbooks, manuals, whether bound or in loose-leaf  
5 form, instructional computer software, and electronic  
6 textbooks and the technological equipment necessary to gain  
7 access to and use electronic textbooks intended as a principal  
8 source of study material for a given class or group of  
9 students. "Textbook" also includes science curriculum  
10 materials in a kit format that includes pre-packaged consumable  
11 materials if (i) it is shown that the materials serve as a  
12 textbook substitute, (ii) the materials are for use by the  
13 pupils as a principal learning source, (iii) each component of  
14 the materials is integrally necessary to teach the requirements  
15 of the intended course, (iv) the kit includes teacher guidance  
16 materials, and (v) the purchase of individual consumable  
17 materials is not allowed.

18           (c) Beginning July 1, 2011, subject to annual appropriation  
19 by the General Assembly, the State Board of Education is  
20 authorized to provide annual funding to public school districts  
21 and State-recognized, non-public schools serving students in  
22 grades kindergarten through 12 for the purchase of selected  
23 textbooks. The textbooks authorized to be purchased under this  
24 Section are limited without exception to textbooks that have  
25 been preapproved and designated by the State Board of Education  
26 for use in any public school and that are secular,

1 non-religious, and non-sectarian. The State Board of Education  
2 shall annually publish a list of the textbooks authorized to be  
3 purchased under this Section. Each public school district and  
4 State-recognized, non-public school shall, subject to  
5 appropriations for that purpose, receive a per pupil grant for  
6 the purchase of secular textbooks. The per pupil grant amount  
7 must be calculated by the State Board of Education utilizing  
8 the total appropriation made for these purposes divided by the  
9 most current student enrollment data available.

10 (d) The State Board of Education may adopt rules as  
11 necessary for the implementation of this Section and to ensure  
12 the religious neutrality of the textbook block grant program,  
13 as well as provide for the monitoring of all textbooks  
14 authorized in this Section to be purchased directly by  
15 State-recognized, nonpublic schools serving students in grades  
16 kindergarten through 12.

17 (Source: P.A. 97-570, eff. 8-25-11; revised 10-7-11.)

18 (105 ILCS 5/10-20.43)

19 Sec. 10-20.43. School facility occupation tax fund. All  
20 proceeds received by a school district from a distribution  
21 under Section 3-14.31 must be maintained in a special fund  
22 known as the school facility occupation tax fund. The district  
23 may use moneys in that fund only for school facility purposes,  
24 as that term is defined under Section 5-1006.7 of the Counties  
25 Code.

1 (Source: P.A. 95-675, eff. 10-11-07; 95-876, eff. 8-21-08;  
2 revised 11-18-11.)

3 (105 ILCS 5/10-20.53)

4 Sec. 10-20.53. Minimum reading instruction. Each school  
5 board shall promote 60 minutes of minimum reading opportunities  
6 daily for students in kindergarten through 3rd grade whose  
7 reading level is one grade level or lower than their ~~his or her~~  
8 current grade level according to current learning standards and  
9 the school district.

10 (Source: P.A. 97-88, eff. 7-8-11; revised 10-7-11.)

11 (105 ILCS 5/10-20.54)

12 Sec. 10-20.54 ~~10-20.53~~. Student athletes; concussions and  
13 head injuries.

14 (a) The General Assembly recognizes all of the following:

15 (1) Concussions are one of the most commonly reported  
16 injuries in children and adolescents who participate in  
17 sports and recreational activities. The Centers for  
18 Disease Control and Prevention estimates that as many as  
19 3,900,000 sports-related and recreation-related  
20 concussions occur in the United States each year. A  
21 concussion is caused by a blow or motion to the head or  
22 body that causes the brain to move rapidly inside the  
23 skull. The risk of catastrophic injuries or death are  
24 significant when a concussion or head injury is not

1 properly evaluated and managed.

2 (2) Concussions are a type of brain injury that can  
3 range from mild to severe and can disrupt the way the brain  
4 normally works. Concussions can occur in any organized or  
5 unorganized sport or recreational activity and can result  
6 from a fall or from players colliding with each other, the  
7 ground, or with obstacles. Concussions occur with or  
8 without loss of consciousness, but the vast majority of  
9 concussions occur without loss of consciousness.

10 (3) Continuing to play with a concussion or symptoms of  
11 a head injury leaves a young athlete especially vulnerable  
12 to greater injury and even death. The General Assembly  
13 recognizes that, despite having generally recognized  
14 return-to-play standards for concussions and head  
15 injuries, some affected youth athletes are prematurely  
16 returned to play, resulting in actual or potential physical  
17 injury or death to youth athletes in this State.

18 (b) Each school board shall adopt a policy regarding  
19 student athlete concussions and head injuries that is in  
20 compliance with the protocols, policies, and by-laws of the  
21 Illinois High School Association. Information on the school  
22 board's concussion and head injury policy must be a part of any  
23 agreement, contract, code, or other written instrument that a  
24 school district requires a student athlete and his or her  
25 parents or guardian to sign before participating in practice or  
26 interscholastic competition.



1           (c) The Illinois High School Association shall make  
2 available to all school districts, including elementary school  
3 districts, education materials, such as visual presentations  
4 and other written materials, that describe the nature and risk  
5 of concussions and head injuries. Each school district shall  
6 use education materials provided by the Illinois High School  
7 Association to educate coaches, student athletes, and parents  
8 and guardians of student athletes about the nature and risk of  
9 concussions and head injuries, including continuing play after  
10 a concussion or head injury.

11       (Source: P.A. 97-204, eff. 7-28-11; revised 10-7-11.)

12           (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

13           Sec. 10-21.9. Criminal history records checks and checks of  
14 the Statewide Sex Offender Database and Statewide Murderer and  
15 Violent Offender Against Youth Database.

16           (a) Certified and noncertified applicants for employment  
17 with a school district, except school bus driver applicants,  
18 are required as a condition of employment to authorize a  
19 fingerprint-based criminal history records check to determine  
20 if such applicants have been convicted of any of the enumerated  
21 criminal or drug offenses in subsection (c) of this Section or  
22 have been convicted, within 7 years of the application for  
23 employment with the school district, of any other felony under  
24 the laws of this State or of any offense committed or attempted  
25 in any other state or against the laws of the United States

1 that, if committed or attempted in this State, would have been  
2 punishable as a felony under the laws of this State.  
3 Authorization for the check shall be furnished by the applicant  
4 to the school district, except that if the applicant is a  
5 substitute teacher seeking employment in more than one school  
6 district, a teacher seeking concurrent part-time employment  
7 positions with more than one school district (as a reading  
8 specialist, special education teacher or otherwise), or an  
9 educational support personnel employee seeking employment  
10 positions with more than one district, any such district may  
11 require the applicant to furnish authorization for the check to  
12 the regional superintendent of the educational service region  
13 in which are located the school districts in which the  
14 applicant is seeking employment as a substitute or concurrent  
15 part-time teacher or concurrent educational support personnel  
16 employee. Upon receipt of this authorization, the school  
17 district or the appropriate regional superintendent, as the  
18 case may be, shall submit the applicant's name, sex, race, date  
19 of birth, social security number, fingerprint images, and other  
20 identifiers, as prescribed by the Department of State Police,  
21 to the Department. The regional superintendent submitting the  
22 requisite information to the Department of State Police shall  
23 promptly notify the school districts in which the applicant is  
24 seeking employment as a substitute or concurrent part-time  
25 teacher or concurrent educational support personnel employee  
26 that the check of the applicant has been requested. The

1 Department of State Police and the Federal Bureau of  
2 Investigation shall furnish, pursuant to a fingerprint-based  
3 criminal history records check, records of convictions, until  
4 expunged, to the president of the school board for the school  
5 district that requested the check, or to the regional  
6 superintendent who requested the check. The Department shall  
7 charge the school district or the appropriate regional  
8 superintendent a fee for conducting such check, which fee shall  
9 be deposited in the State Police Services Fund and shall not  
10 exceed the cost of the inquiry; and the applicant shall not be  
11 charged a fee for such check by the school district or by the  
12 regional superintendent, except that those applicants seeking  
13 employment as a substitute teacher with a school district may  
14 be charged a fee not to exceed the cost of the inquiry. Subject  
15 to appropriations for these purposes, the State Superintendent  
16 of Education shall reimburse school districts and regional  
17 superintendents for fees paid to obtain criminal history  
18 records checks under this Section.

19 (a-5) The school district or regional superintendent shall  
20 further perform a check of the Statewide Sex Offender Database,  
21 as authorized by the Sex Offender Community Notification Law,  
22 for each applicant.

23 (a-6) The school district or regional superintendent shall  
24 further perform a check of the Statewide Murderer and Violent  
25 Offender Against Youth Database, as authorized by the Murderer  
26 and Violent Offender Against Youth Community Notification Law,

1 for each applicant.

2 (b) Any information concerning the record of convictions  
3 obtained by the president of the school board or the regional  
4 superintendent shall be confidential and may only be  
5 transmitted to the superintendent of the school district or his  
6 designee, the appropriate regional superintendent if the check  
7 was requested by the school district, the presidents of the  
8 appropriate school boards if the check was requested from the  
9 Department of State Police by the regional superintendent, the  
10 State Superintendent of Education, the State Teacher  
11 Certification Board, any other person necessary to the decision  
12 of hiring the applicant for employment, or for clarification  
13 purposes the Department of State Police or Statewide Sex  
14 Offender Database, or both. A copy of the record of convictions  
15 obtained from the Department of State Police shall be provided  
16 to the applicant for employment. Upon the check of the  
17 Statewide Sex Offender Database, the school district or  
18 regional superintendent shall notify an applicant as to whether  
19 or not the applicant has been identified in the Database as a  
20 sex offender. If a check of an applicant for employment as a  
21 substitute or concurrent part-time teacher or concurrent  
22 educational support personnel employee in more than one school  
23 district was requested by the regional superintendent, and the  
24 Department of State Police upon a check ascertains that the  
25 applicant has not been convicted of any of the enumerated  
26 criminal or drug offenses in subsection (c) or has not been

1 convicted, within 7 years of the application for employment  
2 with the school district, of any other felony under the laws of  
3 this State or of any offense committed or attempted in any  
4 other state or against the laws of the United States that, if  
5 committed or attempted in this State, would have been  
6 punishable as a felony under the laws of this State and so  
7 notifies the regional superintendent and if the regional  
8 superintendent upon a check ascertains that the applicant has  
9 not been identified in the Sex Offender Database as a sex  
10 offender, then the regional superintendent shall issue to the  
11 applicant a certificate evidencing that as of the date  
12 specified by the Department of State Police the applicant has  
13 not been convicted of any of the enumerated criminal or drug  
14 offenses in subsection (c) or has not been convicted, within 7  
15 years of the application for employment with the school  
16 district, of any other felony under the laws of this State or  
17 of any offense committed or attempted in any other state or  
18 against the laws of the United States that, if committed or  
19 attempted in this State, would have been punishable as a felony  
20 under the laws of this State and evidencing that as of the date  
21 that the regional superintendent conducted a check of the  
22 Statewide Sex Offender Database, the applicant has not been  
23 identified in the Database as a sex offender. The school board  
24 of any school district may rely on the certificate issued by  
25 any regional superintendent to that substitute teacher,  
26 concurrent part-time teacher, or concurrent educational

1 support personnel employee or may initiate its own criminal  
2 history records check of the applicant through the Department  
3 of State Police and its own check of the Statewide Sex Offender  
4 Database as provided in subsection (a). Any person who releases  
5 any confidential information concerning any criminal  
6 convictions of an applicant for employment shall be guilty of a  
7 Class A misdemeanor, unless the release of such information is  
8 authorized by this Section.

9 (c) No school board shall knowingly employ a person who has  
10 been convicted of any offense that would subject him or her to  
11 license suspension or revocation pursuant to Section 21B-80 of  
12 this Code. Further, no school board shall knowingly employ a  
13 person who has been found to be the perpetrator of sexual or  
14 physical abuse of any minor under 18 years of age pursuant to  
15 proceedings under Article II of the Juvenile Court Act of 1987.

16 (d) No school board shall knowingly employ a person for  
17 whom a criminal history records check and a Statewide Sex  
18 Offender Database check has not been initiated.

19 (e) Upon receipt of the record of a conviction of or a  
20 finding of child abuse by a holder of any certificate issued  
21 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
22 Code, the State Superintendent of Education may initiate  
23 certificate suspension and revocation proceedings as  
24 authorized by law.

25 (e-5) The superintendent of the employing school board  
26 shall, in writing, notify the State Superintendent of Education

1 and the applicable regional superintendent of schools of any  
2 certificate holder whom he or she has reasonable cause to  
3 believe has committed an intentional act of abuse or neglect  
4 with the result of making a child an abused child or a  
5 neglected child, as defined in Section 3 of the Abused and  
6 Neglected Child Reporting Act, and that act resulted in the  
7 certificate holder's dismissal or resignation from the school  
8 district. This notification must be submitted within 30 days  
9 after the dismissal or resignation. The certificate holder must  
10 also be contemporaneously sent a copy of the notice by the  
11 superintendent. All correspondence, documentation, and other  
12 information so received by the regional superintendent of  
13 schools, the State Superintendent of Education, the State Board  
14 of Education, or the State Teacher Certification Board under  
15 this subsection (e-5) is confidential and must not be disclosed  
16 to third parties, except (i) as necessary for the State  
17 Superintendent of Education or his or her designee to  
18 investigate and prosecute pursuant to Article 21 of this Code,  
19 (ii) pursuant to a court order, (iii) for disclosure to the  
20 certificate holder or his or her representative, or (iv) as  
21 otherwise provided in this Article and provided that any such  
22 information admitted into evidence in a hearing is exempt from  
23 this confidentiality and non-disclosure requirement. Except  
24 for an act of willful or wanton misconduct, any superintendent  
25 who provides notification as required in this subsection (e-5)  
26 shall have immunity from any liability, whether civil or

1 criminal or that otherwise might result by reason of such  
2 action.

3 (f) After January 1, 1990 the provisions of this Section  
4 shall apply to all employees of persons or firms holding  
5 contracts with any school district including, but not limited  
6 to, food service workers, school bus drivers and other  
7 transportation employees, who have direct, daily contact with  
8 the pupils of any school in such district. For purposes of  
9 criminal history records checks and checks of the Statewide Sex  
10 Offender Database on employees of persons or firms holding  
11 contracts with more than one school district and assigned to  
12 more than one school district, the regional superintendent of  
13 the educational service region in which the contracting school  
14 districts are located may, at the request of any such school  
15 district, be responsible for receiving the authorization for a  
16 criminal history records check prepared by each such employee  
17 and submitting the same to the Department of State Police and  
18 for conducting a check of the Statewide Sex Offender Database  
19 for each employee. Any information concerning the record of  
20 conviction and identification as a sex offender of any such  
21 employee obtained by the regional superintendent shall be  
22 promptly reported to the president of the appropriate school  
23 board or school boards.

24 (g) In order to student teach in the public schools, a  
25 person is required to authorize a fingerprint-based criminal  
26 history records check and checks of the Statewide Sex Offender



1 Database and Statewide Murderer and Violent Offender Against  
2 Youth Database prior to participating in any field experiences  
3 in the public schools. Authorization for and payment of the  
4 costs of the checks must be furnished by the student teacher.  
5 Results of the checks must be furnished to the higher education  
6 institution where the student teacher is enrolled and the  
7 superintendent of the school district where the student is  
8 assigned.

9 (h) Upon request of a school, school district, community  
10 college district, or private school, any information obtained  
11 by a school district pursuant to subsection (f) of this Section  
12 within the last year must be made available to that school,  
13 school district, community college district, or private  
14 school.

15 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;  
16 96-1489, eff. 1-1-11; 97-154, eff. 1-1-12; 97-248, eff. 1-1-12;  
17 97-607, eff. 8-26-11; revised 9-21-11.)

18 (105 ILCS 5/10-22.3f)

19 Sec. 10-22.3f. Required health benefits. Insurance  
20 protection and benefits for employees shall provide the  
21 post-mastectomy care benefits required to be covered by a  
22 policy of accident and health insurance under Section 356t and  
23 the coverage required under Sections 356g, 356g.5, 356g.5-1,  
24 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.11, 356z.12,  
25 356z.13, 356z.14, and 356z.15 of the Illinois Insurance Code.

1 Insurance policies shall comply with Section 356z.19 of the  
2 Illinois Insurance Code. The coverage shall comply with Section  
3 155.22a of the Illinois Insurance Code.

4 Rulemaking authority to implement Public Act 95-1045, if  
5 any, is conditioned on the rules being adopted in accordance  
6 with all provisions of the Illinois Administrative Procedure  
7 Act and all rules and procedures of the Joint Committee on  
8 Administrative Rules; any purported rule not so adopted, for  
9 whatever reason, is unauthorized.

10 (Source: P.A. 96-139, eff. 1-1-10; 96-328, eff. 8-11-09;  
11 96-1000, eff. 7-2-10; 97-282, eff. 8-9-11; 97-343, eff. 1-1-12;  
12 revised 9-28-11.)

13 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

14 Sec. 10-22.6. Suspension or expulsion of pupils; school  
15 searches.

16 (a) To expel pupils guilty of gross disobedience or  
17 misconduct, including gross disobedience or misconduct  
18 perpetuated by electronic means, and no action shall lie  
19 against them for such expulsion. Expulsion shall take place  
20 only after the parents have been requested to appear at a  
21 meeting of the board, or with a hearing officer appointed by  
22 it, to discuss their child's behavior. Such request shall be  
23 made by registered or certified mail and shall state the time,  
24 place and purpose of the meeting. The board, or a hearing  
25 officer appointed by it, at such meeting shall state the

1 reasons for dismissal and the date on which the expulsion is to  
2 become effective. If a hearing officer is appointed by the  
3 board he shall report to the board a written summary of the  
4 evidence heard at the meeting and the board may take such  
5 action thereon as it finds appropriate. An expelled pupil may  
6 be immediately transferred to an alternative program in the  
7 manner provided in Article 13A or 13B of this Code. A pupil  
8 must not be denied transfer because of the expulsion, except in  
9 cases in which such transfer is deemed to cause a threat to the  
10 safety of students or staff in the alternative program.

11 (b) To suspend or by policy to authorize the superintendent  
12 of the district or the principal, assistant principal, or dean  
13 of students of any school to suspend pupils guilty of gross  
14 disobedience or misconduct, or to suspend pupils guilty of  
15 gross disobedience or misconduct on the school bus from riding  
16 the school bus, and no action shall lie against them for such  
17 suspension. The board may by policy authorize the  
18 superintendent of the district or the principal, assistant  
19 principal, or dean of students of any school to suspend pupils  
20 guilty of such acts for a period not to exceed 10 school days.  
21 If a pupil is suspended due to gross disobedience or misconduct  
22 on a school bus, the board may suspend the pupil in excess of  
23 10 school days for safety reasons. Any suspension shall be  
24 reported immediately to the parents or guardian of such pupil  
25 along with a full statement of the reasons for such suspension  
26 and a notice of their right to a review. The school board must

1 be given a summary of the notice, including the reason for the  
2 suspension and the suspension length. Upon request of the  
3 parents or guardian the school board or a hearing officer  
4 appointed by it shall review such action of the superintendent  
5 or principal, assistant principal, or dean of students. At such  
6 review the parents or guardian of the pupil may appear and  
7 discuss the suspension with the board or its hearing officer.  
8 If a hearing officer is appointed by the board he shall report  
9 to the board a written summary of the evidence heard at the  
10 meeting. After its hearing or upon receipt of the written  
11 report of its hearing officer, the board may take such action  
12 as it finds appropriate. A pupil who is suspended in excess of  
13 20 school days may be immediately transferred to an alternative  
14 program in the manner provided in Article 13A or 13B of this  
15 Code. A pupil must not be denied transfer because of the  
16 suspension, except in cases in which such transfer is deemed to  
17 cause a threat to the safety of students or staff in the  
18 alternative program.

19 (c) The Department of Human Services shall be invited to  
20 send a representative to consult with the board at such meeting  
21 whenever there is evidence that mental illness may be the cause  
22 for expulsion or suspension.

23 (d) The board may expel a student for a definite period of  
24 time not to exceed 2 calendar years, as determined on a case by  
25 case basis. A student who is determined to have brought one of  
26 the following objects to school, any school-sponsored activity

1 or event, or any activity or event that bears a reasonable  
2 relationship to school shall be expelled for a period of not  
3 less than one year:

4 (1) A firearm. For the purposes of this Section,  
5 "firearm" means any gun, rifle, shotgun, weapon as defined  
6 by Section 921 of Title 18 of the United States Code,  
7 firearm as defined in Section 1.1 of the Firearm Owners  
8 Identification Card Act, or firearm as defined in Section  
9 24-1 of the Criminal Code of 1961. The expulsion period  
10 under this subdivision (1) may be modified by the  
11 superintendent, and the superintendent's determination may  
12 be modified by the board on a case-by-case basis.

13 (2) A knife, brass knuckles or other knuckle weapon  
14 regardless of its composition, a billy club, or any other  
15 object if used or attempted to be used to cause bodily  
16 harm, including "look alike" of any firearm as defined in  
17 subdivision (1) of this subsection (d). The expulsion  
18 requirement under this subdivision (2) may be modified by  
19 the superintendent, and the superintendent's determination  
20 may be modified by the board on a case-by-case basis.

21 Expulsion or suspension shall be construed in a manner  
22 consistent with the Federal Individuals with Disabilities  
23 Education Act. A student who is subject to suspension or  
24 expulsion as provided in this Section may be eligible for a  
25 transfer to an alternative school program in accordance with  
26 Article 13A of the School Code. The provisions of this

1 subsection (d) apply in all school districts, including special  
2 charter districts and districts organized under Article 34.

3 (d-5) The board may suspend or by regulation authorize the  
4 superintendent of the district or the principal, assistant  
5 principal, or dean of students of any school to suspend a  
6 student for a period not to exceed 10 school days or may expel  
7 a student for a definite period of time not to exceed 2  
8 calendar years, as determined on a case by case basis, if (i)  
9 that student has been determined to have made an explicit  
10 threat on an Internet website against a school employee, a  
11 student, or any school-related personnel, (ii) the Internet  
12 website through which the threat was made is a site that was  
13 accessible within the school at the time the threat was made or  
14 was available to third parties who worked or studied within the  
15 school grounds at the time the threat was made, and (iii) the  
16 threat could be reasonably interpreted as threatening to the  
17 safety and security of the threatened individual because of his  
18 or her duties or employment status or status as a student  
19 inside the school. The provisions of this subsection (d-5)  
20 apply in all school districts, including special charter  
21 districts and districts organized under Article 34 of this  
22 Code.

23 (e) To maintain order and security in the schools, school  
24 authorities may inspect and search places and areas such as  
25 lockers, desks, parking lots, and other school property and  
26 equipment owned or controlled by the school, as well as

1 personal effects left in those places and areas by students,  
2 without notice to or the consent of the student, and without a  
3 search warrant. As a matter of public policy, the General  
4 Assembly finds that students have no reasonable expectation of  
5 privacy in these places and areas or in their personal effects  
6 left in these places and areas. School authorities may request  
7 the assistance of law enforcement officials for the purpose of  
8 conducting inspections and searches of lockers, desks, parking  
9 lots, and other school property and equipment owned or  
10 controlled by the school for illegal drugs, weapons, or other  
11 illegal or dangerous substances or materials, including  
12 searches conducted through the use of specially trained dogs.  
13 If a search conducted in accordance with this Section produces  
14 evidence that the student has violated or is violating either  
15 the law, local ordinance, or the school's policies or rules,  
16 such evidence may be seized by school authorities, and  
17 disciplinary action may be taken. School authorities may also  
18 turn over such evidence to law enforcement authorities. The  
19 provisions of this subsection (e) apply in all school  
20 districts, including special charter districts and districts  
21 organized under Article 34.

22 (f) Suspension or expulsion may include suspension or  
23 expulsion from school and all school activities and a  
24 prohibition from being present on school grounds.

25 (g) A school district may adopt a policy providing that if  
26 a student is suspended or expelled for any reason from any

1 public or private school in this or any other state, the  
2 student must complete the entire term of the suspension or  
3 expulsion in an alternative school program under Article 13A of  
4 this Code or an alternative learning opportunities program  
5 under Article 13B of this Code before being admitted into the  
6 school district if there is no threat to the safety of students  
7 or staff in the alternative program. This subsection (g)  
8 applies to all school districts, including special charter  
9 districts and districts organized under Article 34 of this  
10 Code.

11 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;  
12 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; revised 9-28-11.)

13 (105 ILCS 5/18-8.05)

14 Sec. 18-8.05. Basis for apportionment of general State  
15 financial aid and supplemental general State aid to the common  
16 schools for the 1998-1999 and subsequent school years.

17 (A) General Provisions.

18 (1) The provisions of this Section apply to the 1998-1999  
19 and subsequent school years. The system of general State  
20 financial aid provided for in this Section is designed to  
21 assure that, through a combination of State financial aid and  
22 required local resources, the financial support provided each  
23 pupil in Average Daily Attendance equals or exceeds a  
24 prescribed per pupil Foundation Level. This formula approach



1 imputes a level of per pupil Available Local Resources and  
2 provides for the basis to calculate a per pupil level of  
3 general State financial aid that, when added to Available Local  
4 Resources, equals or exceeds the Foundation Level. The amount  
5 of per pupil general State financial aid for school districts,  
6 in general, varies in inverse relation to Available Local  
7 Resources. Per pupil amounts are based upon each school  
8 district's Average Daily Attendance as that term is defined in  
9 this Section.

10 (2) In addition to general State financial aid, school  
11 districts with specified levels or concentrations of pupils  
12 from low income households are eligible to receive supplemental  
13 general State financial aid grants as provided pursuant to  
14 subsection (H). The supplemental State aid grants provided for  
15 school districts under subsection (H) shall be appropriated for  
16 distribution to school districts as part of the same line item  
17 in which the general State financial aid of school districts is  
18 appropriated under this Section.

19 (3) To receive financial assistance under this Section,  
20 school districts are required to file claims with the State  
21 Board of Education, subject to the following requirements:

22 (a) Any school district which fails for any given  
23 school year to maintain school as required by law, or to  
24 maintain a recognized school is not eligible to file for  
25 such school year any claim upon the Common School Fund. In  
26 case of nonrecognition of one or more attendance centers in

1 a school district otherwise operating recognized schools,  
2 the claim of the district shall be reduced in the  
3 proportion which the Average Daily Attendance in the  
4 attendance center or centers bear to the Average Daily  
5 Attendance in the school district. A "recognized school"  
6 means any public school which meets the standards as  
7 established for recognition by the State Board of  
8 Education. A school district or attendance center not  
9 having recognition status at the end of a school term is  
10 entitled to receive State aid payments due upon a legal  
11 claim which was filed while it was recognized.

12 (b) School district claims filed under this Section are  
13 subject to Sections 18-9 and 18-12, except as otherwise  
14 provided in this Section.

15 (c) If a school district operates a full year school  
16 under Section 10-19.1, the general State aid to the school  
17 district shall be determined by the State Board of  
18 Education in accordance with this Section as near as may be  
19 applicable.

20 (d) (Blank).

21 (4) Except as provided in subsections (H) and (L), the  
22 board of any district receiving any of the grants provided for  
23 in this Section may apply those funds to any fund so received  
24 for which that board is authorized to make expenditures by law.

25 School districts are not required to exert a minimum  
26 Operating Tax Rate in order to qualify for assistance under

1 this Section.

2 (5) As used in this Section the following terms, when  
3 capitalized, shall have the meaning ascribed herein:

4 (a) "Average Daily Attendance": A count of pupil  
5 attendance in school, averaged as provided for in  
6 subsection (C) and utilized in deriving per pupil financial  
7 support levels.

8 (b) "Available Local Resources": A computation of  
9 local financial support, calculated on the basis of Average  
10 Daily Attendance and derived as provided pursuant to  
11 subsection (D).

12 (c) "Corporate Personal Property Replacement Taxes":  
13 Funds paid to local school districts pursuant to "An Act in  
14 relation to the abolition of ad valorem personal property  
15 tax and the replacement of revenues lost thereby, and  
16 amending and repealing certain Acts and parts of Acts in  
17 connection therewith", certified August 14, 1979, as  
18 amended (Public Act 81-1st S.S.-1).

19 (d) "Foundation Level": A prescribed level of per pupil  
20 financial support as provided for in subsection (B).

21 (e) "Operating Tax Rate": All school district property  
22 taxes extended for all purposes, except Bond and Interest,  
23 Summer School, Rent, Capital Improvement, and Vocational  
24 Education Building purposes.

25 (B) Foundation Level.

1           (1) The Foundation Level is a figure established by the  
2 State representing the minimum level of per pupil financial  
3 support that should be available to provide for the basic  
4 education of each pupil in Average Daily Attendance. As set  
5 forth in this Section, each school district is assumed to exert  
6 a sufficient local taxing effort such that, in combination with  
7 the aggregate of general State financial aid provided the  
8 district, an aggregate of State and local resources are  
9 available to meet the basic education needs of pupils in the  
10 district.

11           (2) For the 1998-1999 school year, the Foundation Level of  
12 support is \$4,225. For the 1999-2000 school year, the  
13 Foundation Level of support is \$4,325. For the 2000-2001 school  
14 year, the Foundation Level of support is \$4,425. For the  
15 2001-2002 school year and 2002-2003 school year, the Foundation  
16 Level of support is \$4,560. For the 2003-2004 school year, the  
17 Foundation Level of support is \$4,810. For the 2004-2005 school  
18 year, the Foundation Level of support is \$4,964. For the  
19 2005-2006 school year, the Foundation Level of support is  
20 \$5,164. For the 2006-2007 school year, the Foundation Level of  
21 support is \$5,334. For the 2007-2008 school year, the  
22 Foundation Level of support is \$5,734. For the 2008-2009 school  
23 year, the Foundation Level of support is \$5,959.

24           (3) For the 2009-2010 school year and each school year  
25 thereafter, the Foundation Level of support is \$6,119 or such  
26 greater amount as may be established by law by the General

1 Assembly.

2 (C) Average Daily Attendance.

3 (1) For purposes of calculating general State aid pursuant  
4 to subsection (E), an Average Daily Attendance figure shall be  
5 utilized. The Average Daily Attendance figure for formula  
6 calculation purposes shall be the monthly average of the actual  
7 number of pupils in attendance of each school district, as  
8 further averaged for the best 3 months of pupil attendance for  
9 each school district. In compiling the figures for the number  
10 of pupils in attendance, school districts and the State Board  
11 of Education shall, for purposes of general State aid funding,  
12 conform attendance figures to the requirements of subsection  
13 (F).

14 (2) The Average Daily Attendance figures utilized in  
15 subsection (E) shall be the requisite attendance data for the  
16 school year immediately preceding the school year for which  
17 general State aid is being calculated or the average of the  
18 attendance data for the 3 preceding school years, whichever is  
19 greater. The Average Daily Attendance figures utilized in  
20 subsection (H) shall be the requisite attendance data for the  
21 school year immediately preceding the school year for which  
22 general State aid is being calculated.

23 (D) Available Local Resources.

24 (1) For purposes of calculating general State aid pursuant

1 to subsection (E), a representation of Available Local  
2 Resources per pupil, as that term is defined and determined in  
3 this subsection, shall be utilized. Available Local Resources  
4 per pupil shall include a calculated dollar amount representing  
5 local school district revenues from local property taxes and  
6 from Corporate Personal Property Replacement Taxes, expressed  
7 on the basis of pupils in Average Daily Attendance. Calculation  
8 of Available Local Resources shall exclude any tax amnesty  
9 funds received as a result of Public Act 93-26.

10 (2) In determining a school district's revenue from local  
11 property taxes, the State Board of Education shall utilize the  
12 equalized assessed valuation of all taxable property of each  
13 school district as of September 30 of the previous year. The  
14 equalized assessed valuation utilized shall be obtained and  
15 determined as provided in subsection (G).

16 (3) For school districts maintaining grades kindergarten  
17 through 12, local property tax revenues per pupil shall be  
18 calculated as the product of the applicable equalized assessed  
19 valuation for the district multiplied by 3.00%, and divided by  
20 the district's Average Daily Attendance figure. For school  
21 districts maintaining grades kindergarten through 8, local  
22 property tax revenues per pupil shall be calculated as the  
23 product of the applicable equalized assessed valuation for the  
24 district multiplied by 2.30%, and divided by the district's  
25 Average Daily Attendance figure. For school districts  
26 maintaining grades 9 through 12, local property tax revenues

1 per pupil shall be the applicable equalized assessed valuation  
2 of the district multiplied by 1.05%, and divided by the  
3 district's Average Daily Attendance figure.

4 For partial elementary unit districts created pursuant to  
5 Article 11E of this Code, local property tax revenues per pupil  
6 shall be calculated as the product of the equalized assessed  
7 valuation for property within the partial elementary unit  
8 district for elementary purposes, as defined in Article 11E of  
9 this Code, multiplied by 2.06% and divided by the district's  
10 Average Daily Attendance figure, plus the product of the  
11 equalized assessed valuation for property within the partial  
12 elementary unit district for high school purposes, as defined  
13 in Article 11E of this Code, multiplied by 0.94% and divided by  
14 the district's Average Daily Attendance figure.

15 (4) The Corporate Personal Property Replacement Taxes paid  
16 to each school district during the calendar year one year  
17 before the calendar year in which a school year begins, divided  
18 by the Average Daily Attendance figure for that district, shall  
19 be added to the local property tax revenues per pupil as  
20 derived by the application of the immediately preceding  
21 paragraph (3). The sum of these per pupil figures for each  
22 school district shall constitute Available Local Resources as  
23 that term is utilized in subsection (E) in the calculation of  
24 general State aid.

25 (E) Computation of General State Aid.

1           (1) For each school year, the amount of general State aid  
2 allotted to a school district shall be computed by the State  
3 Board of Education as provided in this subsection.

4           (2) For any school district for which Available Local  
5 Resources per pupil is less than the product of 0.93 times the  
6 Foundation Level, general State aid for that district shall be  
7 calculated as an amount equal to the Foundation Level minus  
8 Available Local Resources, multiplied by the Average Daily  
9 Attendance of the school district.

10          (3) For any school district for which Available Local  
11 Resources per pupil is equal to or greater than the product of  
12 0.93 times the Foundation Level and less than the product of  
13 1.75 times the Foundation Level, the general State aid per  
14 pupil shall be a decimal proportion of the Foundation Level  
15 derived using a linear algorithm. Under this linear algorithm,  
16 the calculated general State aid per pupil shall decline in  
17 direct linear fashion from 0.07 times the Foundation Level for  
18 a school district with Available Local Resources equal to the  
19 product of 0.93 times the Foundation Level, to 0.05 times the  
20 Foundation Level for a school district with Available Local  
21 Resources equal to the product of 1.75 times the Foundation  
22 Level. The allocation of general State aid for school districts  
23 subject to this paragraph 3 shall be the calculated general  
24 State aid per pupil figure multiplied by the Average Daily  
25 Attendance of the school district.

26          (4) For any school district for which Available Local



1 Resources per pupil equals or exceeds the product of 1.75 times  
2 the Foundation Level, the general State aid for the school  
3 district shall be calculated as the product of \$218 multiplied  
4 by the Average Daily Attendance of the school district.

5 (5) The amount of general State aid allocated to a school  
6 district for the 1999-2000 school year meeting the requirements  
7 set forth in paragraph (4) of subsection (G) shall be increased  
8 by an amount equal to the general State aid that would have  
9 been received by the district for the 1998-1999 school year by  
10 utilizing the Extension Limitation Equalized Assessed  
11 Valuation as calculated in paragraph (4) of subsection (G) less  
12 the general State aid allotted for the 1998-1999 school year.  
13 This amount shall be deemed a one time increase, and shall not  
14 affect any future general State aid allocations.

15 (F) Compilation of Average Daily Attendance.

16 (1) Each school district shall, by July 1 of each year,  
17 submit to the State Board of Education, on forms prescribed by  
18 the State Board of Education, attendance figures for the school  
19 year that began in the preceding calendar year. The attendance  
20 information so transmitted shall identify the average daily  
21 attendance figures for each month of the school year. Beginning  
22 with the general State aid claim form for the 2002-2003 school  
23 year, districts shall calculate Average Daily Attendance as  
24 provided in subdivisions (a), (b), and (c) of this paragraph  
25 (1).

1           (a) In districts that do not hold year-round classes,  
2           days of attendance in August shall be added to the month of  
3           September and any days of attendance in June shall be added  
4           to the month of May.

5           (b) In districts in which all buildings hold year-round  
6           classes, days of attendance in July and August shall be  
7           added to the month of September and any days of attendance  
8           in June shall be added to the month of May.

9           (c) In districts in which some buildings, but not all,  
10          hold year-round classes, for the non-year-round buildings,  
11          days of attendance in August shall be added to the month of  
12          September and any days of attendance in June shall be added  
13          to the month of May. The average daily attendance for the  
14          year-round buildings shall be computed as provided in  
15          subdivision (b) of this paragraph (1). To calculate the  
16          Average Daily Attendance for the district, the average  
17          daily attendance for the year-round buildings shall be  
18          multiplied by the days in session for the non-year-round  
19          buildings for each month and added to the monthly  
20          attendance of the non-year-round buildings.

21          Except as otherwise provided in this Section, days of  
22          attendance by pupils shall be counted only for sessions of not  
23          less than 5 clock hours of school work per day under direct  
24          supervision of: (i) teachers, or (ii) non-teaching personnel or  
25          volunteer personnel when engaging in non-teaching duties and  
26          supervising in those instances specified in subsection (a) of

1 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils  
2 of legal school age and in kindergarten and grades 1 through  
3 12.

4 Days of attendance by tuition pupils shall be accredited  
5 only to the districts that pay the tuition to a recognized  
6 school.

7 (2) Days of attendance by pupils of less than 5 clock hours  
8 of school shall be subject to the following provisions in the  
9 compilation of Average Daily Attendance.

10 (a) Pupils regularly enrolled in a public school for  
11 only a part of the school day may be counted on the basis  
12 of 1/6 day for every class hour of instruction of 40  
13 minutes or more attended pursuant to such enrollment,  
14 unless a pupil is enrolled in a block-schedule format of 80  
15 minutes or more of instruction, in which case the pupil may  
16 be counted on the basis of the proportion of minutes of  
17 school work completed each day to the minimum number of  
18 minutes that school work is required to be held that day.

19 (b) Days of attendance may be less than 5 clock hours  
20 on the opening and closing of the school term, and upon the  
21 first day of pupil attendance, if preceded by a day or days  
22 utilized as an institute or teachers' workshop.

23 (c) A session of 4 or more clock hours may be counted  
24 as a day of attendance upon certification by the regional  
25 superintendent, and approved by the State Superintendent  
26 of Education to the extent that the district has been

1 forced to use daily multiple sessions.

2 (d) A session of 3 or more clock hours may be counted  
3 as a day of attendance (1) when the remainder of the school  
4 day or at least 2 hours in the evening of that day is  
5 utilized for an in-service training program for teachers,  
6 up to a maximum of 5 days per school year, provided a  
7 district conducts an in-service training program for  
8 teachers in accordance with Section 10-22.39 of this Code;  
9 or, in lieu of 4 such days, 2 full days may be used, in  
10 which event each such day may be counted as a day required  
11 for a legal school calendar pursuant to Section 10-19 of  
12 this Code; (1.5) when, of the 5 days allowed under item  
13 (1), a maximum of 4 days are used for parent-teacher  
14 conferences, or, in lieu of 4 such days, 2 full days are  
15 used, in which case each such day may be counted as a  
16 calendar day required under Section 10-19 of this Code,  
17 provided that the full-day, parent-teacher conference  
18 consists of (i) a minimum of 5 clock hours of  
19 parent-teacher conferences, (ii) both a minimum of 2 clock  
20 hours of parent-teacher conferences held in the evening  
21 following a full day of student attendance, as specified in  
22 subsection (F)(1)(c), and a minimum of 3 clock hours of  
23 parent-teacher conferences held on the day immediately  
24 following evening parent-teacher conferences, or (iii)  
25 multiple parent-teacher conferences held in the evenings  
26 following full days of student attendance, as specified in

1 subsection (F)(1)(c), in which the time used for the  
2 parent-teacher conferences is equivalent to a minimum of 5  
3 clock hours; and (2) when days in addition to those  
4 provided in items (1) and (1.5) are scheduled by a school  
5 pursuant to its school improvement plan adopted under  
6 Article 34 or its revised or amended school improvement  
7 plan adopted under Article 2, provided that (i) such  
8 sessions of 3 or more clock hours are scheduled to occur at  
9 regular intervals, (ii) the remainder of the school days in  
10 which such sessions occur are utilized for in-service  
11 training programs or other staff development activities  
12 for teachers, and (iii) a sufficient number of minutes of  
13 school work under the direct supervision of teachers are  
14 added to the school days between such regularly scheduled  
15 sessions to accumulate not less than the number of minutes  
16 by which such sessions of 3 or more clock hours fall short  
17 of 5 clock hours. Any full days used for the purposes of  
18 this paragraph shall not be considered for computing  
19 average daily attendance. Days scheduled for in-service  
20 training programs, staff development activities, or  
21 parent-teacher conferences may be scheduled separately for  
22 different grade levels and different attendance centers of  
23 the district.

24 (e) A session of not less than one clock hour of  
25 teaching hospitalized or homebound pupils on-site or by  
26 telephone to the classroom may be counted as 1/2 day of

1 attendance, however these pupils must receive 4 or more  
2 clock hours of instruction to be counted for a full day of  
3 attendance.

4 (f) A session of at least 4 clock hours may be counted  
5 as a day of attendance for first grade pupils, and pupils  
6 in full day kindergartens, and a session of 2 or more hours  
7 may be counted as 1/2 day of attendance by pupils in  
8 kindergartens which provide only 1/2 day of attendance.

9 (g) For children with disabilities who are below the  
10 age of 6 years and who cannot attend 2 or more clock hours  
11 because of their disability or immaturity, a session of not  
12 less than one clock hour may be counted as 1/2 day of  
13 attendance; however for such children whose educational  
14 needs so require a session of 4 or more clock hours may be  
15 counted as a full day of attendance.

16 (h) A recognized kindergarten which provides for only  
17 1/2 day of attendance by each pupil shall not have more  
18 than 1/2 day of attendance counted in any one day. However,  
19 kindergartens may count 2 1/2 days of attendance in any 5  
20 consecutive school days. When a pupil attends such a  
21 kindergarten for 2 half days on any one school day, the  
22 pupil shall have the following day as a day absent from  
23 school, unless the school district obtains permission in  
24 writing from the State Superintendent of Education.  
25 Attendance at kindergartens which provide for a full day of  
26 attendance by each pupil shall be counted the same as

1 attendance by first grade pupils. Only the first year of  
2 attendance in one kindergarten shall be counted, except in  
3 case of children who entered the kindergarten in their  
4 fifth year whose educational development requires a second  
5 year of kindergarten as determined under the rules and  
6 regulations of the State Board of Education.

7 (i) On the days when the Prairie State Achievement  
8 Examination is administered under subsection (c) of  
9 Section 2-3.64 of this Code, the day of attendance for a  
10 pupil whose school day must be shortened to accommodate  
11 required testing procedures may be less than 5 clock hours  
12 and shall be counted towards the 176 days of actual pupil  
13 attendance required under Section 10-19 of this Code,  
14 provided that a sufficient number of minutes of school work  
15 in excess of 5 clock hours are first completed on other  
16 school days to compensate for the loss of school work on  
17 the examination days.

18 (j) Pupils enrolled in a remote educational program  
19 established under Section 10-29 of this Code may be counted  
20 on the basis of one-fifth day of attendance for every clock  
21 hour of instruction attended in the remote educational  
22 program, provided that, in any month, the school district  
23 may not claim for a student enrolled in a remote  
24 educational program more days of attendance than the  
25 maximum number of days of attendance the district can claim

26 (i) for students enrolled in a building holding year-round

1 classes if the student is classified as participating in  
2 the remote educational program on a year-round schedule or  
3 (ii) for students enrolled in a building not holding  
4 year-round classes if the student is not classified as  
5 participating in the remote educational program on a  
6 year-round schedule.

7 (G) Equalized Assessed Valuation Data.

8 (1) For purposes of the calculation of Available Local  
9 Resources required pursuant to subsection (D), the State Board  
10 of Education shall secure from the Department of Revenue the  
11 value as equalized or assessed by the Department of Revenue of  
12 all taxable property of every school district, together with  
13 (i) the applicable tax rate used in extending taxes for the  
14 funds of the district as of September 30 of the previous year  
15 and (ii) the limiting rate for all school districts subject to  
16 property tax extension limitations as imposed under the  
17 Property Tax Extension Limitation Law.

18 The Department of Revenue shall add to the equalized  
19 assessed value of all taxable property of each school district  
20 situated entirely or partially within a county that is or was  
21 subject to the provisions of Section 15-176 or 15-177 of the  
22 Property Tax Code (a) an amount equal to the total amount by  
23 which the homestead exemption allowed under Section 15-176 or  
24 15-177 of the Property Tax Code for real property situated in  
25 that school district exceeds the total amount that would have



1 been allowed in that school district if the maximum reduction  
2 under Section 15-176 was (i) \$4,500 in Cook County or \$3,500 in  
3 all other counties in tax year 2003 or (ii) \$5,000 in all  
4 counties in tax year 2004 and thereafter and (b) an amount  
5 equal to the aggregate amount for the taxable year of all  
6 additional exemptions under Section 15-175 of the Property Tax  
7 Code for owners with a household income of \$30,000 or less. The  
8 county clerk of any county that is or was subject to the  
9 provisions of Section 15-176 or 15-177 of the Property Tax Code  
10 shall annually calculate and certify to the Department of  
11 Revenue for each school district all homestead exemption  
12 amounts under Section 15-176 or 15-177 of the Property Tax Code  
13 and all amounts of additional exemptions under Section 15-175  
14 of the Property Tax Code for owners with a household income of  
15 \$30,000 or less. It is the intent of this paragraph that if the  
16 general homestead exemption for a parcel of property is  
17 determined under Section 15-176 or 15-177 of the Property Tax  
18 Code rather than Section 15-175, then the calculation of  
19 Available Local Resources shall not be affected by the  
20 difference, if any, between the amount of the general homestead  
21 exemption allowed for that parcel of property under Section  
22 15-176 or 15-177 of the Property Tax Code and the amount that  
23 would have been allowed had the general homestead exemption for  
24 that parcel of property been determined under Section 15-175 of  
25 the Property Tax Code. It is further the intent of this  
26 paragraph that if additional exemptions are allowed under

1 Section 15-175 of the Property Tax Code for owners with a  
2 household income of less than \$30,000, then the calculation of  
3 Available Local Resources shall not be affected by the  
4 difference, if any, because of those additional exemptions.

5 This equalized assessed valuation, as adjusted further by  
6 the requirements of this subsection, shall be utilized in the  
7 calculation of Available Local Resources.

8 (2) The equalized assessed valuation in paragraph (1) shall  
9 be adjusted, as applicable, in the following manner:

10 (a) For the purposes of calculating State aid under  
11 this Section, with respect to any part of a school district  
12 within a redevelopment project area in respect to which a  
13 municipality has adopted tax increment allocation  
14 financing pursuant to the Tax Increment Allocation  
15 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11  
16 of the Illinois Municipal Code or the Industrial Jobs  
17 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the  
18 Illinois Municipal Code, no part of the current equalized  
19 assessed valuation of real property located in any such  
20 project area which is attributable to an increase above the  
21 total initial equalized assessed valuation of such  
22 property shall be used as part of the equalized assessed  
23 valuation of the district, until such time as all  
24 redevelopment project costs have been paid, as provided in  
25 Section 11-74.4-8 of the Tax Increment Allocation  
26 Redevelopment Act or in Section 11-74.6-35 of the

1 Industrial Jobs Recovery Law. For the purpose of the  
2 equalized assessed valuation of the district, the total  
3 initial equalized assessed valuation or the current  
4 equalized assessed valuation, whichever is lower, shall be  
5 used until such time as all redevelopment project costs  
6 have been paid.

7 (b) The real property equalized assessed valuation for  
8 a school district shall be adjusted by subtracting from the  
9 real property value as equalized or assessed by the  
10 Department of Revenue for the district an amount computed  
11 by dividing the amount of any abatement of taxes under  
12 Section 18-170 of the Property Tax Code by 3.00% for a  
13 district maintaining grades kindergarten through 12, by  
14 2.30% for a district maintaining grades kindergarten  
15 through 8, or by 1.05% for a district maintaining grades 9  
16 through 12 and adjusted by an amount computed by dividing  
17 the amount of any abatement of taxes under subsection (a)  
18 of Section 18-165 of the Property Tax Code by the same  
19 percentage rates for district type as specified in this  
20 subparagraph (b).

21 (3) For the 1999-2000 school year and each school year  
22 thereafter, if a school district meets all of the criteria of  
23 this subsection (G) (3), the school district's Available Local  
24 Resources shall be calculated under subsection (D) using the  
25 district's Extension Limitation Equalized Assessed Valuation  
26 as calculated under this subsection (G) (3).

1 For purposes of this subsection (G) (3) the following terms  
2 shall have the following meanings:

3 "Budget Year": The school year for which general State  
4 aid is calculated and awarded under subsection (E).

5 "Base Tax Year": The property tax levy year used to  
6 calculate the Budget Year allocation of general State aid.

7 "Preceding Tax Year": The property tax levy year  
8 immediately preceding the Base Tax Year.

9 "Base Tax Year's Tax Extension": The product of the  
10 equalized assessed valuation utilized by the County Clerk  
11 in the Base Tax Year multiplied by the limiting rate as  
12 calculated by the County Clerk and defined in the Property  
13 Tax Extension Limitation Law.

14 "Preceding Tax Year's Tax Extension": The product of  
15 the equalized assessed valuation utilized by the County  
16 Clerk in the Preceding Tax Year multiplied by the Operating  
17 Tax Rate as defined in subsection (A).

18 "Extension Limitation Ratio": A numerical ratio,  
19 certified by the County Clerk, in which the numerator is  
20 the Base Tax Year's Tax Extension and the denominator is  
21 the Preceding Tax Year's Tax Extension.

22 "Operating Tax Rate": The operating tax rate as defined  
23 in subsection (A).

24 If a school district is subject to property tax extension  
25 limitations as imposed under the Property Tax Extension  
26 Limitation Law, the State Board of Education shall calculate

1 the Extension Limitation Equalized Assessed Valuation of that  
2 district. For the 1999-2000 school year, the Extension  
3 Limitation Equalized Assessed Valuation of a school district as  
4 calculated by the State Board of Education shall be equal to  
5 the product of the district's 1996 Equalized Assessed Valuation  
6 and the district's Extension Limitation Ratio. Except as  
7 otherwise provided in this paragraph for a school district that  
8 has approved or does approve an increase in its limiting rate,  
9 for the 2000-2001 school year and each school year thereafter,  
10 the Extension Limitation Equalized Assessed Valuation of a  
11 school district as calculated by the State Board of Education  
12 shall be equal to the product of the Equalized Assessed  
13 Valuation last used in the calculation of general State aid and  
14 the district's Extension Limitation Ratio. If the Extension  
15 Limitation Equalized Assessed Valuation of a school district as  
16 calculated under this subsection (G)(3) is less than the  
17 district's equalized assessed valuation as calculated pursuant  
18 to subsections (G)(1) and (G)(2), then for purposes of  
19 calculating the district's general State aid for the Budget  
20 Year pursuant to subsection (E), that Extension Limitation  
21 Equalized Assessed Valuation shall be utilized to calculate the  
22 district's Available Local Resources under subsection (D). For  
23 the 2009-2010 school year and each school year thereafter, if a  
24 school district has approved or does approve an increase in its  
25 limiting rate, pursuant to Section 18-190 of the Property Tax  
26 Code, affecting the Base Tax Year, the Extension Limitation

1 Equalized Assessed Valuation of the school district, as  
2 calculated by the State Board of Education, shall be equal to  
3 the product of the Equalized Assessed Valuation last used in  
4 the calculation of general State aid times an amount equal to  
5 one plus the percentage increase, if any, in the Consumer Price  
6 Index for all Urban Consumers for all items published by the  
7 United States Department of Labor for the 12-month calendar  
8 year preceding the Base Tax Year, plus the Equalized Assessed  
9 Valuation of new property, annexed property, and recovered tax  
10 increment value and minus the Equalized Assessed Valuation of  
11 disconnected property. New property and recovered tax  
12 increment value shall have the meanings set forth in the  
13 Property Tax Extension Limitation Law.

14 Partial elementary unit districts created in accordance  
15 with Article 11E of this Code shall not be eligible for the  
16 adjustment in this subsection (G)(3) until the fifth year  
17 following the effective date of the reorganization.

18 (3.5) For the 2010-2011 school year and each school year  
19 thereafter, if a school district's boundaries span multiple  
20 counties, then the Department of Revenue shall send to the  
21 State Board of Education, for the purpose of calculating  
22 general State aid, the limiting rate and individual rates by  
23 purpose for the county that contains the majority of the school  
24 district's Equalized Assessed Valuation.

25 (4) For the purposes of calculating general State aid for  
26 the 1999-2000 school year only, if a school district

1 experienced a triennial reassessment on the equalized assessed  
2 valuation used in calculating its general State financial aid  
3 apportionment for the 1998-1999 school year, the State Board of  
4 Education shall calculate the Extension Limitation Equalized  
5 Assessed Valuation that would have been used to calculate the  
6 district's 1998-1999 general State aid. This amount shall equal  
7 the product of the equalized assessed valuation used to  
8 calculate general State aid for the 1997-1998 school year and  
9 the district's Extension Limitation Ratio. If the Extension  
10 Limitation Equalized Assessed Valuation of the school district  
11 as calculated under this paragraph (4) is less than the  
12 district's equalized assessed valuation utilized in  
13 calculating the district's 1998-1999 general State aid  
14 allocation, then for purposes of calculating the district's  
15 general State aid pursuant to paragraph (5) of subsection (E),  
16 that Extension Limitation Equalized Assessed Valuation shall  
17 be utilized to calculate the district's Available Local  
18 Resources.

19 (5) For school districts having a majority of their  
20 equalized assessed valuation in any county except Cook, DuPage,  
21 Kane, Lake, McHenry, or Will, if the amount of general State  
22 aid allocated to the school district for the 1999-2000 school  
23 year under the provisions of subsection (E), (H), and (J) of  
24 this Section is less than the amount of general State aid  
25 allocated to the district for the 1998-1999 school year under  
26 these subsections, then the general State aid of the district

1 for the 1999-2000 school year only shall be increased by the  
2 difference between these amounts. The total payments made under  
3 this paragraph (5) shall not exceed \$14,000,000. Claims shall  
4 be prorated if they exceed \$14,000,000.

5 (H) Supplemental General State Aid.

6 (1) In addition to the general State aid a school district  
7 is allotted pursuant to subsection (E), qualifying school  
8 districts shall receive a grant, paid in conjunction with a  
9 district's payments of general State aid, for supplemental  
10 general State aid based upon the concentration level of  
11 children from low-income households within the school  
12 district. Supplemental State aid grants provided for school  
13 districts under this subsection shall be appropriated for  
14 distribution to school districts as part of the same line item  
15 in which the general State financial aid of school districts is  
16 appropriated under this Section.

17 (1.5) This paragraph (1.5) applies only to those school  
18 years preceding the 2003-2004 school year. For purposes of this  
19 subsection (H), the term "Low-Income Concentration Level"  
20 shall be the low-income eligible pupil count from the most  
21 recently available federal census divided by the Average Daily  
22 Attendance of the school district. If, however, (i) the  
23 percentage decrease from the 2 most recent federal censuses in  
24 the low-income eligible pupil count of a high school district  
25 with fewer than 400 students exceeds by 75% or more the



1 percentage change in the total low-income eligible pupil count  
2 of contiguous elementary school districts, whose boundaries  
3 are coterminous with the high school district, or (ii) a high  
4 school district within 2 counties and serving 5 elementary  
5 school districts, whose boundaries are coterminous with the  
6 high school district, has a percentage decrease from the 2 most  
7 recent federal censuses in the low-income eligible pupil count  
8 and there is a percentage increase in the total low-income  
9 eligible pupil count of a majority of the elementary school  
10 districts in excess of 50% from the 2 most recent federal  
11 censuses, then the high school district's low-income eligible  
12 pupil count from the earlier federal census shall be the number  
13 used as the low-income eligible pupil count for the high school  
14 district, for purposes of this subsection (H). The changes made  
15 to this paragraph (1) by Public Act 92-28 shall apply to  
16 supplemental general State aid grants for school years  
17 preceding the 2003-2004 school year that are paid in fiscal  
18 year 1999 or thereafter and to any State aid payments made in  
19 fiscal year 1994 through fiscal year 1998 pursuant to  
20 subsection 1(n) of Section 18-8 of this Code (which was  
21 repealed on July 1, 1998), and any high school district that is  
22 affected by Public Act 92-28 is entitled to a recomputation of  
23 its supplemental general State aid grant or State aid paid in  
24 any of those fiscal years. This recomputation shall not be  
25 affected by any other funding.

26 (1.10) This paragraph (1.10) applies to the 2003-2004

1 school year and each school year thereafter. For purposes of  
2 this subsection (H), the term "Low-Income Concentration Level"  
3 shall, for each fiscal year, be the low-income eligible pupil  
4 count as of July 1 of the immediately preceding fiscal year (as  
5 determined by the Department of Human Services based on the  
6 number of pupils who are eligible for at least one of the  
7 following low income programs: Medicaid, the Children's Health  
8 Insurance Program, TANF, or Food Stamps, excluding pupils who  
9 are eligible for services provided by the Department of  
10 Children and Family Services, averaged over the 2 immediately  
11 preceding fiscal years for fiscal year 2004 and over the 3  
12 immediately preceding fiscal years for each fiscal year  
13 thereafter) divided by the Average Daily Attendance of the  
14 school district.

15 (2) Supplemental general State aid pursuant to this  
16 subsection (H) shall be provided as follows for the 1998-1999,  
17 1999-2000, and 2000-2001 school years only:

18 (a) For any school district with a Low Income  
19 Concentration Level of at least 20% and less than 35%, the  
20 grant for any school year shall be \$800 multiplied by the  
21 low income eligible pupil count.

22 (b) For any school district with a Low Income  
23 Concentration Level of at least 35% and less than 50%, the  
24 grant for the 1998-1999 school year shall be \$1,100  
25 multiplied by the low income eligible pupil count.

26 (c) For any school district with a Low Income

1 Concentration Level of at least 50% and less than 60%, the  
2 grant for the 1998-99 school year shall be \$1,500  
3 multiplied by the low income eligible pupil count.

4 (d) For any school district with a Low Income  
5 Concentration Level of 60% or more, the grant for the  
6 1998-99 school year shall be \$1,900 multiplied by the low  
7 income eligible pupil count.

8 (e) For the 1999-2000 school year, the per pupil amount  
9 specified in subparagraphs (b), (c), and (d) immediately  
10 above shall be increased to \$1,243, \$1,600, and \$2,000,  
11 respectively.

12 (f) For the 2000-2001 school year, the per pupil  
13 amounts specified in subparagraphs (b), (c), and (d)  
14 immediately above shall be \$1,273, \$1,640, and \$2,050,  
15 respectively.

16 (2.5) Supplemental general State aid pursuant to this  
17 subsection (H) shall be provided as follows for the 2002-2003  
18 school year:

19 (a) For any school district with a Low Income  
20 Concentration Level of less than 10%, the grant for each  
21 school year shall be \$355 multiplied by the low income  
22 eligible pupil count.

23 (b) For any school district with a Low Income  
24 Concentration Level of at least 10% and less than 20%, the  
25 grant for each school year shall be \$675 multiplied by the  
26 low income eligible pupil count.

1           (c) For any school district with a Low Income  
2 Concentration Level of at least 20% and less than 35%, the  
3 grant for each school year shall be \$1,330 multiplied by  
4 the low income eligible pupil count.

5           (d) For any school district with a Low Income  
6 Concentration Level of at least 35% and less than 50%, the  
7 grant for each school year shall be \$1,362 multiplied by  
8 the low income eligible pupil count.

9           (e) For any school district with a Low Income  
10 Concentration Level of at least 50% and less than 60%, the  
11 grant for each school year shall be \$1,680 multiplied by  
12 the low income eligible pupil count.

13           (f) For any school district with a Low Income  
14 Concentration Level of 60% or more, the grant for each  
15 school year shall be \$2,080 multiplied by the low income  
16 eligible pupil count.

17           (2.10) Except as otherwise provided, supplemental general  
18 State aid pursuant to this subsection (H) shall be provided as  
19 follows for the 2003-2004 school year and each school year  
20 thereafter:

21           (a) For any school district with a Low Income  
22 Concentration Level of 15% or less, the grant for each  
23 school year shall be \$355 multiplied by the low income  
24 eligible pupil count.

25           (b) For any school district with a Low Income  
26 Concentration Level greater than 15%, the grant for each

1 school year shall be \$294.25 added to the product of \$2,700  
2 and the square of the Low Income Concentration Level, all  
3 multiplied by the low income eligible pupil count.

4 For the 2003-2004 school year and each school year  
5 thereafter through the 2008-2009 school year only, the grant  
6 shall be no less than the grant for the 2002-2003 school year.  
7 For the 2009-2010 school year only, the grant shall be no less  
8 than the grant for the 2002-2003 school year multiplied by  
9 0.66. For the 2010-2011 school year only, the grant shall be no  
10 less than the grant for the 2002-2003 school year multiplied by  
11 0.33. Notwithstanding the provisions of this paragraph to the  
12 contrary, if for any school year supplemental general State aid  
13 grants are prorated as provided in paragraph (1) of this  
14 subsection (H), then the grants under this paragraph shall be  
15 prorated.

16 For the 2003-2004 school year only, the grant shall be no  
17 greater than the grant received during the 2002-2003 school  
18 year added to the product of 0.25 multiplied by the difference  
19 between the grant amount calculated under subsection (a) or (b)  
20 of this paragraph (2.10), whichever is applicable, and the  
21 grant received during the 2002-2003 school year. For the  
22 2004-2005 school year only, the grant shall be no greater than  
23 the grant received during the 2002-2003 school year added to  
24 the product of 0.50 multiplied by the difference between the  
25 grant amount calculated under subsection (a) or (b) of this  
26 paragraph (2.10), whichever is applicable, and the grant

1 received during the 2002-2003 school year. For the 2005-2006  
2 school year only, the grant shall be no greater than the grant  
3 received during the 2002-2003 school year added to the product  
4 of 0.75 multiplied by the difference between the grant amount  
5 calculated under subsection (a) or (b) of this paragraph  
6 (2.10), whichever is applicable, and the grant received during  
7 the 2002-2003 school year.

8 (3) School districts with an Average Daily Attendance of  
9 more than 1,000 and less than 50,000 that qualify for  
10 supplemental general State aid pursuant to this subsection  
11 shall submit a plan to the State Board of Education prior to  
12 October 30 of each year for the use of the funds resulting from  
13 this grant of supplemental general State aid for the  
14 improvement of instruction in which priority is given to  
15 meeting the education needs of disadvantaged children. Such  
16 plan shall be submitted in accordance with rules and  
17 regulations promulgated by the State Board of Education.

18 (4) School districts with an Average Daily Attendance of  
19 50,000 or more that qualify for supplemental general State aid  
20 pursuant to this subsection shall be required to distribute  
21 from funds available pursuant to this Section, no less than  
22 \$261,000,000 in accordance with the following requirements:

23 (a) The required amounts shall be distributed to the  
24 attendance centers within the district in proportion to the  
25 number of pupils enrolled at each attendance center who are  
26 eligible to receive free or reduced-price lunches or

1 breakfasts under the federal Child Nutrition Act of 1966  
2 and under the National School Lunch Act during the  
3 immediately preceding school year.

4 (b) The distribution of these portions of supplemental  
5 and general State aid among attendance centers according to  
6 these requirements shall not be compensated for or  
7 contravened by adjustments of the total of other funds  
8 appropriated to any attendance centers, and the Board of  
9 Education shall utilize funding from one or several sources  
10 in order to fully implement this provision annually prior  
11 to the opening of school.

12 (c) Each attendance center shall be provided by the  
13 school district a distribution of noncategorical funds and  
14 other categorical funds to which an attendance center is  
15 entitled under law in order that the general State aid and  
16 supplemental general State aid provided by application of  
17 this subsection supplements rather than supplants the  
18 noncategorical funds and other categorical funds provided  
19 by the school district to the attendance centers.

20 (d) Any funds made available under this subsection that  
21 by reason of the provisions of this subsection are not  
22 required to be allocated and provided to attendance centers  
23 may be used and appropriated by the board of the district  
24 for any lawful school purpose.

25 (e) Funds received by an attendance center pursuant to  
26 this subsection shall be used by the attendance center at

1 the discretion of the principal and local school council  
2 for programs to improve educational opportunities at  
3 qualifying schools through the following programs and  
4 services: early childhood education, reduced class size or  
5 improved adult to student classroom ratio, enrichment  
6 programs, remedial assistance, attendance improvement, and  
7 other educationally beneficial expenditures which  
8 supplement the regular and basic programs as determined by  
9 the State Board of Education. Funds provided shall not be  
10 expended for any political or lobbying purposes as defined  
11 by board rule.

12 (f) Each district subject to the provisions of this  
13 subdivision (H) (4) shall submit an acceptable plan to meet  
14 the educational needs of disadvantaged children, in  
15 compliance with the requirements of this paragraph, to the  
16 State Board of Education prior to July 15 of each year.  
17 This plan shall be consistent with the decisions of local  
18 school councils concerning the school expenditure plans  
19 developed in accordance with part 4 of Section 34-2.3. The  
20 State Board shall approve or reject the plan within 60 days  
21 after its submission. If the plan is rejected, the district  
22 shall give written notice of intent to modify the plan  
23 within 15 days of the notification of rejection and then  
24 submit a modified plan within 30 days after the date of the  
25 written notice of intent to modify. Districts may amend  
26 approved plans pursuant to rules promulgated by the State



1 Board of Education.

2 Upon notification by the State Board of Education that  
3 the district has not submitted a plan prior to July 15 or a  
4 modified plan within the time period specified herein, the  
5 State aid funds affected by that plan or modified plan  
6 shall be withheld by the State Board of Education until a  
7 plan or modified plan is submitted.

8 If the district fails to distribute State aid to  
9 attendance centers in accordance with an approved plan, the  
10 plan for the following year shall allocate funds, in  
11 addition to the funds otherwise required by this  
12 subsection, to those attendance centers which were  
13 underfunded during the previous year in amounts equal to  
14 such underfunding.

15 For purposes of determining compliance with this  
16 subsection in relation to the requirements of attendance  
17 center funding, each district subject to the provisions of  
18 this subsection shall submit as a separate document by  
19 December 1 of each year a report of expenditure data for  
20 the prior year in addition to any modification of its  
21 current plan. If it is determined that there has been a  
22 failure to comply with the expenditure provisions of this  
23 subsection regarding contravention or supplanting, the  
24 State Superintendent of Education shall, within 60 days of  
25 receipt of the report, notify the district and any affected  
26 local school council. The district shall within 45 days of

1 receipt of that notification inform the State  
2 Superintendent of Education of the remedial or corrective  
3 action to be taken, whether by amendment of the current  
4 plan, if feasible, or by adjustment in the plan for the  
5 following year. Failure to provide the expenditure report  
6 or the notification of remedial or corrective action in a  
7 timely manner shall result in a withholding of the affected  
8 funds.

9 The State Board of Education shall promulgate rules and  
10 regulations to implement the provisions of this  
11 subsection. No funds shall be released under this  
12 subdivision (H) (4) to any district that has not submitted a  
13 plan that has been approved by the State Board of  
14 Education.

15 (I) (Blank).

16 (J) (Blank).

17 (K) Grants to Laboratory and Alternative Schools.

18 In calculating the amount to be paid to the governing board  
19 of a public university that operates a laboratory school under  
20 this Section or to any alternative school that is operated by a  
21 regional superintendent of schools, the State Board of  
22 Education shall require by rule such reporting requirements as  
23 it deems necessary.

1           As used in this Section, "laboratory school" means a public  
2 school which is created and operated by a public university and  
3 approved by the State Board of Education. The governing board  
4 of a public university which receives funds from the State  
5 Board under this subsection (K) may not increase the number of  
6 students enrolled in its laboratory school from a single  
7 district, if that district is already sending 50 or more  
8 students, except under a mutual agreement between the school  
9 board of a student's district of residence and the university  
10 which operates the laboratory school. A laboratory school may  
11 not have more than 1,000 students, excluding students with  
12 disabilities in a special education program.

13           As used in this Section, "alternative school" means a  
14 public school which is created and operated by a Regional  
15 Superintendent of Schools and approved by the State Board of  
16 Education. Such alternative schools may offer courses of  
17 instruction for which credit is given in regular school  
18 programs, courses to prepare students for the high school  
19 equivalency testing program or vocational and occupational  
20 training. A regional superintendent of schools may contract  
21 with a school district or a public community college district  
22 to operate an alternative school. An alternative school serving  
23 more than one educational service region may be established by  
24 the regional superintendents of schools of the affected  
25 educational service regions. An alternative school serving  
26 more than one educational service region may be operated under

1 such terms as the regional superintendents of schools of those  
2 educational service regions may agree.

3 Each laboratory and alternative school shall file, on forms  
4 provided by the State Superintendent of Education, an annual  
5 State aid claim which states the Average Daily Attendance of  
6 the school's students by month. The best 3 months' Average  
7 Daily Attendance shall be computed for each school. The general  
8 State aid entitlement shall be computed by multiplying the  
9 applicable Average Daily Attendance by the Foundation Level as  
10 determined under this Section.

11 (L) Payments, Additional Grants in Aid and Other Requirements.

12 (1) For a school district operating under the financial  
13 supervision of an Authority created under Article 34A, the  
14 general State aid otherwise payable to that district under this  
15 Section, but not the supplemental general State aid, shall be  
16 reduced by an amount equal to the budget for the operations of  
17 the Authority as certified by the Authority to the State Board  
18 of Education, and an amount equal to such reduction shall be  
19 paid to the Authority created for such district for its  
20 operating expenses in the manner provided in Section 18-11. The  
21 remainder of general State school aid for any such district  
22 shall be paid in accordance with Article 34A when that Article  
23 provides for a disposition other than that provided by this  
24 Article.

25 (2) (Blank).

1           (3) Summer school. Summer school payments shall be made as  
2 provided in Section 18-4.3.

3           (M) Education Funding Advisory Board.

4           The Education Funding Advisory Board, hereinafter in this  
5 subsection (M) referred to as the "Board", is hereby created.  
6 The Board shall consist of 5 members who are appointed by the  
7 Governor, by and with the advice and consent of the Senate. The  
8 members appointed shall include representatives of education,  
9 business, and the general public. One of the members so  
10 appointed shall be designated by the Governor at the time the  
11 appointment is made as the chairperson of the Board. The  
12 initial members of the Board may be appointed any time after  
13 the effective date of this amendatory Act of 1997. The regular  
14 term of each member of the Board shall be for 4 years from the  
15 third Monday of January of the year in which the term of the  
16 member's appointment is to commence, except that of the 5  
17 initial members appointed to serve on the Board, the member who  
18 is appointed as the chairperson shall serve for a term that  
19 commences on the date of his or her appointment and expires on  
20 the third Monday of January, 2002, and the remaining 4 members,  
21 by lots drawn at the first meeting of the Board that is held  
22 after all 5 members are appointed, shall determine 2 of their  
23 number to serve for terms that commence on the date of their  
24 respective appointments and expire on the third Monday of  
25 January, 2001, and 2 of their number to serve for terms that

1 commence on the date of their respective appointments and  
2 expire on the third Monday of January, 2000. All members  
3 appointed to serve on the Board shall serve until their  
4 respective successors are appointed and confirmed. Vacancies  
5 shall be filled in the same manner as original appointments. If  
6 a vacancy in membership occurs at a time when the Senate is not  
7 in session, the Governor shall make a temporary appointment  
8 until the next meeting of the Senate, when he or she shall  
9 appoint, by and with the advice and consent of the Senate, a  
10 person to fill that membership for the unexpired term. If the  
11 Senate is not in session when the initial appointments are  
12 made, those appointments shall be made as in the case of  
13 vacancies.

14 The Education Funding Advisory Board shall be deemed  
15 established, and the initial members appointed by the Governor  
16 to serve as members of the Board shall take office, on the date  
17 that the Governor makes his or her appointment of the fifth  
18 initial member of the Board, whether those initial members are  
19 then serving pursuant to appointment and confirmation or  
20 pursuant to temporary appointments that are made by the  
21 Governor as in the case of vacancies.

22 The State Board of Education shall provide such staff  
23 assistance to the Education Funding Advisory Board as is  
24 reasonably required for the proper performance by the Board of  
25 its responsibilities.

26 For school years after the 2000-2001 school year, the

1 Education Funding Advisory Board, in consultation with the  
2 State Board of Education, shall make recommendations as  
3 provided in this subsection (M) to the General Assembly for the  
4 foundation level under subdivision (B)(3) of this Section and  
5 for the supplemental general State aid grant level under  
6 subsection (H) of this Section for districts with high  
7 concentrations of children from poverty. The recommended  
8 foundation level shall be determined based on a methodology  
9 which incorporates the basic education expenditures of  
10 low-spending schools exhibiting high academic performance. The  
11 Education Funding Advisory Board shall make such  
12 recommendations to the General Assembly on January 1 of odd  
13 numbered years, beginning January 1, 2001.

14 (N) (Blank).

15 (O) References.

16 (1) References in other laws to the various subdivisions of  
17 Section 18-8 as that Section existed before its repeal and  
18 replacement by this Section 18-8.05 shall be deemed to refer to  
19 the corresponding provisions of this Section 18-8.05, to the  
20 extent that those references remain applicable.

21 (2) References in other laws to State Chapter 1 funds shall  
22 be deemed to refer to the supplemental general State aid  
23 provided under subsection (H) of this Section.

1 (P) Public Act 93-838 and Public Act 93-808 make inconsistent  
2 changes to this Section. Under Section 6 of the Statute on  
3 Statutes there is an irreconcilable conflict between Public Act  
4 93-808 and Public Act 93-838. Public Act 93-838, being the last  
5 acted upon, is controlling. The text of Public Act 93-838 is  
6 the law regardless of the text of Public Act 93-808.

7 (Source: P.A. 96-45, eff. 7-15-09; 96-152, eff. 8-7-09; 96-300,  
8 eff. 8-11-09; 96-328, eff. 8-11-09; 96-640, eff. 8-24-09;  
9 96-959, eff. 7-1-10; 96-1000, eff. 7-2-10; 96-1480, eff.  
10 11-18-10; 97-339, eff. 8-12-11; 97-351, eff. 8-12-11; revised  
11 9-28-11.)

12 (105 ILCS 5/21-1b) (from Ch. 122, par. 21-1b)

13 (Section scheduled to be repealed on June 30, 2013)

14 Sec. 21-1b. Subject endorsement on certificates.

15 (a) All certificates initially issued under this Article  
16 after June 30, 1986, shall be specifically endorsed by the  
17 State Board of Education for each subject the holder of the  
18 certificate is legally qualified to teach, such endorsements to  
19 be made in accordance with standards promulgated by the State  
20 Board of Education in consultation with the State Teacher  
21 Certification Board. The regional superintendent of schools,  
22 however, has the duty, after appropriate training, to accept  
23 and review all transcripts for new initial certificate  
24 applications and ensure that each applicant has met all of the  
25 criteria established by the State Board of Education in



1 consultation with ~~with~~ the State Teacher Certification Board.  
2 All certificates which are issued under this Article prior to  
3 July 1, 1986 may, by application to the State Board of  
4 Education, be specifically endorsed for each subject the holder  
5 is legally qualified to teach. Endorsements issued under this  
6 Section shall not apply to substitute teacher's certificates  
7 issued under Section 21-9 of this Code.

8 (b) Until December 31, 2011, each application for  
9 endorsement of an existing teaching certificate shall be  
10 accompanied by a \$30 nonrefundable fee.

11 (c) Beginning on January 1, 2012, each application for  
12 endorsement of an existing teaching certificate must be  
13 accompanied by a \$50 nonrefundable fee.

14 (d) There is hereby created a Teacher Certificate Fee  
15 Revolving Fund as a special fund within the State Treasury. The  
16 proceeds of each endorsement fee shall be paid into the Teacher  
17 Certificate Fee Revolving Fund; and the moneys in that Fund  
18 shall be appropriated and used to provide the technology and  
19 other resources necessary for the timely and efficient  
20 processing of certification requests. The Teacher Certificate  
21 Fee Revolving Fund is not subject to administrative charge  
22 transfers authorized under Section 8h of the State Finance Act  
23 from the Teacher Certificate Fee Revolving Fund into any other  
24 fund of this State.

25 (e) The State Board of Education and each regional office  
26 of education are authorized to charge a service or convenience

1 fee for the use of credit cards for the payment of  
2 certification fees. This service or convenience fee may not  
3 exceed the amount required by the credit card processing  
4 company or vendor that has entered into a contract with the  
5 State Board or regional office of education for this purpose,  
6 and the fee must be paid to that company or vendor.

7 (f) This Section is repealed on June 30, 2013.

8 (Source: P.A. 96-403, eff. 8-13-09; 97-607, eff. 8-26-11;  
9 revised 11-18-11.)

10 (105 ILCS 5/21-7.1) (from Ch. 122, par. 21-7.1)

11 (Section scheduled to be repealed on June 30, 2013)

12 Sec. 21-7.1. Administrative certificate.

13 (a) After July 1, 1999, an administrative certificate valid  
14 for 5 years of supervising and administering in the public  
15 common schools (unless changed under subsection (a-5) of this  
16 Section) may be issued to persons who have graduated from a  
17 regionally accredited institution of higher learning with a  
18 master's degree or its equivalent and who have been recommended  
19 by a recognized institution of higher learning, a  
20 not-for-profit entity, or a combination thereof, as having  
21 completed a program of preparation for one or more of these  
22 endorsements. Such programs of academic and professional  
23 preparation required for endorsement shall be administered by  
24 an institution or not-for-profit entity approved to offer such  
25 programs by the State Board of Education, in consultation with

1 the State Teacher Certification Board, and shall be operated in  
2 accordance with this Article and the standards set forth by the  
3 State Superintendent of Education in consultation with the  
4 State Teacher Certification Board. Any program offered in whole  
5 or in part by a not-for-profit entity must also be approved by  
6 the Board of Higher Education.

7 (a-5) Beginning July 1, 2003, if an administrative  
8 certificate holder holds a Standard Teaching Certificate, the  
9 validity period of the administrative certificate shall be  
10 changed, if necessary, so that the validity period of the  
11 administrative certificate coincides with the validity period  
12 of the Standard Teaching Certificate. Beginning July 1, 2003,  
13 if an administrative certificate holder holds a Master Teaching  
14 Certificate, the validity period of the administrative  
15 certificate shall be changed so that the validity period of the  
16 administrative certificate coincides with the validity period  
17 of the Master Teaching Certificate.

18 (b) No administrative certificate shall be issued for the  
19 first time after June 30, 1987 and no endorsement provided for  
20 by this Section shall be made or affixed to an administrative  
21 certificate for the first time after June 30, 1987 unless the  
22 person to whom such administrative certificate is to be issued  
23 or to whose administrative certificate such endorsement is to  
24 be affixed has been required to demonstrate as a part of a  
25 program of academic or professional preparation for such  
26 certification or endorsement: (i) an understanding of the

1 knowledge called for in establishing productive parent-school  
2 relationships and of the procedures fostering the involvement  
3 which such relationships demand; and (ii) an understanding of  
4 the knowledge required for establishing a high quality school  
5 climate and promoting good classroom organization and  
6 management, including rules of conduct and instructional  
7 procedures appropriate to accomplishing the tasks of  
8 schooling; and (iii) a demonstration of the knowledge and  
9 skills called for in providing instructional leadership. The  
10 standards for demonstrating an understanding of such knowledge  
11 shall be set forth by the State Board of Education in  
12 consultation with the State Teacher Certification Board, and  
13 shall be administered by the recognized institutions of higher  
14 learning as part of the programs of academic and professional  
15 preparation required for certification and endorsement under  
16 this Section. As used in this subsection: "establishing  
17 productive parent-school relationships" means the ability to  
18 maintain effective communication between parents and school  
19 personnel, to encourage parental involvement in schooling, and  
20 to motivate school personnel to engage parents in encouraging  
21 student achievement, including the development of programs and  
22 policies which serve to accomplish this purpose; and  
23 "establishing a high quality school climate" means the ability  
24 to promote academic achievement, to maintain discipline, to  
25 recognize substance abuse problems among students and utilize  
26 appropriate law enforcement and other community resources to

1 address these problems, to support teachers and students in  
2 their education endeavors, to establish learning objectives  
3 and to provide instructional leadership, including the  
4 development of policies and programs which serve to accomplish  
5 this purpose; and "providing instructional leadership" means  
6 the ability to effectively evaluate school personnel, to  
7 possess general communication and interpersonal skills, and to  
8 establish and maintain appropriate classroom learning  
9 environments. The provisions of this subsection shall not apply  
10 to or affect the initial issuance or making on or before June  
11 30, 1987 of any administrative certificate or endorsement  
12 provided for under this Section, nor shall such provisions  
13 apply to or affect the renewal after June 30, 1987 of any such  
14 certificate or endorsement initially issued or made on or  
15 before June 30, 1987.

16 (c) Administrative certificates shall be renewed every 5  
17 years with the first renewal being 5 years following the  
18 initial receipt of an administrative certificate, unless the  
19 validity period for the administrative certificate has been  
20 changed under subsection (a-5) of this Section, in which case  
21 the certificate shall be renewed at the same time that the  
22 Standard or Master Teaching Certificate is renewed.

23 (c-5) (Blank).

24 (c-10) Except as otherwise provided in subsection (c-15) of  
25 this Section, persons holding administrative certificates must  
26 follow the certificate renewal procedure set forth in this

1 subsection (c-10), provided that those persons holding  
2 administrative certificates on June 30, 2003 who are renewing  
3 those certificates on or after July 1, 2003 shall be issued new  
4 administrative certificates valid for 5 years (unless changed  
5 under subsection (a-5) of this Section), which may be renewed  
6 thereafter as set forth in this subsection (c-10).

7 A person holding an administrative certificate and  
8 employed in a position requiring administrative certification,  
9 including a regional superintendent of schools, must satisfy  
10 the continuing professional development requirements of this  
11 Section to renew his or her administrative certificate. The  
12 continuing professional development must include without  
13 limitation the following continuing professional development  
14 purposes:

15 (1) To improve the administrator's knowledge of  
16 instructional practices and administrative procedures in  
17 accordance with the Illinois Professional School Leader  
18 Standards.

19 (2) To maintain the basic level of competence required  
20 for initial certification.

21 (3) To improve the administrator's mastery of skills  
22 and knowledge regarding the improvement of teaching  
23 performance in clinical settings and assessment of the  
24 levels of student performance in the schools.

25 The continuing professional development must include the  
26 following in order for the certificate to be renewed:

1           (A)     Participation     in     continuing     professional  
2     development activities, which must total a minimum of 100  
3     hours of continuing professional development. The  
4     participation must consist of a minimum of 5 activities per  
5     validity period of the certificate, and the certificate  
6     holder must maintain documentation of completion of each  
7     activity.

8           (B)     Participation     every     year     in     an     Illinois  
9     Administrators' Academy course, which participation must  
10    total a minimum of 30 continuing professional development  
11    hours during the period of the certificate's validity and  
12    which must include completion of applicable required  
13    coursework, including completion of a communication,  
14    dissemination, or application component, as defined by the  
15    State Board of Education.

16           The certificate holder must complete a verification form  
17    developed by the State Board of Education and certify that 100  
18    hours of continuing professional development activities and 5  
19    Administrators' Academy courses have been completed. The  
20    regional superintendent of schools shall review and validate  
21    the verification form for a certificate holder. Based on  
22    compliance with all of the requirements for renewal, the  
23    regional superintendent of schools shall forward a  
24    recommendation for renewal or non-renewal to the State  
25    Superintendent of Education and shall notify the certificate  
26    holder of the recommendation. The State Superintendent of

1 Education shall review the recommendation to renew or non-renew  
2 and shall notify, in writing, the certificate holder of a  
3 decision denying renewal of his or her certificate. Any  
4 decision regarding non-renewal of an administrative  
5 certificate may be appealed to the State Teacher Certification  
6 Board.

7 The State Board of Education, in consultation with the  
8 State Teacher Certification Board, shall adopt rules to  
9 implement this subsection (c-10).

10 The regional superintendent of schools shall monitor the  
11 process for renewal of administrative certificates established  
12 in this subsection (c-10).

13 (c-15) This subsection (c-15) applies to the first period  
14 of an administrative certificate's validity during which the  
15 holder becomes subject to the requirements of subsection (c-10)  
16 of this Section if the certificate has less than 5 years'  
17 validity or has less than 5 years' validity remaining when the  
18 certificate holder becomes subject to the requirements of  
19 subsection (c-10) of this Section. With respect to this period,  
20 the 100 hours of continuing professional development and 5  
21 activities per validity period specified in clause (A) of  
22 subsection (c-10) of this Section shall instead be deemed to  
23 mean 20 hours of continuing professional development and one  
24 activity per year of the certificate's validity or remaining  
25 validity and the 30 continuing professional development hours  
26 specified in clause (B) of subsection (c-10) of this Section



1 shall instead be deemed to mean completion of at least one  
2 course per year of the certificate's validity or remaining  
3 validity. Certificate holders who evaluate certified staff  
4 must complete a 2-day teacher evaluation course, in addition to  
5 the 30 continuing professional development hours.

6 (c-20) The State Board of Education, in consultation with  
7 the State Teacher Certification Board, shall develop  
8 procedures for implementing this Section and shall administer  
9 the renewal of administrative certificates. Failure to submit  
10 satisfactory evidence of continuing professional education  
11 which contributes to promoting the goals of this Section shall  
12 result in a loss of administrative certification.

13 (d) Any limited or life supervisory certificate issued  
14 prior to July 1, 1968 shall continue to be valid for all  
15 administrative and supervisory positions in the public schools  
16 for which it is valid as of that date as long as its holder  
17 meets the requirements for registration or renewal as set forth  
18 in the statutes or until revoked according to law.

19 (e) The administrative or supervisory positions for which  
20 the certificate shall be valid shall be determined by one or  
21 more of the following endorsements: general supervisory,  
22 general administrative, principal, chief school business  
23 official, and superintendent.

24 Subject to the provisions of Section 21-1a, endorsements  
25 shall be made under conditions set forth in this Section. The  
26 State Board of Education shall, in consultation with the State

1 Teacher Certification Board, adopt rules pursuant to the  
2 Illinois Administrative Procedure Act, establishing  
3 requirements for obtaining administrative certificates where  
4 the minimum administrative or supervisory requirements surpass  
5 those set forth in this Section.

6 The State Teacher Certification Board shall file with the  
7 State Board of Education a written recommendation when  
8 considering additional administrative or supervisory  
9 requirements. All additional requirements shall be based upon  
10 the requisite knowledge necessary to perform those tasks  
11 required by the certificate. The State Board of Education shall  
12 in consultation with the State Teacher Certification Board,  
13 establish standards within its rules which shall include the  
14 academic and professional requirements necessary for  
15 certification. These standards shall at a minimum contain, but  
16 not be limited to, those used by the State Board of Education  
17 in determining whether additional knowledge will be required.  
18 Additionally, the State Board of Education shall in  
19 consultation with the State Teacher Certification Board,  
20 establish provisions within its rules whereby any member of the  
21 educational community or the public may file a formal written  
22 recommendation or inquiry regarding requirements.

23 (1) Until July 1, 2003, the general supervisory  
24 endorsement shall be affixed to the administrative  
25 certificate of any holder who has at least 16 semester  
26 hours of graduate credit in professional education

1 including 8 semester hours of graduate credit in curriculum  
2 and research and who has at least 2 years of full-time  
3 teaching experience or school service personnel experience  
4 in public schools, schools under the supervision of the  
5 Department of Corrections, schools under the  
6 administration of the Department of Rehabilitation  
7 Services, or nonpublic schools meeting the standards  
8 established by the State Superintendent of Education or  
9 comparable out-of-state recognition standards approved by  
10 the State Superintendent of Education.

11 Such endorsement shall be required for supervisors,  
12 curriculum directors and for such similar and related  
13 positions as determined by the State Superintendent of  
14 Education in consultation with the State Teacher  
15 Certification Board.

16 (2) Until August 31, 2014, the general administrative  
17 endorsement shall be affixed to the administrative  
18 certificate of any holder who has at least 20 semester  
19 hours of graduate credit in educational administration and  
20 supervision and who has at least 2 years of full-time  
21 teaching experience or school service personnel experience  
22 in public schools, schools under the supervision of the  
23 Department of Corrections, schools under the  
24 administration of the Department of Rehabilitation  
25 Services, or nonpublic schools meeting the standards  
26 established by the State Superintendent of Education or

1 comparable out-of-state recognition standards approved by  
2 the State Superintendent of Education.

3 Such endorsement or a principal endorsement shall be  
4 required for principal, assistant principal, assistant or  
5 associate superintendent, and junior college dean and for  
6 related or similar positions as determined by the State  
7 Superintendent of Education in consultation with the State  
8 Teacher Certification Board.

9 (2.5) The principal endorsement shall be affixed to the  
10 administrative certificate of any holder who qualifies by:

11 (A) successfully completing a principal  
12 preparation program approved in accordance with  
13 Section 21-7.6 of this Code and any applicable rules;

14 (B) having 4 years of teaching experience;  
15 however, the State Board of Education shall allow, by  
16 rules, for fewer than 4 years of experience based on  
17 meeting standards set forth in such rules, including  
18 without limitation a review of performance evaluations  
19 or other evidence of demonstrated qualifications; and

20 (C) having a master's degree.

21 (3) The chief school business official endorsement  
22 shall be affixed to the administrative certificate of any  
23 holder who qualifies by having a Master's degree, 2 years  
24 of administrative experience in school business management  
25 or 2 years of university-approved practical experience,  
26 and a minimum of 20 semester hours of graduate credit in a

1 program established by the State Superintendent of  
2 Education in consultation with the State Teacher  
3 Certification Board for the preparation of school business  
4 administrators. Such endorsement shall also be affixed to  
5 the administrative certificate of any holder who qualifies  
6 by having a Master's Degree in Public Administration,  
7 Business Administration, Finance, or Accounting and 6  
8 semester hours of internship in school business management  
9 from a regionally accredited institution of higher  
10 education.

11 After June 30, 1977, such endorsement shall be required  
12 for any individual first employed as a chief school  
13 business official.

14 (4) The superintendent endorsement shall be affixed to  
15 the administrative certificate of any holder who has  
16 completed 30 semester hours of graduate credit beyond the  
17 master's degree in a program for the preparation of  
18 superintendents of schools including 16 semester hours of  
19 graduate credit in professional education and who has at  
20 least 2 years experience as an administrator or supervisor  
21 in the public schools or the State Board of Education or  
22 education service regions or in nonpublic schools meeting  
23 the standards established by the State Superintendent of  
24 Education or comparable out-of-state recognition standards  
25 approved by the State Superintendent of Education and holds  
26 general supervisory or general administrative endorsement,

1 or who has had 2 years of experience as a supervisor, chief  
2 school business official, or administrator while holding  
3 an all-grade supervisory certificate or a certificate  
4 comparable in validity and educational and experience  
5 requirements.

6 After June 30, 1968, such endorsement shall be required  
7 for a superintendent of schools, except as provided in the  
8 second paragraph of this Section and in Section 34-6.

9 Any person appointed to the position of superintendent  
10 between the effective date of this Act and June 30, 1993 in  
11 a school district organized pursuant to Article 32 with an  
12 enrollment of at least 20,000 pupils shall be exempt from  
13 the provisions of this paragraph (4) until June 30, 1996.

14 (f) All official interpretations or acts of issuing or  
15 denying administrative certificates or endorsements by the  
16 State Teacher's Certification Board, State Board of Education  
17 or the State Superintendent of Education, from the passage of  
18 P.A. 81-1208 on November 8, 1979 through September 24, 1981 are  
19 hereby declared valid and legal acts in all respects and  
20 further that the purported repeal of the provisions of this  
21 Section by P.A. 81-1208 and P.A. 81-1509 is declared null and  
22 void.

23 (g) This Section is repealed on June 30, 2013.

24 (Source: P.A. 96-56, eff. 1-1-10; 96-903, eff. 7-1-10; 96-982,  
25 eff. 1-1-11; 96-1423, eff. 8-3-10; 97-255, eff. 8-4-11; 97-333,  
26 eff. 8-12-11; 97-607, eff. 8-26-11; revised 9-28-11.)

1 (105 ILCS 5/21-25) (from Ch. 122, par. 21-25)

2 (Section scheduled to be repealed on June 30, 2013)

3 Sec. 21-25. School service personnel certificate.

4 (a) For purposes of this Section, "school service  
5 personnel" means persons employed and performing appropriate  
6 services in an Illinois public or State-operated elementary  
7 school, secondary school, or cooperative or joint agreement  
8 with a governing body or board of control or a charter school  
9 operating in compliance with the Charter Schools Law in a  
10 position requiring a school service personnel certificate.

11 Subject to the provisions of Section 21-1a, a school  
12 service personnel certificate shall be issued to those  
13 applicants of good character, good health, a citizen of the  
14 United States and at least 19 years of age who have a  
15 Bachelor's degree with not fewer than 120 semester hours from a  
16 regionally accredited institution of higher learning and who  
17 meets the requirements established by the State Superintendent  
18 of Education in consultation with the State Teacher  
19 Certification Board. A school service personnel certificate  
20 with a school nurse endorsement may be issued to a person who  
21 holds a bachelor of science degree from an institution of  
22 higher learning accredited by the North Central Association or  
23 other comparable regional accrediting association. Persons  
24 seeking any other endorsement on the school service personnel  
25 certificate shall be recommended for the endorsement by a

1 recognized teacher education institution as having completed a  
2 program of preparation approved by the State Superintendent of  
3 Education in consultation with the State Teacher Certification  
4 Board.

5 (b) Until August 30, 2002, a school service personnel  
6 certificate endorsed for school social work may be issued to a  
7 student who has completed a school social work program that has  
8 not been approved by the State Superintendent of Education,  
9 provided that each of the following conditions is met:

10 (1) The program was offered by a recognized, public  
11 teacher education institution that first enrolled students  
12 in its master's degree program in social work in 1998;

13 (2) The student applying for the school service  
14 personnel certificate was enrolled in the institution's  
15 master's degree program in social work on or after May 11,  
16 1998;

17 (3) The State Superintendent verifies that the student  
18 has completed coursework that is substantially similar to  
19 that required in approved school social work programs,  
20 including (i) not fewer than 600 clock hours of a  
21 supervised internship in a school setting or (ii) if the  
22 student has completed part of a supervised internship in a  
23 school setting prior to the effective date of this  
24 amendatory Act of the 92nd General Assembly and receives  
25 the prior approval of the State Superintendent, not fewer  
26 than 300 additional clock hours of supervised work in a



1 public school setting under the supervision of a certified  
2 school social worker who certifies that the supervised work  
3 was completed in a satisfactory manner; and

4 (4) The student has passed a test of basic skills and  
5 the test of subject matter knowledge required by Section  
6 21-1a.

7 This subsection (b) does not apply after August 29, 2002.

8 (c) A school service personnel certificate shall be  
9 endorsed with the area of Service as determined by the State  
10 Superintendent of Education in consultation with the State  
11 Teacher Certification Board.

12 The holder of such certificate shall be entitled to all of  
13 the rights and privileges granted holders of a valid teaching  
14 certificate, including teacher benefits, compensation and  
15 working conditions.

16 When the holder of such certificate has earned a master's  
17 degree, including 8 semester hours of graduate professional  
18 education from a recognized institution of higher learning, and  
19 has at least 2 years of successful school experience while  
20 holding such certificate, the certificate may be endorsed for  
21 supervision.

22 (d) Persons who have successfully achieved National Board  
23 certification through the National Board for Professional  
24 Teaching Standards shall be issued a Master School Service  
25 Personnel Certificate, valid for 10 years and renewable  
26 thereafter every 10 years through compliance with requirements

1 set forth by the State Board of Education, in consultation with  
2 the State Teacher Certification Board. However, each holder of  
3 a Master School Service Personnel Certificate shall be eligible  
4 for a corresponding position in this State in the areas for  
5 which he or she holds a Master Certificate without satisfying  
6 any other requirements of this Code, except for those  
7 requirements pertaining to criminal background checks.

8 (e) School service personnel certificates are renewable  
9 every 5 years and may be renewed as provided in this Section.  
10 Requests for renewals must be submitted, in a format prescribed  
11 by the State Board of Education, to the regional office of  
12 education responsible for the school where the holder is  
13 employed.

14 Upon completion of at least 80 hours of continuing  
15 professional development as provided in this subsection (e), a  
16 person who holds a valid school service personnel certificate  
17 shall have his or her certificate renewed for a period of 5  
18 years. A person who (i) holds an active license issued by the  
19 State as a clinical professional counselor, a professional  
20 counselor, a clinical social worker, a social worker, or a  
21 speech-language pathologist; (ii) holds national certification  
22 as a Nationally Certified School Psychologist from the National  
23 School Psychology Certification Board; (iii) is nationally  
24 certified as a National Certified School Nurse from the  
25 National Board for Certification of School Nurses; (iv) is  
26 nationally certified as a National Certified Counselor or

1 National Certified School Counselor from the National Board for  
2 Certified Counselors; or (v) holds a Certificate of Clinical  
3 Competence from the American Speech-Language-Hearing  
4 Association shall be deemed to have satisfied the continuing  
5 professional development requirements established by the State  
6 Board of Education and the State Teacher Certification Board to  
7 renew a school service personnel certificate.

8 School service personnel certificates may be renewed by the  
9 State Teacher Certification Board based upon proof of  
10 continuing professional development. The State Board of  
11 Education shall (i) establish a procedure for renewing school  
12 service personnel certificates, which shall include without  
13 limitation annual timelines for the renewal process and the  
14 components set forth in this Section; (ii) approve or  
15 disapprove the providers of continuing professional  
16 development activities; and (iii) provide, on a timely basis to  
17 all school service personnel certificate holders, regional  
18 superintendents of schools, school districts, and others with  
19 an interest in continuing professional development,  
20 information about the standards and requirements established  
21 pursuant to this subsection (e).

22 Any school service personnel certificate held by an  
23 individual employed and performing services in an Illinois  
24 public or State-operated elementary school, secondary school,  
25 or cooperative or joint agreement with a governing body or  
26 board of control in a certificated school service personnel

1 position or in a charter school in compliance with the Charter  
2 Schools Law must be maintained Valid and Active through  
3 certificate renewal activities specified in the certificate  
4 renewal procedure established pursuant to this Section,  
5 provided that a holder of a Valid and Active certificate who is  
6 only employed on either a part-time basis or day-to-day basis  
7 as a substitute shall pay only the required registration fee to  
8 renew his or her certificate and maintain it as Valid and  
9 Active. All other school service personnel certificates held  
10 may be maintained as Valid and Exempt through the registration  
11 process provided for in the certificate renewal procedure  
12 established pursuant to Section 21-14 of this Code. A Valid and  
13 Exempt certificate must be immediately activated, through  
14 procedures developed by the State Board of Education upon the  
15 certificate holder becoming employed and performing services  
16 in an Illinois public or State-operated elementary school,  
17 secondary school, or cooperative or joint agreement with a  
18 governing body or board of control in a certificated school  
19 service personnel position or in a charter school operating in  
20 compliance with the Charter Schools Law. A holder of a Valid  
21 and Exempt certificate may activate his or her certificate  
22 through procedures provided for in the certificate renewal  
23 procedure established pursuant to this Section.

24 A school service personnel certificate that has been  
25 maintained as Valid and Active for the 5 years of the  
26 certificate's validity shall be renewed as Valid and Active

1 upon the certificate holder (i) completing the National Board  
2 for Professional Teaching Standards process in an area of  
3 concentration comparable to the holder's school service  
4 personnel certificate of endorsement or (ii) earning 80  
5 continuing professional development units as described in this  
6 Section. If, however, the certificate holder has maintained the  
7 certificate as Valid and Exempt for a portion of the 5-year  
8 period of validity, the number of continuing professional  
9 development units needed to renew the certificate as Valid and  
10 Active must be proportionately reduced by the amount of time  
11 the certificate was Valid and Exempt. If a certificate holder  
12 is employed and performs services requiring the holder's school  
13 service personnel certificate on a part-time basis for all or a  
14 portion of the certificate's 5-year period of validity, the  
15 number of continuing professional development units needed to  
16 renew the certificate as Valid and Active shall be reduced by  
17 50% for the amount of time the certificate holder has been  
18 employed and performing such services on a part-time basis.  
19 "Part-time" means less than 50% of the school day or school  
20 term.

21 Beginning July 1, 2008, in order to satisfy the  
22 requirements for continuing professional development provided  
23 for in this Section, each Valid and Active school service  
24 personnel certificate holder shall complete professional  
25 development activities that address the certificate or those  
26 certificates that are required of his or her certificated

1 position, if the certificate holder is employed and performing  
2 services in an Illinois public or State operated elementary  
3 school, secondary school, or cooperative or joint agreement  
4 with a governing body or board of control, or that certificate  
5 or those certificates most closely related to his or her  
6 teaching position, if the certificate holder is employed in a  
7 charter school. Except as otherwise provided in this subsection  
8 (e), the certificate holder's activities must address and must  
9 reflect the following continuing professional development  
10 purposes:

11 (1) Advance both the certificate holder's knowledge  
12 and skills consistent with the Illinois Standards for the  
13 service area in which the certificate is endorsed in order  
14 to keep the certificate holder current in that area.

15 (2) Develop the certificate holder's knowledge and  
16 skills in areas determined by the State Board of Education  
17 to be critical for all school service personnel.

18 (3) Address the knowledge, skills, and goals of the  
19 certificate holder's local school improvement plan, if the  
20 certificate holder is employed in an Illinois public or  
21 State-operated elementary school, secondary school, or  
22 cooperative or joint agreement with a governing body or  
23 board of control.

24 (4) Address the needs of serving students with  
25 disabilities, including adapting and modifying clinical or  
26 professional practices to meet the needs of students with

1 disabilities and serving such students in the least  
2 restrictive environment.

3 (5) Address the needs of serving students who are the  
4 children of immigrants, including, if the certificate  
5 holder is employed as a counselor in an Illinois public or  
6 State-operated secondary school, opportunities for higher  
7 education for students who are undocumented immigrants.

8 The coursework or continuing professional development  
9 units ("CPDU") required under this subsection (e) must total 80  
10 CPDUs or the equivalent and must address 4 of the 5 purposes  
11 described in items (1) through (5) of this subsection (e).  
12 Holders of school service personnel certificates may fulfill  
13 this obligation with any combination of semester hours or CPDUs  
14 as follows:

15 (A) Collaboration and partnership activities related  
16 to improving the school service personnel certificate  
17 holder's knowledge and skills, including (i) participating  
18 on collaborative planning and professional improvement  
19 teams and committees; (ii) peer review and coaching; (iii)  
20 mentoring in a formal mentoring program, including service  
21 as a consulting teacher participating in a remediation  
22 process formulated under Section 24A-5 of this Code; (iv)  
23 participating in site-based management or decision-making  
24 teams, relevant committees, boards, or task forces  
25 directly related to school improvement plans; (v)  
26 coordinating community resources in schools, if the

1 project is a specific goal of the school improvement plan;  
2 (vi) facilitating parent education programs for a school,  
3 school district, or regional office of education directly  
4 related to student achievement or school improvement  
5 plans; (vii) participating in business, school, or  
6 community partnerships directly related to student  
7 achievement or school improvement plans; or (viii)  
8 supervising a student teacher (student services personnel)  
9 or teacher education candidate in clinical supervision,  
10 provided that the supervision may be counted only once  
11 during the course of 5 years.

12 (B) Coursework from a regionally accredited  
13 institution of higher learning related to one of the  
14 purposes listed in items (1) through (4) of this subsection  
15 (e), which shall apply at the rate of 15 continuing  
16 professional development units per semester hour of credit  
17 earned during the previous 5-year period when the status of  
18 the holder's school service personnel certificate was  
19 Valid and Active. Proportionate reductions shall apply  
20 when the holder's status was Valid and Active for less than  
21 the 5-year period preceding the renewal.

22 (C) Teaching college or university courses in areas  
23 relevant to the certificate area being renewed, provided  
24 that the teaching may be counted only once during the  
25 course of 5 years.

26 (D) Conferences, workshops, institutes, seminars, or



1 symposiums designed to improve the certificate holder's  
2 knowledge and skills in the service area and applicable to  
3 the purposes listed in items (1) through (5) of this  
4 subsection (e). One CPDU shall be awarded for each hour of  
5 attendance. No one shall receive credit for conferences,  
6 workshops, institutes, seminars, or symposiums that are  
7 designed for entertainment, promotional, or commercial  
8 purposes or that are solely inspirational or motivational.  
9 The State Superintendent of Education and regional  
10 superintendents of schools are authorized to review the  
11 activities and events provided or to be provided under this  
12 subdivision (D) and to investigate complaints regarding  
13 those activities and events. Either the State  
14 Superintendent of Education or a regional superintendent  
15 of schools may recommend that the State Board of Education  
16 disapprove those activities and events considered to be  
17 inconsistent with this subdivision (D).

18 (E) Completing non-university credit directly related  
19 to student achievement, school improvement plans, or State  
20 priorities.

21 (F) Participating in or presenting at workshops,  
22 seminars, conferences, institutes, or symposiums.

23 (G) Training as external reviewers for quality  
24 assurance.

25 (H) Training as reviewers of university teacher  
26 preparation programs.

1 (I) Other educational experiences related to improving  
2 the school service personnel's knowledge and skills as a  
3 teacher, including (i) participating in action research  
4 and inquiry projects; (ii) traveling related to one's  
5 assignment and directly related to school service  
6 personnel achievement or school improvement plans and  
7 approved by the regional superintendent of schools or his  
8 or her designee at least 30 days prior to the travel  
9 experience, provided that the traveling shall not include  
10 time spent commuting to destinations where the learning  
11 experience will occur; (iii) participating in study groups  
12 related to student achievement or school improvement  
13 plans; (iv) serving on a statewide education-related  
14 committee, including without limitation the State Teacher  
15 Certification Board, State Board of Education strategic  
16 agenda teams, or the State Advisory Council on Education of  
17 Children with Disabilities; (v) participating in  
18 work/learn programs or internships; or (vi) developing a  
19 portfolio of student and teacher work.

20 (J) Professional leadership experiences related to  
21 improving the teacher's knowledge and skills as a teacher,  
22 including (i) participating in curriculum development or  
23 assessment activities at the school, school district,  
24 regional office of education, State, or national level;  
25 (ii) participating in team or department leadership in a  
26 school or school district; (iii) participating on external

1 or internal school or school district review teams; (iv)  
2 publishing educational articles, columns, or books  
3 relevant to the certificate area being renewed; or (v)  
4 participating in non-strike-related professional  
5 association or labor organization service or activities  
6 related to professional development.

7 (f) This Section is repealed on June 30, 2013.

8 (Source: P.A. 97-233, eff. 8-1-11; 97-607, eff. 8-26-11;  
9 revised 9-28-11.)

10 (105 ILCS 5/21-28)

11 Sec. 21-28. Special education teachers; certification.

12 (a) In order to create a special education workforce with  
13 the broad-based knowledge necessary to educate students with a  
14 variety of disabilities, the State Board of Education and State  
15 Teacher Certification Board shall certify a special education  
16 teacher under one of the following:

17 (1) Learning behavior specialist I.

18 (2) Learning behavior specialist II.

19 (3) Teacher of students who are blind or visually  
20 impaired.

21 (4) Teacher of students who are deaf or hard of  
22 hearing.

23 (5) Speech-language pathologist.

24 (6) Early childhood special education teacher.

25 (b) The State Board of Education is authorized to provide

1 for the assignment of individuals to special education  
2 positions by short-term, emergency certification. Short-term,  
3 emergency certification shall not be renewed.

4 (c) The State Board of Education is authorized to use  
5 peremptory rulemaking, in accordance with Section 5-50 of the  
6 Illinois Administrative Procedure Act, to place into the  
7 Illinois Administrative Code the certification policies and  
8 standards related to special education, as authorized under  
9 this Section, that the State Board has been required to  
10 implement pursuant to federal court orders dated February 27,  
11 2001, August 15, 2001, and September 11, 2002 in the matter of  
12 Corey H., et al. v. Board of Education of the City of Chicago,  
13 et al. ~~Intellectual disabilities~~

14 (Source: P.A. 97-227, eff. 1-1-12; 97-461, eff. 8-19-11;  
15 revised 10-13-11.)

16 (105 ILCS 5/21B-75)

17 Sec. 21B-75. Suspension or revocation of license.

18 (a) As used in this Section, "teacher" means any school  
19 district employee regularly required to be licensed, as  
20 provided in this Article, in order to teach or supervise in the  
21 public schools.

22 (b) The State Superintendent of Education has the exclusive  
23 authority, in accordance with this Section and any rules  
24 adopted by the State Board of Education, in consultation with  
25 the State Educator Preparation and Licensure Board, to initiate

1 the suspension of up to 5 calendar years or revocation of any  
2 license issued pursuant to this Article for abuse or neglect of  
3 a child, immorality, a condition of health detrimental to the  
4 welfare of pupils, incompetency, unprofessional conduct (which  
5 includes the failure to disclose on an employment application  
6 any previous conviction for a sex offense, as defined in  
7 Section 21B-80 of this Code, or any other offense committed in  
8 any other state or against the laws of the United States that,  
9 if committed in this State, would be punishable as a sex  
10 offense, as defined in Section 21B-80 of this Code), the  
11 neglect of any professional duty, willful failure to report an  
12 instance of suspected child abuse or neglect as required by the  
13 Abused and Neglected Child Reporting Act, failure to establish  
14 satisfactory repayment on an educational loan guaranteed by the  
15 Illinois Student Assistance Commission, or other just cause.  
16 Unprofessional conduct shall include the refusal to attend or  
17 participate in institutes, teachers' meetings, or professional  
18 readings or to meet other reasonable requirements of the  
19 regional superintendent of schools or State Superintendent of  
20 Education. Unprofessional conduct also includes conduct that  
21 violates the standards, ethics, or rules applicable to the  
22 security, administration, monitoring, or scoring of or the  
23 reporting of scores from any assessment test or examination  
24 administered under Section 2-3.64 of this Code or that is known  
25 or intended to produce or report manipulated or artificial,  
26 rather than actual, assessment or achievement results or gains

1 from the administration of those tests or examinations.  
2 Unprofessional conduct shall also include neglect or  
3 unnecessary delay in the making of statistical and other  
4 reports required by school officers. Incompetency shall  
5 include, without limitation, 2 or more school terms of service  
6 for which the license holder has received an unsatisfactory  
7 rating on a performance evaluation conducted pursuant to  
8 Article 24A of this Code within a period of 7 school terms of  
9 service. In determining whether to initiate action against one  
10 or more licenses based on incompetency and the recommended  
11 sanction for such action, the State Superintendent shall  
12 consider factors that include without limitation all of the  
13 following:

14 (1) Whether the unsatisfactory evaluation ratings  
15 occurred prior to June 13, 2011 (the effective date of  
16 Public Act 97-8).

17 (2) Whether the unsatisfactory evaluation ratings  
18 occurred prior to or after the implementation date, as  
19 defined in Section 24A-2.5 of this Code, of an evaluation  
20 system for teachers in a school district.

21 (3) Whether the evaluator or evaluators who performed  
22 an unsatisfactory evaluation met the pre-licensure and  
23 training requirements set forth in Section 24A-3 of this  
24 Code.

25 (4) The time between the unsatisfactory evaluation  
26 ratings.

1           (5) The quality of the remediation plans associated  
2           with the unsatisfactory evaluation ratings and whether the  
3           license holder successfully completed the remediation  
4           plans.

5           (6) Whether the unsatisfactory evaluation ratings were  
6           related to the same or different assignments performed by  
7           the license holder.

8           (7) Whether one or more of the unsatisfactory  
9           evaluation ratings occurred in the first year of a teaching  
10           or administrative assignment.

11           When initiating an action against one or more licenses, the  
12           State Superintendent may seek required professional  
13           development as a sanction in lieu of or in addition to  
14           suspension or revocation. Any such required professional  
15           development must be at the expense of the license holder, who  
16           may use, if available and applicable to the requirements  
17           established by administrative or court order, training,  
18           coursework, or other professional development funds in  
19           accordance with the terms of an applicable collective  
20           bargaining agreement entered into after June 13, 2011 (the  
21           effective date of Public Act 97-8), unless that agreement  
22           specifically precludes use of funds for such purpose.

23           (c) The State Superintendent of Education shall, upon  
24 receipt of evidence of abuse or neglect of a child, immorality,  
25 a condition of health detrimental to the welfare of pupils,  
26 incompetency (subject to subsection (b) of this Section),

1 unprofessional conduct, the neglect of any professional duty,  
2 or other just cause, further investigate and, if and as  
3 appropriate, serve written notice to the individual and afford  
4 the individual opportunity for a hearing prior to suspension,  
5 ~~or~~ revocation, or other sanction; provided that the State  
6 Superintendent is under no obligation to initiate such an  
7 investigation if the Department of Children and Family Services  
8 is investigating the same or substantially similar allegations  
9 and its child protective service unit has not made its  
10 determination, as required under Section 7.12 of the Abused and  
11 Neglected Child Reporting Act. If the State Superintendent of  
12 Education does not receive from an individual a request for a  
13 hearing within 10 days after the individual receives notice,  
14 the suspension, ~~or~~ revocation, or other sanction shall  
15 immediately take effect in accordance with the notice. If a  
16 hearing is requested within 10 days after notice of an  
17 opportunity for hearing, it shall act as a stay of proceedings  
18 until the State Educator Preparation and Licensure Board issues  
19 a decision. Any hearing shall take place in the educational  
20 service region where the educator is or was last employed and  
21 in accordance with rules adopted by the State Board of  
22 Education, in consultation with the State Educator Preparation  
23 and Licensure Board, and such rules shall include without  
24 limitation provisions for discovery and the sharing of  
25 information between parties prior to the hearing. The standard  
26 of proof for any administrative hearing held pursuant to this



1 Section shall be by the preponderance of the evidence. The  
2 decision of the State Educator Preparation and Licensure Board  
3 is a final administrative decision and is subject to judicial  
4 review by appeal of either party.

5 The State Board of Education may refuse to issue or may  
6 suspend the license of any person who fails to file a return or  
7 to pay the tax, penalty, or interest shown in a filed return or  
8 to pay any final assessment of tax, penalty, or interest, as  
9 required by any tax Act administered by the Department of  
10 Revenue, until such time as the requirements of any such tax  
11 Act are satisfied.

12 The exclusive authority of the State Superintendent of  
13 Education to initiate suspension or revocation of a license  
14 pursuant to this Section does not preclude a regional  
15 superintendent of schools from cooperating with the State  
16 Superintendent or a State's Attorney with respect to an  
17 investigation of alleged misconduct.

18 (d) The State Superintendent of Education or his or her  
19 designee may initiate and conduct such investigations as may be  
20 reasonably necessary to establish the existence of any alleged  
21 misconduct. At any stage of the investigation, the State  
22 Superintendent may issue a subpoena requiring the attendance  
23 and testimony of a witness, including the license holder, and  
24 the production of any evidence, including files, records,  
25 correspondence, or documents, relating to any matter in  
26 question in the investigation. The subpoena shall require a

1 witness to appear at the State Board of Education at a  
2 specified date and time and shall specify any evidence to be  
3 produced. The license holder is not entitled to be present, but  
4 the State Superintendent shall provide the license holder with  
5 a copy of any recorded testimony prior to a hearing under this  
6 Section. Such recorded testimony must not be used as evidence  
7 at a hearing, unless the license holder has adequate notice of  
8 the testimony and the opportunity to cross-examine the witness.  
9 Failure of a license holder to comply with a duly issued,  
10 investigatory subpoena may be grounds for revocation,  
11 suspension, or denial of a license.

12 (e) All correspondence, documentation, and other  
13 information so received by the regional superintendent of  
14 schools, the State Superintendent of Education, the State Board  
15 of Education, or the State Educator Preparation and Licensure  
16 Board under this Section is confidential and must not be  
17 disclosed to third parties, except (i) as necessary for the  
18 State Superintendent of Education or his or her designee to  
19 investigate and prosecute pursuant to this Article, (ii)  
20 pursuant to a court order, (iii) for disclosure to the license  
21 holder or his or her representative, or (iv) as otherwise  
22 required in this Article and provided that any such information  
23 admitted into evidence in a hearing is exempt from this  
24 confidentiality and non-disclosure requirement.

25 (f) The State Superintendent of Education or a person  
26 designated by him or her shall have the power to administer

1 oaths to witnesses at any hearing conducted before the State  
2 Educator Preparation and Licensure Board pursuant to this  
3 Section. The State Superintendent of Education or a person  
4 designated by him or her is authorized to subpoena and bring  
5 before the State Educator Preparation and Licensure Board any  
6 person in this State and to take testimony either orally or by  
7 deposition or by exhibit, with the same fees and mileage and in  
8 the same manner as prescribed by law in judicial proceedings in  
9 civil cases in circuit courts of this State.

10 (g) Any circuit court, upon the application of the State  
11 Superintendent of Education or the license holder, may, by  
12 order duly entered, require the attendance of witnesses and the  
13 production of relevant books and papers as part of any  
14 investigation or at any hearing the State Educator Preparation  
15 and Licensure Board is authorized to conduct pursuant to this  
16 Section, and the court may compel obedience to its orders by  
17 proceedings for contempt.

18 (h) The State Board of Education shall receive an annual  
19 line item appropriation to cover fees associated with the  
20 investigation and prosecution of alleged educator misconduct  
21 and hearings related thereto.

22 (Source: P.A. 97-607, eff. 8-26-11; incorporates 97-8, eff.  
23 6-13-11; revised 1-10-12.)

24 (105 ILCS 5/22-65)

25 Sec. 22-65. The Task Force on the Prevention of Sexual

1 Abuse of Children. The Task Force on the Prevention of Sexual  
2 Abuse of Children is created within the Department of Children  
3 and Family Services. The Task Force shall consist of all of the  
4 following members:

5 (1) One member of the General Assembly and one member  
6 of the public, appointed by the President of the Senate.

7 (2) One member of the General Assembly and one member  
8 of the public, appointed by the Minority Leader of the  
9 Senate.

10 (3) One member of the General Assembly and one member  
11 of the public, appointed by the Speaker of the House of  
12 Representatives.

13 (4) One member of the General Assembly and one member  
14 of the public, appointed by the Minority Leader of the  
15 House of Representatives.

16 (5) The Director of Children and Family Services or his  
17 or her designee.

18 (6) The State Superintendent of Education or his or her  
19 designee.

20 (7) The Director of Public Health or his or her  
21 designee.

22 (8) The Executive Director of the Illinois Violence  
23 Prevention Authority or his or her designee.

24 (9) A representative of an agency that leads the  
25 collaboration of the investigation, prosecution, and  
26 treatment of child sexual and physical abuse cases,

1 appointed by the Director of Children and Family Services.

2 (10) A representative of an organization representing  
3 law enforcement, appointed by the Director of State Police.

4 (11) A representative of a statewide professional  
5 teachers' organization, appointed by the head of that  
6 organization.

7 (12) A representative of a different statewide  
8 professional teachers' organization, appointed by the head  
9 of that organization.

10 (13) A representative of an organization involved in  
11 the prevention of child abuse in this State, appointed by  
12 the Director of Children and Family Services.

13 (14) A representative of an organization representing  
14 school management in this State, appointed by the State  
15 Superintendent of Education.

16 (15) Erin Merryyn, for whom Section 10-23.13 of this  
17 Code is named.

18 Members of the Task Force must be individuals who are  
19 actively involved in the fields of the prevention of child  
20 abuse and neglect and child welfare. The appointment of members  
21 must reflect the geographic diversity of the State.

22 The Task Force shall elect a presiding officer by a  
23 majority vote of the membership of the Task Force. The Task  
24 Force shall meet at the call of the presiding officer.

25 The Task Force shall make recommendations for reducing  
26 child sexual abuse in Illinois. In making those

1 recommendations, the Task Force shall:

2 (1) gather information concerning child sexual abuse  
3 throughout the State;

4 (2) receive reports and testimony from individuals,  
5 State and local agencies, community-based organizations,  
6 and other public and private organizations;

7 (3) create goals for State policy that would prevent  
8 child sexual abuse; and

9 (4) submit a final report with its recommendations to  
10 the Office of the Governor and the General Assembly by  
11 January 1, 2012.

12 The recommendations may include proposals for specific  
13 statutory changes and methods to foster cooperation among State  
14 agencies and between the State and local government.

15 The Task Force shall consult with employees of the  
16 Department of Children and Family Services, the Criminal  
17 Justice Information Agency, the Department of State Police, the  
18 Illinois State Board of Education, and any other State agency  
19 or department as necessary to accomplish the Task Force's  
20 responsibilities under this Section.

21 The members of the Task Force shall serve without  
22 compensation and shall not be reimbursed for their expenses.

23 The Task Force shall be abolished upon submission of the  
24 final report to the Office of the Governor and the General  
25 Assembly.

26 (Source: P.A. 96-1524, eff. 2-14-11.)

1 (105 ILCS 5/22-70)

2 Sec. 22-70 ~~22-65~~. Enrollment information; children of  
3 military personnel. At the time of annual enrollment or at any  
4 time during the school year, a school district or a recognized  
5 non-public school, except for sectarian non-public schools,  
6 serving any of grades kindergarten through 12 shall provide,  
7 either on its standard enrollment form or on a separate form,  
8 the opportunity for the individual enrolling the student to  
9 voluntarily state whether the student has a parent or guardian  
10 who is a member of a branch of the armed forces of the United  
11 States and who is either deployed to active duty or expects to  
12 be deployed to active duty during the school year. Each school  
13 district and recognized non-public school shall report this  
14 enrollment information as aggregate data to the State Board of  
15 Education.

16 (Source: P.A. 97-505, eff. 8-23-11; revised 10-31-11.)

17 (105 ILCS 5/27A-4)

18 Sec. 27A-4. General Provisions.

19 (a) The General Assembly does not intend to alter or amend  
20 the provisions of any court-ordered desegregation plan in  
21 effect for any school district. A charter school shall be  
22 subject to all federal and State laws and constitutional  
23 provisions prohibiting discrimination on the basis of  
24 disability, race, creed, color, gender, national origin,

1 religion, ancestry, marital status, or need for special  
2 education services.

3 (b) The total number of charter schools operating under  
4 this Article at any one time shall not exceed 120. Not more  
5 than 70 charter schools shall operate at any one time in any  
6 city having a population exceeding 500,000, with at least 5  
7 charter schools devoted exclusively to students from  
8 low-performing or overcrowded schools operating at any one time  
9 in that city; and not more than 45 charter schools shall  
10 operate at any one time in the remainder of the State, with not  
11 more than one charter school that has been initiated by a board  
12 of education, or by an intergovernmental agreement between or  
13 among boards of education, operating at any one time in the  
14 school district where the charter school is located. In  
15 addition to these charter schools, up to but no more than 5  
16 charter schools devoted exclusively to re-enrolled high school  
17 dropouts and/or students 16 or 15 years old at risk of dropping  
18 out may operate at any one time in any city having a population  
19 exceeding 500,000. Notwithstanding any provision to the  
20 contrary in subsection (b) of Section 27A-5 of this Code, each  
21 such dropout charter may operate up to 15 campuses within the  
22 city. Any of these dropout charters may have a maximum of 1,875  
23 enrollment seats, any one of the campuses of the dropout  
24 charter may have a maximum of 165 enrollment seats, and each  
25 campus of the dropout charter must be operated, through a  
26 contract or payroll, by the same legal entity as that for which



1 the charter is approved and certified.

2 For purposes of implementing this Section, the State Board  
3 shall assign a number to each charter submission it receives  
4 under Section 27A-6 for its review and certification, based on  
5 the chronological order in which the submission is received by  
6 it. The State Board shall promptly notify local school boards  
7 when the maximum numbers of certified charter schools  
8 authorized to operate have been reached.

9 (c) No charter shall be granted under this Article that  
10 would convert any existing private, parochial, or non-public  
11 school to a charter school.

12 (d) Enrollment in a charter school shall be open to any  
13 pupil who resides within the geographic boundaries of the area  
14 served by the local school board, provided that the board of  
15 education in a city having a population exceeding 500,000 may  
16 designate attendance boundaries for no more than one-third of  
17 the charter schools permitted in the city if the board of  
18 education determines that attendance boundaries are needed to  
19 relieve overcrowding or to better serve low-income and at-risk  
20 students. Students residing within an attendance boundary may  
21 be given priority for enrollment, but must not be required to  
22 attend the charter school.

23 (e) Nothing in this Article shall prevent 2 or more local  
24 school boards from jointly issuing a charter to a single shared  
25 charter school, provided that all of the provisions of this  
26 Article are met as to those local school boards.

1           (f) No local school board shall require any employee of the  
2 school district to be employed in a charter school.

3           (g) No local school board shall require any pupil residing  
4 within the geographic boundary of its district to enroll in a  
5 charter school.

6           (h) If there are more eligible applicants for enrollment in  
7 a charter school than there are spaces available, successful  
8 applicants shall be selected by lottery. However, priority  
9 shall be given to siblings of pupils enrolled in the charter  
10 school and to pupils who were enrolled in the charter school  
11 the previous school year, unless expelled for cause, and  
12 priority may be given to pupils residing within the charter  
13 school's attendance boundary, if a boundary has been designated  
14 by the board of education in a city having a population  
15 exceeding 500,000. Dual enrollment at both a charter school and  
16 a public school or non-public school shall not be allowed. A  
17 pupil who is suspended or expelled from a charter school shall  
18 be deemed to be suspended or expelled from the public schools  
19 of the school district in which the pupil resides.  
20 Notwithstanding anything to the contrary in this subsection  
21 (h), any charter school with a mission exclusive to educating  
22 high school dropouts may grant priority admission to students  
23 who are high school dropouts and/or students 16 or 15 years old  
24 at risk of dropping out and any charter school with a mission  
25 exclusive to educating students from low-performing or  
26 overcrowded schools may restrict admission to students who are

1 from low-performing or overcrowded schools. "Priority  
2 admission" for charter schools exclusively devoted to  
3 re-enrolled dropouts or students at risk of dropping out means  
4 a minimum of 90% of students enrolled shall be high school  
5 dropouts.

6 (i) (Blank).

7 (j) Notwithstanding any other provision of law to the  
8 contrary, a school district in a city having a population  
9 exceeding 500,000 shall not have a duty to collectively bargain  
10 with an exclusive representative of its employees over  
11 decisions to grant or deny a charter school proposal under  
12 Section 27A-8 of this Code, decisions to renew or revoke a  
13 charter under Section 27A-9 of this Code, and the impact of  
14 these decisions, provided that nothing in this Section shall  
15 have the effect of negating, abrogating, replacing, reducing,  
16 diminishing, or limiting in any way employee rights,  
17 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,  
18 14, and 15 of the Illinois Educational Labor Relations Act.

19 (k) In this Section:

20 "Low-performing school" means a public school in a school  
21 district organized under Article 34 of this Code that enrolls  
22 students in any of grades kindergarten through 8 and that is  
23 ranked within the lowest 10% of schools in that district in  
24 terms of the percentage of students meeting or exceeding  
25 standards on the Illinois Standards Achievement Test.

26 "Overcrowded school" means a public school in a school

1 district organized under Article 34 of this Code that (i)  
2 enrolls students in any of grades kindergarten through 8, (ii)  
3 has a percentage of low-income students of 70% or more, as  
4 identified in the most recently available School Report Card  
5 published by the State Board of Education, and (iii) is  
6 determined by the Chicago Board of Education to be in the most  
7 severely overcrowded 5% of schools in the district. On or  
8 before November 1 of each year, the Chicago Board of Education  
9 shall file a report with the State Board of Education on which  
10 schools in the district meet the definition of "overcrowded  
11 school". "Students at risk of dropping out" means students 16  
12 or 15 years old in a public school in a district organized  
13 under Article 34 of this Code that enrolls students in any  
14 grades 9-12 who have been absent at least 90 school attendance  
15 days of the previous 180 school attendance days.

16 (Source: P.A. 96-105, eff. 7-30-09; 97-151, eff. 1-1-12;  
17 97-624, eff. 11-28-11; revised 11-29-11.)

18 (105 ILCS 5/27A-5)

19 Sec. 27A-5. Charter school; legal entity; requirements.

20 (a) A charter school shall be a public, nonsectarian,  
21 nonreligious, non-home based, and non-profit school. A charter  
22 school shall be organized and operated as a nonprofit  
23 corporation or other discrete, legal, nonprofit entity  
24 authorized under the laws of the State of Illinois.

25 (b) A charter school may be established under this Article

1 by creating a new school or by converting an existing public  
2 school or attendance center to charter school status. Beginning  
3 on the effective date of this amendatory Act of the 93rd  
4 General Assembly, in all new applications submitted to the  
5 State Board or a local school board to establish a charter  
6 school in a city having a population exceeding 500,000,  
7 operation of the charter school shall be limited to one campus.  
8 The changes made to this Section by this amendatory Act of the  
9 93rd General Assembly do not apply to charter schools existing  
10 or approved on or before the effective date of this amendatory  
11 Act.

12 (c) A charter school shall be administered and governed by  
13 its board of directors or other governing body in the manner  
14 provided in its charter. The governing body of a charter school  
15 shall be subject to the Freedom of Information Act and the Open  
16 Meetings Act.

17 (d) A charter school shall comply with all applicable  
18 health and safety requirements applicable to public schools  
19 under the laws of the State of Illinois.

20 (e) Except as otherwise provided in the School Code, a  
21 charter school shall not charge tuition; provided that a  
22 charter school may charge reasonable fees for textbooks,  
23 instructional materials, and student activities.

24 (f) A charter school shall be responsible for the  
25 management and operation of its fiscal affairs including, but  
26 not limited to, the preparation of its budget. An audit of each

1 charter school's finances shall be conducted annually by an  
2 outside, independent contractor retained by the charter  
3 school. Annually, by December 1, every charter school must  
4 submit to the State Board a copy of its audit and a copy of the  
5 Form 990 the charter school filed that year with the federal  
6 Internal Revenue Service.

7 (g) A charter school shall comply with all provisions of  
8 this Article, the Illinois Educational Labor Relations Act, and  
9 its charter. A charter school is exempt from all other State  
10 laws and regulations in the School Code governing public  
11 schools and local school board policies, except the following:

12 (1) Sections 10-21.9 and 34-18.5 of the School Code  
13 regarding criminal history records checks and checks of the  
14 Statewide Sex Offender Database and Statewide Murderer and  
15 Violent Offender Against Youth Database of applicants for  
16 employment;

17 (2) Sections 24-24 and 34-84A of the School Code  
18 regarding discipline of students;

19 (3) The Local Governmental and Governmental Employees  
20 Tort Immunity Act;

21 (4) Section 108.75 of the General Not For Profit  
22 Corporation Act of 1986 regarding indemnification of  
23 officers, directors, employees, and agents;

24 (5) The Abused and Neglected Child Reporting Act;

25 (6) The Illinois School Student Records Act;

26 (7) Section 10-17a of the School Code regarding school

1 report cards; and

2 (8) The P-20 Longitudinal Education Data System Act.

3 The change made by Public Act 96-104 to this subsection (g)  
4 is declaratory of existing law.

5 (h) A charter school may negotiate and contract with a  
6 school district, the governing body of a State college or  
7 university or public community college, or any other public or  
8 for-profit or nonprofit private entity for: (i) the use of a  
9 school building and grounds or any other real property or  
10 facilities that the charter school desires to use or convert  
11 for use as a charter school site, (ii) the operation and  
12 maintenance thereof, and (iii) the provision of any service,  
13 activity, or undertaking that the charter school is required to  
14 perform in order to carry out the terms of its charter.  
15 However, a charter school that is established on or after the  
16 effective date of this amendatory Act of the 93rd General  
17 Assembly and that operates in a city having a population  
18 exceeding 500,000 may not contract with a for-profit entity to  
19 manage or operate the school during the period that commences  
20 on the effective date of this amendatory Act of the 93rd  
21 General Assembly and concludes at the end of the 2004-2005  
22 school year. Except as provided in subsection (i) of this  
23 Section, a school district may charge a charter school  
24 reasonable rent for the use of the district's buildings,  
25 grounds, and facilities. Any services for which a charter  
26 school contracts with a school district shall be provided by

1 the district at cost. Any services for which a charter school  
2 contracts with a local school board or with the governing body  
3 of a State college or university or public community college  
4 shall be provided by the public entity at cost.

5 (i) In no event shall a charter school that is established  
6 by converting an existing school or attendance center to  
7 charter school status be required to pay rent for space that is  
8 deemed available, as negotiated and provided in the charter  
9 agreement, in school district facilities. However, all other  
10 costs for the operation and maintenance of school district  
11 facilities that are used by the charter school shall be subject  
12 to negotiation between the charter school and the local school  
13 board and shall be set forth in the charter.

14 (j) A charter school may limit student enrollment by age or  
15 grade level.

16 (k) If the charter school is approved by the Commission,  
17 then the Commission charter school is its own local education  
18 agency.

19 (Source: P.A. 96-104, eff. 1-1-10; 96-105, eff. 7-30-09;  
20 96-107, eff. 7-30-09; 96-734, eff. 8-25-09; 96-1000, eff.  
21 7-2-10; 97-152, eff. 7-20-11; 97-154, eff. 1-1-12; revised  
22 9-28-11.)

23 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

24 Sec. 34-18. Powers of the board. The board shall exercise  
25 general supervision and jurisdiction over the public education



1 and the public school system of the city, and, except as  
2 otherwise provided by this Article, shall have power:

3 1. To make suitable provision for the establishment and  
4 maintenance throughout the year or for such portion thereof  
5 as it may direct, not less than 9 months, of schools of all  
6 grades and kinds, including normal schools, high schools,  
7 night schools, schools for defectives and delinquents,  
8 parental and truant schools, schools for the blind, the  
9 deaf and the physically disabled, schools or classes in  
10 manual training, constructural and vocational teaching,  
11 domestic arts and physical culture, vocation and extension  
12 schools and lecture courses, and all other educational  
13 courses and facilities, including establishing, equipping,  
14 maintaining and operating playgrounds and recreational  
15 programs, when such programs are conducted in, adjacent to,  
16 or connected with any public school under the general  
17 supervision and jurisdiction of the board; provided that  
18 the calendar for the school term and any changes must be  
19 submitted to and approved by the State Board of Education  
20 before the calendar or changes may take effect, and  
21 provided that in allocating funds from year to year for the  
22 operation of all attendance centers within the district,  
23 the board shall ensure that supplemental general State aid  
24 funds are allocated and applied in accordance with Section  
25 18-8 or 18-8.05. To admit to such schools without charge  
26 foreign exchange students who are participants in an

1 organized exchange student program which is authorized by  
2 the board. The board shall permit all students to enroll in  
3 apprenticeship programs in trade schools operated by the  
4 board, whether those programs are union-sponsored or not.  
5 No student shall be refused admission into or be excluded  
6 from any course of instruction offered in the common  
7 schools by reason of that student's sex. No student shall  
8 be denied equal access to physical education and  
9 interscholastic athletic programs supported from school  
10 district funds or denied participation in comparable  
11 physical education and athletic programs solely by reason  
12 of the student's sex. Equal access to programs supported  
13 from school district funds and comparable programs will be  
14 defined in rules promulgated by the State Board of  
15 Education in consultation with the Illinois High School  
16 Association. Notwithstanding any other provision of this  
17 Article, neither the board of education nor any local  
18 school council or other school official shall recommend  
19 that children with disabilities be placed into regular  
20 education classrooms unless those children with  
21 disabilities are provided with supplementary services to  
22 assist them so that they benefit from the regular classroom  
23 instruction and are included on the teacher's regular  
24 education class register;

25 2. To furnish lunches to pupils, to make a reasonable  
26 charge therefor, and to use school funds for the payment of

1 such expenses as the board may determine are necessary in  
2 conducting the school lunch program;

3 3. To co-operate with the circuit court;

4 4. To make arrangements with the public or quasi-public  
5 libraries and museums for the use of their facilities by  
6 teachers and pupils of the public schools;

7 5. To employ dentists and prescribe their duties for  
8 the purpose of treating the pupils in the schools, but  
9 accepting such treatment shall be optional with parents or  
10 guardians;

11 6. To grant the use of assembly halls and classrooms  
12 when not otherwise needed, including light, heat, and  
13 attendants, for free public lectures, concerts, and other  
14 educational and social interests, free of charge, under  
15 such provisions and control as the principal of the  
16 affected attendance center may prescribe;

17 7. To apportion the pupils to the several schools;  
18 provided that no pupil shall be excluded from or segregated  
19 in any such school on account of his color, race, sex, or  
20 nationality. The board shall take into consideration the  
21 prevention of segregation and the elimination of  
22 separation of children in public schools because of color,  
23 race, sex, or nationality. Except that children may be  
24 committed to or attend parental and social adjustment  
25 schools established and maintained either for boys or girls  
26 only. All records pertaining to the creation, alteration or

1 revision of attendance areas shall be open to the public.  
2 Nothing herein shall limit the board's authority to  
3 establish multi-area attendance centers or other student  
4 assignment systems for desegregation purposes or  
5 otherwise, and to apportion the pupils to the several  
6 schools. Furthermore, beginning in school year 1994-95,  
7 pursuant to a board plan adopted by October 1, 1993, the  
8 board shall offer, commencing on a phased-in basis, the  
9 opportunity for families within the school district to  
10 apply for enrollment of their children in any attendance  
11 center within the school district which does not have  
12 selective admission requirements approved by the board.  
13 The appropriate geographical area in which such open  
14 enrollment may be exercised shall be determined by the  
15 board of education. Such children may be admitted to any  
16 such attendance center on a space available basis after all  
17 children residing within such attendance center's area  
18 have been accommodated. If the number of applicants from  
19 outside the attendance area exceed the space available,  
20 then successful applicants shall be selected by lottery.  
21 The board of education's open enrollment plan must include  
22 provisions that allow low income students to have access to  
23 transportation needed to exercise school choice. Open  
24 enrollment shall be in compliance with the provisions of  
25 the Consent Decree and Desegregation Plan cited in Section  
26 34-1.01;

1           8. To approve programs and policies for providing  
2 transportation services to students. Nothing herein shall  
3 be construed to permit or empower the State Board of  
4 Education to order, mandate, or require busing or other  
5 transportation of pupils for the purpose of achieving  
6 racial balance in any school;

7           9. Subject to the limitations in this Article, to  
8 establish and approve system-wide curriculum objectives  
9 and standards, including graduation standards, which  
10 reflect the multi-cultural diversity in the city and are  
11 consistent with State law, provided that for all purposes  
12 of this Article courses or proficiency in American Sign  
13 Language shall be deemed to constitute courses or  
14 proficiency in a foreign language; and to employ principals  
15 and teachers, appointed as provided in this Article, and  
16 fix their compensation. The board shall prepare such  
17 reports related to minimal competency testing as may be  
18 requested by the State Board of Education, and in addition  
19 shall monitor and approve special education and bilingual  
20 education programs and policies within the district to  
21 assure that appropriate services are provided in  
22 accordance with applicable State and federal laws to  
23 children requiring services and education in those areas;

24           10. To employ non-teaching personnel or utilize  
25 volunteer personnel for: (i) non-teaching duties not  
26 requiring instructional judgment or evaluation of pupils,

1 including library duties; and (ii) supervising study  
2 halls, long distance teaching reception areas used  
3 incident to instructional programs transmitted by  
4 electronic media such as computers, video, and audio,  
5 detention and discipline areas, and school-sponsored  
6 extracurricular activities. The board may further utilize  
7 volunteer non-certificated personnel or employ  
8 non-certificated personnel to assist in the instruction of  
9 pupils under the immediate supervision of a teacher holding  
10 a valid certificate, directly engaged in teaching subject  
11 matter or conducting activities; provided that the teacher  
12 shall be continuously aware of the non-certificated  
13 persons' activities and shall be able to control or modify  
14 them. The general superintendent shall determine  
15 qualifications of such personnel and shall prescribe rules  
16 for determining the duties and activities to be assigned to  
17 such personnel;

18 10.5. To utilize volunteer personnel from a regional  
19 School Crisis Assistance Team (S.C.A.T.), created as part  
20 of the Safe to Learn Program established pursuant to  
21 Section 25 of the Illinois Violence Prevention Act of 1995,  
22 to provide assistance to schools in times of violence or  
23 other traumatic incidents within a school community by  
24 providing crisis intervention services to lessen the  
25 effects of emotional trauma on individuals and the  
26 community; the School Crisis Assistance Team Steering

1 Committee shall determine the qualifications for  
2 volunteers;

3 11. To provide television studio facilities in not to  
4 exceed one school building and to provide programs for  
5 educational purposes, provided, however, that the board  
6 shall not construct, acquire, operate, or maintain a  
7 television transmitter; to grant the use of its studio  
8 facilities to a licensed television station located in the  
9 school district; and to maintain and operate not to exceed  
10 one school radio transmitting station and provide programs  
11 for educational purposes;

12 12. To offer, if deemed appropriate, outdoor education  
13 courses, including field trips within the State of  
14 Illinois, or adjacent states, and to use school educational  
15 funds for the expense of the said outdoor educational  
16 programs, whether within the school district or not;

17 13. During that period of the calendar year not  
18 embraced within the regular school term, to provide and  
19 conduct courses in subject matters normally embraced in the  
20 program of the schools during the regular school term and  
21 to give regular school credit for satisfactory completion  
22 by the student of such courses as may be approved for  
23 credit by the State Board of Education;

24 14. To insure against any loss or liability of the  
25 board, the former School Board Nominating Commission,  
26 Local School Councils, the Chicago Schools Academic

1 Accountability Council, or the former Subdistrict Councils  
2 or of any member, officer, agent or employee thereof,  
3 resulting from alleged violations of civil rights arising  
4 from incidents occurring on or after September 5, 1967 or  
5 from the wrongful or negligent act or omission of any such  
6 person whether occurring within or without the school  
7 premises, provided the officer, agent or employee was, at  
8 the time of the alleged violation of civil rights or  
9 wrongful act or omission, acting within the scope of his  
10 employment or under direction of the board, the former  
11 School Board Nominating Commission, the Chicago Schools  
12 Academic Accountability Council, Local School Councils, or  
13 the former Subdistrict Councils; and to provide for or  
14 participate in insurance plans for its officers and  
15 employees, including but not limited to retirement  
16 annuities, medical, surgical and hospitalization benefits  
17 in such types and amounts as may be determined by the  
18 board; provided, however, that the board shall contract for  
19 such insurance only with an insurance company authorized to  
20 do business in this State. Such insurance may include  
21 provision for employees who rely on treatment by prayer or  
22 spiritual means alone for healing, in accordance with the  
23 tenets and practice of a recognized religious  
24 denomination;

25 15. To contract with the corporate authorities of any  
26 municipality or the county board of any county, as the case



1           may be, to provide for the regulation of traffic in parking  
2           areas of property used for school purposes, in such manner  
3           as is provided by Section 11-209 of The Illinois Vehicle  
4           Code, approved September 29, 1969, as amended;

5           16. (a) To provide, on an equal basis, access to a high  
6           school campus and student directory information to the  
7           official recruiting representatives of the armed forces of  
8           Illinois and the United States for the purposes of  
9           informing students of the educational and career  
10          opportunities available in the military if the board has  
11          provided such access to persons or groups whose purpose is  
12          to acquaint students with educational or occupational  
13          opportunities available to them. The board is not required  
14          to give greater notice regarding the right of access to  
15          recruiting representatives than is given to other persons  
16          and groups. In this paragraph 16, "directory information"  
17          means a high school student's name, address, and telephone  
18          number.

19          (b) If a student or his or her parent or guardian  
20          submits a signed, written request to the high school before  
21          the end of the student's sophomore year (or if the student  
22          is a transfer student, by another time set by the high  
23          school) that indicates that the student or his or her  
24          parent or guardian does not want the student's directory  
25          information to be provided to official recruiting  
26          representatives under subsection (a) of this Section, the

1 high school may not provide access to the student's  
2 directory information to these recruiting representatives.  
3 The high school shall notify its students and their parents  
4 or guardians of the provisions of this subsection (b).

5 (c) A high school may require official recruiting  
6 representatives of the armed forces of Illinois and the  
7 United States to pay a fee for copying and mailing a  
8 student's directory information in an amount that is not  
9 more than the actual costs incurred by the high school.

10 (d) Information received by an official recruiting  
11 representative under this Section may be used only to  
12 provide information to students concerning educational and  
13 career opportunities available in the military and may not  
14 be released to a person who is not involved in recruiting  
15 students for the armed forces of Illinois or the United  
16 States;

17 17. (a) To sell or market any computer program  
18 developed by an employee of the school district, provided  
19 that such employee developed the computer program as a  
20 direct result of his or her duties with the school district  
21 or through the utilization of the school district resources  
22 or facilities. The employee who developed the computer  
23 program shall be entitled to share in the proceeds of such  
24 sale or marketing of the computer program. The distribution  
25 of such proceeds between the employee and the school  
26 district shall be as agreed upon by the employee and the

1 school district, except that neither the employee nor the  
2 school district may receive more than 90% of such proceeds.  
3 The negotiation for an employee who is represented by an  
4 exclusive bargaining representative may be conducted by  
5 such bargaining representative at the employee's request.

6 (b) For the purpose of this paragraph 17:

7 (1) "Computer" means an internally programmed,  
8 general purpose digital device capable of  
9 automatically accepting data, processing data and  
10 supplying the results of the operation.

11 (2) "Computer program" means a series of coded  
12 instructions or statements in a form acceptable to a  
13 computer, which causes the computer to process data in  
14 order to achieve a certain result.

15 (3) "Proceeds" means profits derived from  
16 marketing or sale of a product after deducting the  
17 expenses of developing and marketing such product;

18 18. To delegate to the general superintendent of  
19 schools, by resolution, the authority to approve contracts  
20 and expenditures in amounts of \$10,000 or less;

21 19. Upon the written request of an employee, to  
22 withhold from the compensation of that employee any dues,  
23 payments or contributions payable by such employee to any  
24 labor organization as defined in the Illinois Educational  
25 Labor Relations Act. Under such arrangement, an amount  
26 shall be withheld from each regular payroll period which is

1 equal to the pro rata share of the annual dues plus any  
2 payments or contributions, and the board shall transmit  
3 such withholdings to the specified labor organization  
4 within 10 working days from the time of the withholding;

5 19a. Upon receipt of notice from the comptroller of a  
6 municipality with a population of 500,000 or more, a county  
7 with a population of 3,000,000 or more, the Cook County  
8 Forest Preserve District, the Chicago Park District, the  
9 Metropolitan Water Reclamation District, the Chicago  
10 Transit Authority, or a housing authority of a municipality  
11 with a population of 500,000 or more that a debt is due and  
12 owing the municipality, the county, the Cook County Forest  
13 Preserve District, the Chicago Park District, the  
14 Metropolitan Water Reclamation District, the Chicago  
15 Transit Authority, or the housing authority by an employee  
16 of the Chicago Board of Education, to withhold, from the  
17 compensation of that employee, the amount of the debt that  
18 is due and owing and pay the amount withheld to the  
19 municipality, the county, the Cook County Forest Preserve  
20 District, the Chicago Park District, the Metropolitan  
21 Water Reclamation District, the Chicago Transit Authority,  
22 or the housing authority; provided, however, that the  
23 amount deducted from any one salary or wage payment shall  
24 not exceed 25% of the net amount of the payment. Before the  
25 Board deducts any amount from any salary or wage of an  
26 employee under this paragraph, the municipality, the

1 county, the Cook County Forest Preserve District, the  
2 Chicago Park District, the Metropolitan Water Reclamation  
3 District, the Chicago Transit Authority, or the housing  
4 authority shall certify that (i) the employee has been  
5 afforded an opportunity for a hearing to dispute the debt  
6 that is due and owing the municipality, the county, the  
7 Cook County Forest Preserve District, the Chicago Park  
8 District, the Metropolitan Water Reclamation District, the  
9 Chicago Transit Authority, or the housing authority and  
10 (ii) the employee has received notice of a wage deduction  
11 order and has been afforded an opportunity for a hearing to  
12 object to the order. For purposes of this paragraph, "net  
13 amount" means that part of the salary or wage payment  
14 remaining after the deduction of any amounts required by  
15 law to be deducted and "debt due and owing" means (i) a  
16 specified sum of money owed to the municipality, the  
17 county, the Cook County Forest Preserve District, the  
18 Chicago Park District, the Metropolitan Water Reclamation  
19 District, the Chicago Transit Authority, or the housing  
20 authority for services, work, or goods, after the period  
21 granted for payment has expired, or (ii) a specified sum of  
22 money owed to the municipality, the county, the Cook County  
23 Forest Preserve District, the Chicago Park District, the  
24 Metropolitan Water Reclamation District, the Chicago  
25 Transit Authority, or the housing authority pursuant to a  
26 court order or order of an administrative hearing officer

1 after the exhaustion of, or the failure to exhaust,  
2 judicial review;

3 20. The board is encouraged to employ a sufficient  
4 number of certified school counselors to maintain a  
5 student/counselor ratio of 250 to 1 by July 1, 1990. Each  
6 counselor shall spend at least 75% of his work time in  
7 direct contact with students and shall maintain a record of  
8 such time;

9 21. To make available to students vocational and career  
10 counseling and to establish 5 special career counseling  
11 days for students and parents. On these days  
12 representatives of local businesses and industries shall  
13 be invited to the school campus and shall inform students  
14 of career opportunities available to them in the various  
15 businesses and industries. Special consideration shall be  
16 given to counseling minority students as to career  
17 opportunities available to them in various fields. For the  
18 purposes of this paragraph, minority student means a person  
19 who is any of the following:

20 (a) American Indian or Alaska Native (a person having  
21 origins in any of the original peoples of North and South  
22 America, including Central America, and who maintains  
23 tribal affiliation or community attachment).

24 (b) Asian (a person having origins in any of the  
25 original peoples of the Far East, Southeast Asia, or the  
26 Indian subcontinent, including, but not limited to,

1 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,  
2 the Philippine Islands, Thailand, and Vietnam).

3 (c) Black or African American (a person having origins  
4 in any of the black racial groups of Africa). Terms such as  
5 "Haitian" or "Negro" can be used in addition to "Black or  
6 African American".

7 (d) Hispanic or Latino (a person of Cuban, Mexican,  
8 Puerto Rican, South or Central American, or other Spanish  
9 culture or origin, regardless of race).

10 (e) Native Hawaiian or Other Pacific Islander (a person  
11 having origins in any of the original peoples of Hawaii,  
12 Guam, Samoa, or other Pacific Islands).

13 Counseling days shall not be in lieu of regular school  
14 days;

15 22. To report to the State Board of Education the  
16 annual student dropout rate and number of students who  
17 graduate from, transfer from or otherwise leave bilingual  
18 programs;

19 23. Except as otherwise provided in the Abused and  
20 Neglected Child Reporting Act or other applicable State or  
21 federal law, to permit school officials to withhold, from  
22 any person, information on the whereabouts of any child  
23 removed from school premises when the child has been taken  
24 into protective custody as a victim of suspected child  
25 abuse. School officials shall direct such person to the  
26 Department of Children and Family Services, or to the local

1 law enforcement agency if appropriate;

2 24. To develop a policy, based on the current state of  
3 existing school facilities, projected enrollment and  
4 efficient utilization of available resources, for capital  
5 improvement of schools and school buildings within the  
6 district, addressing in that policy both the relative  
7 priority for major repairs, renovations and additions to  
8 school facilities, and the advisability or necessity of  
9 building new school facilities or closing existing schools  
10 to meet current or projected demographic patterns within  
11 the district;

12 25. To make available to the students in every high  
13 school attendance center the ability to take all courses  
14 necessary to comply with the Board of Higher Education's  
15 college entrance criteria effective in 1993;

16 26. To encourage mid-career changes into the teaching  
17 profession, whereby qualified professionals become  
18 certified teachers, by allowing credit for professional  
19 employment in related fields when determining point of  
20 entry on teacher pay scale;

21 27. To provide or contract out training programs for  
22 administrative personnel and principals with revised or  
23 expanded duties pursuant to this Act in order to assure  
24 they have the knowledge and skills to perform their duties;

25 28. To establish a fund for the prioritized special  
26 needs programs, and to allocate such funds and other lump



1           sum amounts to each attendance center in a manner  
2           consistent with the provisions of part 4 of Section 34-2.3.  
3           Nothing in this paragraph shall be construed to require any  
4           additional appropriations of State funds for this purpose;

5           29. (Blank);

6           30. Notwithstanding any other provision of this Act or  
7           any other law to the contrary, to contract with third  
8           parties for services otherwise performed by employees,  
9           including those in a bargaining unit, and to layoff those  
10          employees upon 14 days written notice to the affected  
11          employees. Those contracts may be for a period not to  
12          exceed 5 years and may be awarded on a system-wide basis.  
13          The board may not operate more than 30 contract schools,  
14          provided that the board may operate an additional 5  
15          contract turnaround schools pursuant to item (5.5) of  
16          subsection (d) of Section 34-8.3 of this Code;

17          31. To promulgate rules establishing procedures  
18          governing the layoff or reduction in force of employees and  
19          the recall of such employees, including, but not limited  
20          to, criteria for such layoffs, reductions in force or  
21          recall rights of such employees and the weight to be given  
22          to any particular criterion. Such criteria shall take into  
23          account factors including, but not be limited to,  
24          qualifications, certifications, experience, performance  
25          ratings or evaluations, and any other factors relating to  
26          an employee's job performance;

1           32. To develop a policy to prevent nepotism in the  
2 hiring of personnel or the selection of contractors;

3           33. To enter into a partnership agreement, as required  
4 by Section 34-3.5 of this Code, and, notwithstanding any  
5 other provision of law to the contrary, to promulgate  
6 policies, enter into contracts, and take any other action  
7 necessary to accomplish the objectives and implement the  
8 requirements of that agreement; and

9           34. To establish a Labor Management Council to the  
10 board comprised of representatives of the board, the chief  
11 executive officer, and those labor organizations that are  
12 the exclusive representatives of employees of the board and  
13 to promulgate policies and procedures for the operation of  
14 the Council.

15           The specifications of the powers herein granted are not to  
16 be construed as exclusive but the board shall also exercise all  
17 other powers that they may be requisite or proper for the  
18 maintenance and the development of a public school system, not  
19 inconsistent with the other provisions of this Article or  
20 provisions of this Code which apply to all school districts.

21           In addition to the powers herein granted and authorized to  
22 be exercised by the board, it shall be the duty of the board to  
23 review or to direct independent reviews of special education  
24 expenditures and services. The board shall file a report of  
25 such review with the General Assembly on or before May 1, 1990.

26           (Source: P.A. 96-105, eff. 7-30-09; 97-227, eff. 1-1-12;

1 97-396, eff. 1-1-12; revised 9-28-11.)

2 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

3 Sec. 34-18.5. Criminal history records checks and checks of  
4 the Statewide Sex Offender Database and Statewide Murderer and  
5 Violent Offender Against Youth Database.

6 (a) Certified and noncertified applicants for employment  
7 with the school district are required as a condition of  
8 employment to authorize a fingerprint-based criminal history  
9 records check to determine if such applicants have been  
10 convicted of any of the enumerated criminal or drug offenses in  
11 subsection (c) of this Section or have been convicted, within 7  
12 years of the application for employment with the school  
13 district, of any other felony under the laws of this State or  
14 of any offense committed or attempted in any other state or  
15 against the laws of the United States that, if committed or  
16 attempted in this State, would have been punishable as a felony  
17 under the laws of this State. Authorization for the check shall  
18 be furnished by the applicant to the school district, except  
19 that if the applicant is a substitute teacher seeking  
20 employment in more than one school district, or a teacher  
21 seeking concurrent part-time employment positions with more  
22 than one school district (as a reading specialist, special  
23 education teacher or otherwise), or an educational support  
24 personnel employee seeking employment positions with more than  
25 one district, any such district may require the applicant to

1 furnish authorization for the check to the regional  
2 superintendent of the educational service region in which are  
3 located the school districts in which the applicant is seeking  
4 employment as a substitute or concurrent part-time teacher or  
5 concurrent educational support personnel employee. Upon  
6 receipt of this authorization, the school district or the  
7 appropriate regional superintendent, as the case may be, shall  
8 submit the applicant's name, sex, race, date of birth, social  
9 security number, fingerprint images, and other identifiers, as  
10 prescribed by the Department of State Police, to the  
11 Department. The regional superintendent submitting the  
12 requisite information to the Department of State Police shall  
13 promptly notify the school districts in which the applicant is  
14 seeking employment as a substitute or concurrent part-time  
15 teacher or concurrent educational support personnel employee  
16 that the check of the applicant has been requested. The  
17 Department of State Police and the Federal Bureau of  
18 Investigation shall furnish, pursuant to a fingerprint-based  
19 criminal history records check, records of convictions, until  
20 expunged, to the president of the school board for the school  
21 district that requested the check, or to the regional  
22 superintendent who requested the check. The Department shall  
23 charge the school district or the appropriate regional  
24 superintendent a fee for conducting such check, which fee shall  
25 be deposited in the State Police Services Fund and shall not  
26 exceed the cost of the inquiry; and the applicant shall not be

1 charged a fee for such check by the school district or by the  
2 regional superintendent. Subject to appropriations for these  
3 purposes, the State Superintendent of Education shall  
4 reimburse the school district and regional superintendent for  
5 fees paid to obtain criminal history records checks under this  
6 Section.

7 (a-5) The school district or regional superintendent shall  
8 further perform a check of the Statewide Sex Offender Database,  
9 as authorized by the Sex Offender Community Notification Law,  
10 for each applicant.

11 (a-6) The school district or regional superintendent shall  
12 further perform a check of the Statewide Murderer and Violent  
13 Offender Against Youth Database, as authorized by the Murderer  
14 and Violent Offender Against Youth Community Notification Law,  
15 for each applicant.

16 (b) Any information concerning the record of convictions  
17 obtained by the president of the board of education or the  
18 regional superintendent shall be confidential and may only be  
19 transmitted to the general superintendent of the school  
20 district or his designee, the appropriate regional  
21 superintendent if the check was requested by the board of  
22 education for the school district, the presidents of the  
23 appropriate board of education or school boards if the check  
24 was requested from the Department of State Police by the  
25 regional superintendent, the State Superintendent of  
26 Education, the State Teacher Certification Board or any other

1 person necessary to the decision of hiring the applicant for  
2 employment. A copy of the record of convictions obtained from  
3 the Department of State Police shall be provided to the  
4 applicant for employment. Upon the check of the Statewide Sex  
5 Offender Database, the school district or regional  
6 superintendent shall notify an applicant as to whether or not  
7 the applicant has been identified in the Database as a sex  
8 offender. If a check of an applicant for employment as a  
9 substitute or concurrent part-time teacher or concurrent  
10 educational support personnel employee in more than one school  
11 district was requested by the regional superintendent, and the  
12 Department of State Police upon a check ascertains that the  
13 applicant has not been convicted of any of the enumerated  
14 criminal or drug offenses in subsection (c) or has not been  
15 convicted, within 7 years of the application for employment  
16 with the school district, of any other felony under the laws of  
17 this State or of any offense committed or attempted in any  
18 other state or against the laws of the United States that, if  
19 committed or attempted in this State, would have been  
20 punishable as a felony under the laws of this State and so  
21 notifies the regional superintendent and if the regional  
22 superintendent upon a check ascertains that the applicant has  
23 not been identified in the Sex Offender Database as a sex  
24 offender, then the regional superintendent shall issue to the  
25 applicant a certificate evidencing that as of the date  
26 specified by the Department of State Police the applicant has

1 not been convicted of any of the enumerated criminal or drug  
2 offenses in subsection (c) or has not been convicted, within 7  
3 years of the application for employment with the school  
4 district, of any other felony under the laws of this State or  
5 of any offense committed or attempted in any other state or  
6 against the laws of the United States that, if committed or  
7 attempted in this State, would have been punishable as a felony  
8 under the laws of this State and evidencing that as of the date  
9 that the regional superintendent conducted a check of the  
10 Statewide Sex Offender Database, the applicant has not been  
11 identified in the Database as a sex offender. The school board  
12 of any school district may rely on the certificate issued by  
13 any regional superintendent to that substitute teacher,  
14 concurrent part-time teacher, or concurrent educational  
15 support personnel employee or may initiate its own criminal  
16 history records check of the applicant through the Department  
17 of State Police and its own check of the Statewide Sex Offender  
18 Database as provided in subsection (a). Any person who releases  
19 any confidential information concerning any criminal  
20 convictions of an applicant for employment shall be guilty of a  
21 Class A misdemeanor, unless the release of such information is  
22 authorized by this Section.

23 (c) The board of education shall not knowingly employ a  
24 person who has been convicted of any offense that would subject  
25 him or her to license suspension or revocation pursuant to  
26 Section 21B-80 of this Code. Further, the board of education

1 shall not knowingly employ a person who has been found to be  
2 the perpetrator of sexual or physical abuse of any minor under  
3 18 years of age pursuant to proceedings under Article II of the  
4 Juvenile Court Act of 1987.

5 (d) The board of education shall not knowingly employ a  
6 person for whom a criminal history records check and a  
7 Statewide Sex Offender Database check has not been initiated.

8 (e) Upon receipt of the record of a conviction of or a  
9 finding of child abuse by a holder of any certificate issued  
10 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
11 Code, the State Superintendent of Education may initiate  
12 certificate suspension and revocation proceedings as  
13 authorized by law.

14 (e-5) The general superintendent of schools shall, in  
15 writing, notify the State Superintendent of Education of any  
16 certificate holder whom he or she has reasonable cause to  
17 believe has committed an intentional act of abuse or neglect  
18 with the result of making a child an abused child or a  
19 neglected child, as defined in Section 3 of the Abused and  
20 Neglected Child Reporting Act, and that act resulted in the  
21 certificate holder's dismissal or resignation from the school  
22 district. This notification must be submitted within 30 days  
23 after the dismissal or resignation. The certificate holder must  
24 also be contemporaneously sent a copy of the notice by the  
25 superintendent. All correspondence, documentation, and other  
26 information so received by the State Superintendent of



1 Education, the State Board of Education, or the State Teacher  
2 Certification Board under this subsection (e-5) is  
3 confidential and must not be disclosed to third parties, except  
4 (i) as necessary for the State Superintendent of Education or  
5 his or her designee to investigate and prosecute pursuant to  
6 Article 21 of this Code, (ii) pursuant to a court order, (iii)  
7 for disclosure to the certificate holder or his or her  
8 representative, or (iv) as otherwise provided in this Article  
9 and provided that any such information admitted into evidence  
10 in a hearing is exempt from this confidentiality and  
11 non-disclosure requirement. Except for an act of willful or  
12 wanton misconduct, any superintendent who provides  
13 notification as required in this subsection (e-5) shall have  
14 immunity from any liability, whether civil or criminal or that  
15 otherwise might result by reason of such action.

16 (f) After March 19, 1990, the provisions of this Section  
17 shall apply to all employees of persons or firms holding  
18 contracts with any school district including, but not limited  
19 to, food service workers, school bus drivers and other  
20 transportation employees, who have direct, daily contact with  
21 the pupils of any school in such district. For purposes of  
22 criminal history records checks and checks of the Statewide Sex  
23 Offender Database on employees of persons or firms holding  
24 contracts with more than one school district and assigned to  
25 more than one school district, the regional superintendent of  
26 the educational service region in which the contracting school

1 districts are located may, at the request of any such school  
2 district, be responsible for receiving the authorization for a  
3 criminal history records check prepared by each such employee  
4 and submitting the same to the Department of State Police and  
5 for conducting a check of the Statewide Sex Offender Database  
6 for each employee. Any information concerning the record of  
7 conviction and identification as a sex offender of any such  
8 employee obtained by the regional superintendent shall be  
9 promptly reported to the president of the appropriate school  
10 board or school boards.

11 (g) In order to student teach in the public schools, a  
12 person is required to authorize a fingerprint-based criminal  
13 history records check and checks of the Statewide Sex Offender  
14 Database and Statewide Murderer and Violent Offender Against  
15 Youth Database prior to participating in any field experiences  
16 in the public schools. Authorization for and payment of the  
17 costs of the checks must be furnished by the student teacher.  
18 Results of the checks must be furnished to the higher education  
19 institution where the student teacher is enrolled and the  
20 general superintendent of schools.

21 (h) Upon request of a school, school district, community  
22 college district, or private school, any information obtained  
23 by the school district pursuant to subsection (f) of this  
24 Section within the last year must be made available to that  
25 school, school district, community college district, or  
26 private school.

1 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;  
2 97-154, eff. 1-1-12; 97-248, eff. 1-1-12; 97-607, eff. 8-26-11;  
3 revised 9-28-11.)

4 (105 ILCS 5/34-18.45)

5 Sec. 34-18.45. Minimum reading instruction. The board  
6 shall promote 60 minutes of minimum reading opportunities daily  
7 for students in kindergarten through 3rd grade whose reading  
8 level is one grade level or lower than their ~~his or her~~ current  
9 grade level according to current learning standards and the  
10 school district.

11 (Source: P.A. 97-88, eff. 7-8-11; revised 10-7-11.)

12 (105 ILCS 5/34-18.46)

13 Sec. 34-18.46 ~~34-18.45~~. Student athletes; concussions and  
14 head injuries.

15 (a) The General Assembly recognizes all of the following:

16 (1) Concussions are one of the most commonly reported  
17 injuries in children and adolescents who participate in  
18 sports and recreational activities. The Centers for  
19 Disease Control and Prevention estimates that as many as  
20 3,900,000 sports-related and recreation-related  
21 concussions occur in the United States each year. A  
22 concussion is caused by a blow or motion to the head or  
23 body that causes the brain to move rapidly inside the  
24 skull. The risk of catastrophic injuries or death are

1 significant when a concussion or head injury is not  
2 properly evaluated and managed.

3 (2) Concussions are a type of brain injury that can  
4 range from mild to severe and can disrupt the way the brain  
5 normally works. Concussions can occur in any organized or  
6 unorganized sport or recreational activity and can result  
7 from a fall or from players colliding with each other, the  
8 ground, or with obstacles. Concussions occur with or  
9 without loss of consciousness, but the vast majority of  
10 concussions occur without loss of consciousness.

11 (3) Continuing to play with a concussion or symptoms of  
12 a head injury leaves a young athlete especially vulnerable  
13 to greater injury and even death. The General Assembly  
14 recognizes that, despite having generally recognized  
15 return-to-play standards for concussions and head  
16 injuries, some affected youth athletes are prematurely  
17 returned to play, resulting in actual or potential physical  
18 injury or death to youth athletes in this State.

19 (b) The board shall adopt a policy regarding student  
20 athlete concussions and head injuries that is in compliance  
21 with the protocols, policies, and by-laws of the Illinois High  
22 School Association. Information on the board's concussion and  
23 head injury policy must be a part of any agreement, contract,  
24 code, or other written instrument that the school district  
25 requires a student athlete and his or her parents or guardian  
26 to sign before participating in practice or interscholastic

1 competition.

2 (c) The Illinois High School Association shall make  
3 available to the school district education materials, such as  
4 visual presentations and other written materials, that  
5 describe the nature and risk of concussions and head injuries.  
6 The school district shall use education materials provided by  
7 the Illinois High School Association to educate coaches,  
8 student athletes, and parents and guardians of student athletes  
9 about the nature and risk of concussions and head injuries,  
10 including continuing play after a concussion or head injury.

11 (Source: P.A. 97-204, eff. 7-28-11; revised 10-7-11.)

12 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

13 Sec. 34-19. By-laws, rules and regulations; business  
14 transacted at regular meetings; voting; records. The board  
15 shall, subject to the limitations in this Article, establish  
16 by-laws, rules and regulations, which shall have the force of  
17 ordinances, for the proper maintenance of a uniform system of  
18 discipline for both employees and pupils, and for the entire  
19 management of the schools, and may fix the school age of  
20 pupils, the minimum of which in kindergartens shall not be  
21 under 4 years, except that, based upon an assessment of the  
22 child's readiness, children who have attended a non-public  
23 preschool and continued their education at that school through  
24 kindergarten, were taught in kindergarten by an appropriately  
25 certified teacher, and will attain the age of 6 years on or

1 before December 31 of the year of the 2009-2010 school term and  
2 each school term thereafter may attend first grade upon  
3 commencement of such term, and in grade schools shall not be  
4 under 6 years. It may expel, suspend or, subject to the  
5 limitations of all policies established or adopted under  
6 Section 14-8.05, otherwise discipline any pupil found guilty of  
7 gross disobedience, misconduct or other violation of the  
8 by-laws, rules and regulations, including gross disobedience  
9 or misconduct perpetuated by electronic means. An expelled  
10 pupil may be immediately transferred to an alternative program  
11 in the manner provided in Article 13A or 13B of this Code. A  
12 pupil must not be denied transfer because of the expulsion,  
13 except in cases in which such transfer is deemed to cause a  
14 threat to the safety of students or staff in the alternative  
15 program. A pupil who is suspended in excess of 20 school days  
16 may be immediately transferred to an alternative program in the  
17 manner provided in Article 13A or 13B of this Code. A pupil  
18 must not be denied transfer because of the suspension, except  
19 in cases in which such transfer is deemed to cause a threat to  
20 the safety of students or staff in the alternative program. The  
21 bylaws, rules and regulations of the board shall be enacted,  
22 money shall be appropriated or expended, salaries shall be  
23 fixed or changed, and textbooks, electronic textbooks, and  
24 courses of instruction shall be adopted or changed only at the  
25 regular meetings of the board and by a vote of a majority of  
26 the full membership of the board; provided that notwithstanding

1 any other provision of this Article or the School Code, neither  
2 the board or any local school council may purchase any textbook  
3 for use in any public school of the district from any textbook  
4 publisher that fails to furnish any computer diskettes as  
5 required under Section 28-21. Funds appropriated for textbook  
6 purchases must be available for electronic textbook purchases  
7 and the technological equipment necessary to gain access to and  
8 use electronic textbooks at the local school council's  
9 discretion. The board shall be further encouraged to provide  
10 opportunities for public hearing and testimony before the  
11 adoption of bylaws, rules and regulations. Upon all  
12 propositions requiring for their adoption at least a majority  
13 of all the members of the board the yeas and nays shall be  
14 taken and reported. The by-laws, rules and regulations of the  
15 board shall not be repealed, amended or added to, except by a  
16 vote of 2/3 of the full membership of the board. The board  
17 shall keep a record of all its proceedings. Such records and  
18 all by-laws, rules and regulations, or parts thereof, may be  
19 proved by a copy thereof certified to be such by the secretary  
20 of the board, but if they are printed in book or pamphlet form  
21 which are purported to be published by authority of the board  
22 they need not be otherwise published and the book or pamphlet  
23 shall be received as evidence, without further proof, of the  
24 records, by-laws, rules and regulations, or any part thereof,  
25 as of the dates thereof as shown in such book or pamphlet, in  
26 all courts and places where judicial proceedings are had.

1           Notwithstanding any other provision in this Article or in  
2 the School Code, the board may delegate to the general  
3 superintendent or to the attorney the authorities granted to  
4 the board in the School Code, provided such delegation and  
5 appropriate oversight procedures are made pursuant to board  
6 by-laws, rules and regulations, adopted as herein provided,  
7 except that the board may not delegate its authorities and  
8 responsibilities regarding (1) budget approval obligations;  
9 (2) rule-making functions; (3) desegregation obligations; (4)  
10 real estate acquisition, sale or lease in excess of 10 years as  
11 provided in Section 34-21; (5) the levy of taxes; or (6) any  
12 mandates imposed upon the board by "An Act in relation to  
13 school reform in cities over 500,000, amending Acts herein  
14 named", approved December 12, 1988 (P.A. 85-1418).

15           (Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10;  
16 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; revised 9-28-11.)

17           (105 ILCS 5/34-200)

18           Sec. 34-200. Definitions. For the purposes of Sections  
19 34-200 through 34-235 of this Article:

20           "Capital improvement plan" means a plan that identifies  
21 capital projects to be started or finished within the  
22 designated period, excluding projects funded by locally raised  
23 capital not exceeding \$10,000.

24           "Community area" means a geographic area of the City of  
25 Chicago defined by the chief executive officer as part of the



1 development of the educational facilities master plan.

2 "Space utilization" means the percentage achieved by  
3 dividing the school's actual enrollment by its design capacity.

4 "School closing" or "school closure" means the closing of a  
5 school, the effect of which is the assignment and transfer of  
6 all students enrolled at that school to one or more designated  
7 receiving schools.

8 "School consolidation" means the consolidation of 2 or more  
9 schools by closing one or more schools and reassigning the  
10 students to another school.

11 "Phase-out" means the gradual cessation of enrollment in  
12 certain grades each school year until a school closes or is  
13 consolidated with another school.

14 "School action" means any school closing;~~τ~~ school  
15 consolidation;~~τ~~ co-location;~~τ~~ boundary change that requires  
16 reassignment of students, unless the reassignment is to a new  
17 school with an attendance area boundary and is made to relieve  
18 overcrowding; ~~if the boundary change forces a student transfer,~~  
19 or phase-out.

20 (Source: P.A. 97-473, eff. 1-1-12; 97-474, eff. 8-22-11;  
21 revised 10-18-11.)

22 (105 ILCS 5/34-205)

23 Sec. 34-205. Educational facility standards.

24 (a) By January 1, 2012 ~~December 31, 2011~~, the district  
25 shall publish space utilization standards on the district's

1 website. The standards shall include the following:

2 (1) the method by which design capacity is calculated,  
3 including consideration of the requirements of elementary  
4 and secondary programs, shared campuses, after school  
5 programming, the facility needs, grade and age ranges of  
6 the attending students, and use of school buildings by  
7 governmental agencies and community organizations;

8 (2) the method to determine efficient use of a school  
9 building based upon educational program design capacity;

10 (3) the rate of utilization; and

11 (4) the standards for overcrowding and  
12 underutilization.

13 (b) The chief executive officer or his or her designee  
14 shall publish a space utilization report for each school  
15 building operated by the district on the district's website by  
16 December 31 of each year.

17 (c) The facility performance standards provisions are as  
18 follows:

19 (1) On or before January 1, 2012 ~~December 31, 2011~~, the  
20 chief executive officer shall propose minimum and optimal  
21 facility performance standards for thermal comfort,  
22 daylight, acoustics, indoor air quality, furniture  
23 ergonomics for students and staff, technology, life  
24 safety, ADA accessibility, plumbing and washroom access,  
25 environmental hazards, and walkability.

26 (2) The chief executive officer shall conduct at least

1 one public hearing and submit the proposed educational  
2 facilities standards to each local school council and to  
3 the Chicago Public Building Commission for review and  
4 comment prior to adoption ~~submission to the Board.~~

5 (3) After the chief executive officer has incorporated  
6 the input and recommendations of the public and the Chicago  
7 Public Building Commission, the chief executive officer  
8 shall issue final facility performance standards.

9 (4) The chief executive officer is authorized to amend  
10 the facility performance standards following the  
11 procedures in this Section.

12 (5) The final educational facility space utilization  
13 and performance standards shall be published on the  
14 district's Internet website.

15 (Source: P.A. 97-473, eff. 1-1-12; 97-474, eff. 8-22-11;  
16 revised 10-18-11.)

17 (105 ILCS 5/34-225)

18 Sec. 34-225. School transition plans.

19 (a) If the Board approves a school action, the chief  
20 executive officer or his or her designee shall work  
21 collaboratively with local school educators and families of  
22 students attending a school that is the subject of a school  
23 action to ensure successful integration of affected students  
24 into new learning environments.

25 (b) The chief executive officer or his or her designee

1 shall prepare and implement a school transition plan to support  
2 students attending a school that is the subject of a school  
3 action that accomplishes the goals of this Section. The chief  
4 executive must identify and commit specific resources for  
5 implementation of the school transition plan for a minimum of  
6 the full first academic year after the board approves a school  
7 action.

8 (c) The school transition plan shall include the following:

9 (1) services to support the academic, social, and  
10 emotional needs of students; supports for students with  
11 disabilities, homeless students, and English language  
12 learners; and support to address security and safety  
13 issues;

14 (2) options to enroll in higher performing schools;

15 (3) informational briefings ~~counseling~~ regarding the  
16 choice of schools that include ~~includes~~ all pertinent  
17 information to enable the parent or guardian and child to  
18 make an informed choice, including the option to visit the  
19 schools of choice prior to making a decision; and

20 (4) the provision of appropriate transportation where  
21 practicable.

22 (Source: P.A. 97-473, eff. 1-1-12; 97-474, eff. 8-22-11;  
23 revised 10-18-11.)

24 (105 ILCS 5/34-230)

25 Sec. 34-230. School action public meetings and hearings.

1 (a) By November 1 of each year, the chief executive officer  
2 shall prepare and publish guidelines for school actions. The  
3 guidelines shall outline the academic and non-academic  
4 criteria for a school action. These guidelines, and each  
5 subsequent revision, shall be subject to a public comment  
6 period of at least 21 days before their approval.

7 (b) The chief executive officer shall announce all proposed  
8 school actions to be taken at the close of the current academic  
9 year consistent with the guidelines by December 1 of each year.

10 (c) On or before December 1, ~~2011~~ of each year, the chief  
11 executive officer shall publish notice of the proposed school  
12 actions.

13 (1) Notice of the proposal for a school action shall  
14 include a written statement of the basis for the school  
15 action, ~~and~~ an explanation of how the school action meets  
16 the criteria set forth in the guidelines. ~~This proposal~~  
17 ~~shall include a preliminary~~, and a draft School Transition  
18 Plan identifying the items required in Section 34-225 of  
19 this Code for all schools affected by the school action.  
20 The notice shall state the date, time, and place of the  
21 hearing or meeting.

22 (2) The chief executive officer or his or her designee  
23 shall provide notice to the principal, staff, local school  
24 council, and parents or guardians of any school that is  
25 subject to the proposed school action.

26 (3) The chief executive officer shall provide written

1 notice of any proposed school action to the State Senator,  
2 State Representative, and alderman for the school or  
3 schools that are subject to the proposed school action.

4 (4) The chief executive officer shall publish notice of  
5 proposed school actions on the district's Internet website  
6 ~~and in a newspaper of general circulation.~~

7 (5) The chief executive officer shall provide notice of  
8 proposed school actions at least 30 calendar days in  
9 advance of a public hearing or meeting. The notice shall  
10 state the date, time, and place of the hearing or meeting.  
11 No Board decision regarding a proposed school action may  
12 take place less than 60 days after the announcement of the  
13 proposed school action.

14 (d) The chief executive officer shall publish a brief  
15 summary of the proposed school actions and the date, time, and  
16 place of the hearings or meetings in a newspaper of general  
17 circulation.

18 (e) ~~(d)~~ The chief executive officer shall designate at  
19 least 3 opportunities to elicit public comment at a hearing or  
20 meeting on a proposed school action and shall do the following:

21 (1) Convene at least one public hearing at the  
22 centrally located office of the Board.

23 (2) Convene at least 2 additional public hearings or  
24 meetings at a location convenient to the school community  
25 subject to the proposed school action.

26 (f) ~~(e)~~ Public hearings shall be conducted by a qualified

1 independent hearing officer chosen from a list of independent  
2 hearing officers. The general counsel shall compile and publish  
3 a list of independent hearing officers by November 1 of each  
4 school year. The independent hearing officer shall have the  
5 following qualifications:

6 (1) he or she must be a licensed attorney eligible to  
7 practice law in Illinois;

8 (2) he or she must not be an employee of the Board; and

9 (3) he or she must not have represented the Board, its  
10 employees or any labor organization representing its  
11 employees, any local school council, or any charter or  
12 contract school in any capacity within the last year.

13 (4) The independent hearing officer shall issue a  
14 written report that summarizes the hearing and determines  
15 whether the chief executive officer complied with the  
16 requirements of this Section and the guidelines.

17 (5) The chief executive officer shall publish the  
18 report on the district's Internet website within 5 calendar  
19 days after receiving the report and at least 15 days prior  
20 to any Board action being taken.

21 (g) ~~(f)~~ Public meetings ~~hearings~~ shall be conducted by a  
22 representative of the chief executive officer. A summary of the  
23 public meeting shall be published on the district's Internet  
24 website within 5 calendar days after the meeting.

25 (h) ~~(g)~~ If the chief executive officer proposes a school  
26 action without following the mandates set forth in this

1 Section, the proposed school action shall not be approved by  
2 the Board during the school year in which the school action was  
3 proposed.

4 (Source: P.A. 97-473, eff. 1-1-12; 97-474, eff. 8-22-11;  
5 revised 10-18-11.)

6 Section 235. The Forensic Psychiatry Fellowship Training  
7 Act is amended by changing Section 10 as follows:

8 (110 ILCS 46/10)

9 Sec. 10. Powers and duties under program. Under the  
10 forensic psychiatry fellowship training program created under  
11 Section 5 of this Act, the University of Illinois at Chicago  
12 and Southern Illinois University shall each have all of the  
13 following powers and duties:

14 (1) The university's undergraduate and graduate  
15 programs may increase their service and training  
16 commitments in order to provide mental health care to  
17 chronically mentally ill populations in this State.

18 (2) The university shall coordinate service,  
19 education, and research in mental health and may work with  
20 communities, State agencies, other colleges and  
21 universities, private foundations, health care providers,  
22 and other interested organizations on innovative  
23 strategies to respond to the challenges of providing  
24 greater physician presence in the field of forensic



1 psychiatry. However, the majority of the clinical  
2 rotations of the fellows must be served in publicly  
3 supported programs in this State.

4 (3) The university may establish such clinical and  
5 educational centers and may cooperate with other  
6 universities and associations as may be necessary to carry  
7 out the intent of this Act according to the following  
8 priorities:

9 (A) a preference for programs that are designed to  
10 enroll, educate, and facilitate the graduation of  
11 mental health professionals trained in forensic  
12 psychiatry and other forensic mental health  
13 sub-specialties ~~sub-specialities~~; and

14 (B) a preference for public sector programs that  
15 involve networking with other agencies, organizations,  
16 and institutions that have similar objectives.

17 (Source: P.A. 95-22, eff. 8-3-07; revised 11-18-11.)

18 Section 240. The Public University Energy Conservation Act  
19 is amended by changing Section 5-5 as follows:

20 (110 ILCS 62/5-5)

21 Sec. 5-5. Public university. "Public university" means any  
22 of the ~~the~~ following institutions of higher learning: the  
23 University of Illinois, Southern Illinois University, Northern  
24 Illinois University, Eastern Illinois University, Western

1 Illinois University, Northeastern Illinois University, Chicago  
2 State University, Governors State University, or Illinois  
3 State University, acting in each case through its board of  
4 trustees or through a designee of that board.

5 (Source: P.A. 90-486, eff. 8-17-97; 91-357, eff. 7-29-99;  
6 revised 11-18-11.)

7 Section 245. The Board of Higher Education Act is amended  
8 by changing Sections 8 and 9.16 as follows:

9 (110 ILCS 205/8) (from Ch. 144, par. 188)

10 Sec. 8. The Board of Trustees of the University of  
11 Illinois, the Board of Trustees of Southern Illinois  
12 University, the Board of Trustees of Chicago State University,  
13 the Board of Trustees of Eastern Illinois University, the Board  
14 of Trustees of Governors State University, the Board of  
15 Trustees of Illinois State University, the Board of Trustees of  
16 Northeastern Illinois University, the Board of Trustees of  
17 Northern Illinois University, the Board of Trustees of Western  
18 Illinois University, and the Illinois Community College Board  
19 shall submit to the Board not later than the 15th day of  
20 November of each year its budget proposals for the operation  
21 and capital needs of the institutions under its governance or  
22 supervision for the ensuing fiscal year. Each budget proposal  
23 shall conform to the procedures developed by the Board in the  
24 design of an information system for State universities and

1 colleges.

2 In order to maintain a cohesive system of higher education,  
3 the Board and its staff shall communicate on a regular basis  
4 with all public university presidents. They shall meet at least  
5 semiannually to achieve economies of scale where possible and  
6 provide the most innovative and efficient programs and  
7 services.

8 The Board, in the analysis of formulating the annual budget  
9 request, shall consider rates of tuition and fees and  
10 undergraduate tuition and fee waiver programs at the state  
11 universities and colleges. The Board shall also consider the  
12 current and projected utilization of the total physical plant  
13 of each campus of a university or college in approving the  
14 capital budget for any new building or facility.

15 The Board of Higher Education shall submit to the Governor,  
16 to the General Assembly, and to the appropriate budget agencies  
17 of the Governor and General Assembly its analysis and  
18 recommendations on such budget proposals.

19 The Board is directed to form a broad-based group of  
20 individuals representing the Office of the Governor, the  
21 General Assembly, public institutions of higher education,  
22 State agencies, business and industry, Statewide organizations  
23 representing faculty and staff, and others as the Board shall  
24 deem appropriate to devise a system for allocating State  
25 resources to public institutions of higher education based upon  
26 performance in achieving State goals related to student success

1 and certificate and degree completion.

2 Beginning in Fiscal Year 2013, the Board of Higher  
3 Education budget recommendations to the Governor and the  
4 General Assembly shall include allocations to public  
5 institutions of higher education based upon performance  
6 metrics designed to promote and measure student success in  
7 degree and certificate completion. These metrics must be  
8 adopted by the Board by rule and must be developed and  
9 promulgated in accordance with the following principles:

10 (1) The metrics must be developed in consultation with  
11 public institutions of higher education, as well as other  
12 State educational agencies and other higher education  
13 organizations, associations, interests, and stakeholders  
14 as deemed appropriate by the Board.

15 (2) The metrics shall include provisions for  
16 recognizing the demands on and rewarding the performance of  
17 institutions in advancing the success of students who are  
18 academically or financially at risk, including  
19 first-generation students, low-income students, and  
20 students traditionally underrepresented in higher  
21 education, as specified in Section 9.16 of this Act.

22 (3) The metrics shall recognize and account for the  
23 differentiated missions of institutions and sectors of  
24 higher education.

25 (4) The metrics shall focus on the fundamental goal of  
26 increasing completion of college courses, certificates,

1 and degrees. Performance metrics shall recognize the  
2 unique and broad mission of public community colleges  
3 through consideration of additional factors including, but  
4 not limited to, enrollment, progress through key academic  
5 milestones, transfer to a baccalaureate institution, and  
6 degree completion.

7 (5) The metrics must be designed to maintain the  
8 quality of degrees, certificates, courses, and programs.

9 In devising performance metrics, the Board may be guided by the  
10 report of the Higher Education Finance Study Commission.

11 Each state supported institution within the application of  
12 this Act must submit its plan for capital improvements of  
13 non-instructional facilities to the Board for approval before  
14 final commitments are made if the total cost of the project as  
15 approved by the institution's board of control is in excess of  
16 \$2 million. Non-instructional uses shall include but not be  
17 limited to dormitories, union buildings, field houses,  
18 stadium, other recreational facilities and parking lots. The  
19 Board shall determine whether or not any project submitted for  
20 approval is consistent with the master plan for higher  
21 education and with instructional buildings that are provided  
22 for therein. If the project is found by a majority of the Board  
23 not to be consistent, such capital improvement shall not be  
24 constructed.

25 (Source: P.A. 97-290, eff. 8-10-11; 97-320, eff. 1-1-12;  
26 97-610, eff. 1-1-12; revised 9-28-11.)

1 (110 ILCS 205/9.16) (from Ch. 144, par. 189.16)

2 Sec. 9.16. Underrepresentation of certain groups in higher  
3 education. To require public institutions of higher education  
4 to develop and implement methods and strategies to increase the  
5 participation of minorities, women and handicapped individuals  
6 who are traditionally underrepresented in education programs  
7 and activities. For the purpose of this Section, minorities  
8 shall mean persons who are citizens of the United States or  
9 lawful permanent resident aliens of the United States and who  
10 are any of the following:

11 (1) American Indian or Alaska Native (a person having  
12 origins in any of the original peoples of North and South  
13 America, including Central America, and who maintains  
14 tribal affiliation or community attachment).

15 (2) Asian (a person having origins in any of the  
16 original peoples of the Far East, Southeast Asia, or the  
17 Indian subcontinent, including, but not limited to,  
18 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,  
19 the Philippine Islands, Thailand, and Vietnam).

20 (3) Black or African American (a person having origins  
21 in any of the black racial groups of Africa). Terms such as  
22 "Haitian" or "Negro" can be used in addition to "Black or  
23 African American".

24 (4) Hispanic or Latino (a person of Cuban, Mexican,  
25 Puerto Rican, South or Central American, or other Spanish

1 culture or origin, regardless of race).

2 (5) Native Hawaiian or Other Pacific Islander (a person  
3 having origins in any of the original peoples of Hawaii,  
4 Guam, Samoa, or other Pacific Islands).

5 The Board shall adopt any rules necessary to administer  
6 this Section. The Board shall also do the following:

7 (a) require all public institutions of higher education to  
8 develop and submit plans for the implementation of this  
9 Section;

10 (b) conduct periodic review of public institutions of  
11 higher education to determine compliance with this Section; and  
12 if the Board finds that a public institution of higher  
13 education is not in compliance with this Section, it shall  
14 notify the institution of steps to take to attain compliance;

15 (c) provide advice and counsel pursuant to this Section;

16 (d) conduct studies of the effectiveness of methods and  
17 strategies designed to increase participation of students in  
18 education programs and activities in which minorities, women  
19 and handicapped individuals are traditionally  
20 underrepresented, and monitor the success of students in such  
21 education programs and activities;

22 (e) encourage minority student recruitment and retention  
23 in colleges and universities. In implementing this paragraph,  
24 the Board shall undertake but need not be limited to the  
25 following: the establishment of guidelines and plans for public  
26 institutions of higher education for minority student

1 recruitment and retention, the review and monitoring of  
2 minority student programs implemented at public institutions  
3 of higher education to determine their compliance with any  
4 guidelines and plans so established, the determination of the  
5 effectiveness and funding requirements of minority student  
6 programs at public institutions of higher education, the  
7 dissemination of successful programs as models, and the  
8 encouragement of cooperative partnerships between community  
9 colleges and local school attendance centers which are  
10 experiencing difficulties in enrolling minority students in  
11 four-year colleges and universities;

12 (f) mandate all public institutions of higher education to  
13 submit data and information essential to determine compliance  
14 with this Section. The Board shall prescribe the format and the  
15 date for submission of this data and any other education equity  
16 data; and

17 (g) report to the General Assembly and the Governor  
18 annually with a description of the plans submitted by each  
19 public institution of higher education for implementation of  
20 this Section, including financial data relating to the most  
21 recent fiscal year expenditures for specific minority  
22 programs, the effectiveness of such plans and programs and the  
23 effectiveness of the methods and strategies developed by the  
24 Board in meeting the purposes of this Section, the degree of  
25 compliance with this Section by each public institution of  
26 higher education as determined by the Board pursuant to its



1 periodic review responsibilities, and the findings made by the  
2 Board in conducting its studies and monitoring student success  
3 as required by paragraph d) of this Section. With respect to  
4 each public institution of higher education such report also  
5 shall include, but need not be limited to, information with  
6 respect to each institution's minority program budget  
7 allocations; minority student admission, retention and  
8 graduation statistics; admission, retention, and graduation  
9 statistics of all students who are the first in their immediate  
10 family to attend an institution of higher education; number of  
11 financial assistance awards to undergraduate and graduate  
12 minority students; and minority faculty representation. This  
13 paragraph shall not be construed to prohibit the Board from  
14 making, preparing or issuing additional surveys or studies with  
15 respect to minority education in Illinois.

16 (Source: P.A. 97-396, eff. 1-1-12; 97-588, eff. 1-1-12; revised  
17 9-28-11.)

18 Section 250. The Public Community College Act is amended by  
19 changing Section 3A-1 as follows:

20 (110 ILCS 805/3A-1) (from Ch. 122, par. 103A-1)

21 Sec. 3A-1. Any community college district may borrow money  
22 for the purpose of building, equipping, altering or repairing  
23 community college buildings or purchasing or improving  
24 community college sites, or acquiring and equipping recreation

1 grounds, athletic fields, and other buildings or land used or  
2 useful for community college purposes or for the purpose of  
3 purchasing a site, with or without a building or buildings  
4 thereon, or for the building of a house or houses on such site,  
5 or for the building of a house or houses on the site of the  
6 community college district, for residential purposes of the  
7 administrators or faculty of the community college district,  
8 and issue its negotiable coupon bonds therefor signed by the  
9 chairman and secretary of the board, in denominations of not  
10 less than \$100 nor more than \$5,000, payable at such place and  
11 at such time or times, not exceeding 20 years from date of  
12 issuance, as the board may prescribe, and bearing interest at a  
13 rate not to exceed the maximum rate authorized by the Bond  
14 Authorization Act, as amended at the time of the making of the  
15 contract, payable annually, semiannually or quarterly, but no  
16 such bonds shall be issued unless the proposition to issue them  
17 is submitted to the voters of the community college district at  
18 a regular scheduled election in such district and the board  
19 shall certify the proposition to the proper election  
20 authorities for submission in accordance with the general  
21 election law and a majority of all the votes cast on the  
22 proposition is in favor of the proposition, nor shall any  
23 residential site be acquired unless such proposition to acquire  
24 a site is submitted to the voters of the district at a regular  
25 scheduled election and the board shall certify the proposition  
26 to the proper election authorities for submission to the

1 electors in accordance with the general election law and a  
2 majority of all the votes cast on the proposition is in favor  
3 of the proposition. Nothing in this Act shall be construed as  
4 to require the listing of maturity dates of any bonds either in  
5 the notice of bond election or ballot used in the bond  
6 election.

7 Bonds issued in accordance with this Section for Elgin  
8 Community College District No. 509 may be payable at such time  
9 or times, not exceeding 25 years from date of issuance, as the  
10 board may prescribe, if the following conditions are met:

11 (i) The voters of the district approve a proposition  
12 for the bond issuance at an election held in 2009.

13 (ii) Prior to the issuance of the bonds, the board  
14 determines, by resolution, that the projects built,  
15 acquired, altered, renovated, repaired, purchased,  
16 improved, installed, or equipped with the proceeds of the  
17 bonds are required as a result of a projected increase in  
18 the enrollment of students in the district, to meet demand  
19 in the fields of health care or public safety, to meet  
20 accreditation standards, or to maintain campus safety and  
21 security.

22 (iii) The bonds are issued, in one or ~~more~~ more bond  
23 issuances, on or before April 7, 2014.

24 (iv) The proceeds of the bonds are used to accomplish  
25 only those purposes approved by the voters at an election  
26 held in 2009.

1 Bonds issued in accordance with this Section for Kishwaukee  
2 Community College District No. 523 may be payable at such time  
3 or times, not exceeding 25 years from date of issuance, as the  
4 board may prescribe, if the following conditions are met:

5 (i) The voters of the district approve a  
6 proposition for the bond issuance at an election held  
7 in 2010 or 2011.

8 (ii) Prior to the issuance of the bonds, the board  
9 determines, by resolution, that the projects built,  
10 acquired, altered, renovated, repaired, purchased,  
11 improved, installed, or equipped with the proceeds of  
12 the bonds are required as a result of a projected  
13 increase in the enrollment of students in the district,  
14 to meet demand in the fields of health care or public  
15 safety, to meet accreditation standards, or to  
16 maintain campus safety and security.

17 (iii) The bonds are issued, in one or more bond  
18 issuances, on or before November 2, 2015.

19 (iv) The proceeds of the bonds are used to  
20 accomplish only those purposes approved by the voters  
21 at an election held in 2010 or 2011.

22 With respect to instruments for the payment of money issued  
23 under this Section either before, on, or after the effective  
24 date of this amendatory Act of 1989, it is and always has been  
25 the intention of the General Assembly (i) that the Omnibus Bond  
26 Acts are and always have been supplementary grants of power to

1 issue instruments in accordance with the Omnibus Bond Acts,  
2 regardless of any provision of this Act that may appear to be  
3 or to have been more restrictive than those Acts, (ii) that the  
4 provisions of this Section are not a limitation on the  
5 supplementary authority granted by the Omnibus Bond Acts, and  
6 (iii) that instruments issued under this Section within the  
7 supplementary authority granted by the Omnibus Bond Acts are  
8 not invalid because of any provision of this Act that may  
9 appear to be or to have been more restrictive than those Acts.

10 (Source: P.A. 96-787, eff. 8-28-09; 96-1077, eff. 7-16-10;  
11 revised 11-18-11.)

12 Section 255. The Illinois Banking Act is amended by  
13 changing Section 79 as follows:

14 (205 ILCS 5/79) (from Ch. 17, par. 391)

15 Sec. 79. Board, terms of office. The terms of office of the  
16 State Banking Board of Illinois shall be 4 years, except that  
17 the initial Board appointments shall be staggered with the  
18 Governor initially appointing, with advice and consent of the  
19 Senate, 3 members to serve 2-year terms, 4 members to serve  
20 3-year terms, and 4 members to serve 4-year terms. Members  
21 shall continue to serve on the Board until their replacement is  
22 appointed and qualified. Vacancies shall be filled by  
23 appointment by the Governor with advice and consent of the  
24 Senate.

1       ~~(d)~~ No State Banking Board member shall serve more than 2  
2 full 4-year terms of office.

3       (Source: P.A. 96-1163, eff. 1-1-11; revised 11-18-11.)

4       Section 260. The Illinois Savings and Loan Act of 1985 is  
5 amended by changing Section 6-4 as follows:

6           (205 ILCS 105/6-4) (from Ch. 17, par. 3306-4)

7       Sec. 6-4. Merger; Adoption of plan. Any depository  
8 institution may merge into an association operating under this  
9 Act; any association operating under this Act may merge into a  
10 depository institution. The board of directors of the merging  
11 association or depository institution, by resolution adopted  
12 by a majority vote of all members of the board, must approve  
13 the plan of merger, which shall set forth:

14           (a) the ~~The~~ name of each of the merging associations or  
15 depository institutions and the name of the continuing  
16 association or depository institution and the location of  
17 its business office;

18           (b) the ~~The~~ amount of capital, reserves, and undivided  
19 profits of the continuing association or depository  
20 institution and the kinds of shares and other types of  
21 capital to be issued thereby;

22           (c) the ~~The~~ articles of incorporation of the continuing  
23 association or charter of the continuing depository  
24 institution;

1 (d) a ~~A~~ detailed pro forma financial Statement of the  
2 assets and liabilities of the continuing association or  
3 depository institution;

4 (e) the ~~The~~ manner and basis of converting the capital  
5 of each merging association or depository institution into  
6 capital of the continuing association or depository  
7 institution;

8 (f) the ~~The~~ other terms and conditions of the merger  
9 and the method of effectuating it; and

10 (g) other ~~Other~~ provisions with respect to the merger  
11 that appear necessary or desirable or that the Secretary  
12 may reasonably require to enable him to discharge his  
13 duties with respect to the merger.

14 ~~(h)~~ The Secretary may promulgate rules to implement this  
15 Section.

16 (Source: P.A. 97-492, eff. 1-1-12; revised 1-11-12.)

17 Section 265. The Residential Mortgage License Act of 1987  
18 is amended by changing Section 3-2 as follows:

19 (205 ILCS 635/3-2) (from Ch. 17, par. 2323-2)

20 Sec. 3-2. Annual audit.

21 (a) At the licensee's fiscal year-end, but in no case more  
22 than 12 months after the last audit conducted pursuant to this  
23 Section, except as otherwise provided in this Section, it shall  
24 be mandatory for each residential mortgage licensee to cause

1 its books and accounts to be audited by a certified public  
2 accountant not connected with such licensee. The books and  
3 records of all licensees under this Act shall be maintained on  
4 an accrual basis. The audit must be sufficiently comprehensive  
5 in scope to permit the expression of an opinion on the  
6 financial statements, which must be prepared in accordance with  
7 generally accepted accounting principles, and must be  
8 performed in accordance with generally accepted auditing  
9 standards. Notwithstanding the requirements of this  
10 subsection, a licensee that is a first tier subsidiary may  
11 submit audited consolidated financial statements of its parent  
12 as long as the consolidated statements are supported by  
13 consolidating statements. The licensee's chief financial  
14 officer shall attest to the licensee's financial statements  
15 disclosed in the consolidating statements.

16 (b) As used herein, the term "expression of opinion"  
17 includes either (1) an unqualified opinion, (2) a qualified  
18 opinion, (3) a disclaimer of opinion, or (4) an adverse  
19 opinion.

20 (c) If a qualified or adverse opinion is expressed or if an  
21 opinion is disclaimed, the reasons therefore must be fully  
22 explained. An opinion, qualified as to a scope limitation,  
23 shall not be acceptable.

24 (d) The most recent audit report shall be filed with the  
25 Commissioner within 90 days after the end of the licensee's  
26 fiscal year, or with the Nationwide Mortgage Licensing System



1 and Registry, if applicable, pursuant to Mortgage Call Report  
2 requirements. The report filed with the Commissioner shall be  
3 certified by the certified public accountant conducting the  
4 audit. The Commissioner may promulgate rules regarding late  
5 audit reports.

6 (e) If any licensee required to make an audit shall fail to  
7 cause an audit to be made, the Commissioner shall cause the  
8 same to be made by a certified public accountant at the  
9 licensee's expense. The Commissioner shall select such  
10 certified public accountant by advertising for bids or by such  
11 other fair and impartial means as he or she establishes by  
12 regulation.

13 (f) In lieu of the audit or compilation financial statement  
14 required by this Section, a licensee shall submit and the  
15 Commissioner may accept any audit made in conformance with the  
16 audit requirements of the U.S. Department of Housing and Urban  
17 Development.

18 (g) With respect to licensees who solely broker residential  
19 mortgage loans as defined in subsection (o) of Section 1-4,  
20 instead of the audit required by this Section, the Commissioner  
21 may accept compilation financial statements prepared at least  
22 every 12 months, and the compilation financial statement must  
23 be prepared by an independent certified public accountant  
24 licensed under the Illinois Public Accounting Act or by an  
25 equivalent state licensing law with full disclosure in  
26 accordance with generally accepted accounting principles

1 ~~principals~~ and must be submitted within 90 days after the end  
2 of the licensee's fiscal year, or with the Nationwide Mortgage  
3 Licensing System and Registry, if applicable, pursuant to  
4 Mortgage Call Report requirements. If a licensee under this  
5 Section fails to file a compilation as required, the  
6 Commissioner shall cause an audit of the licensee's books and  
7 accounts to be made by a certified public accountant at the  
8 licensee's expense. The Commissioner shall select the  
9 certified public accountant by advertising for bids or by such  
10 other fair and impartial means as he or she establishes by  
11 rule. A licensee who files false or misleading compilation  
12 financial statements is guilty of a business offense and shall  
13 be fined not less than \$5,000.

14 (h) The workpapers of the certified public accountants  
15 employed by each licensee for purposes of this Section are to  
16 be made available to the Commissioner or the Commissioner's  
17 designee upon request and may be reproduced by the Commissioner  
18 or the Commissioner's designee to enable to the Commissioner to  
19 carry out the purposes of this Act.

20 (i) Notwithstanding any other provision of this Section, if  
21 a licensee relying on subsection (g) of this Section causes its  
22 books to be audited at any other time or causes its financial  
23 statements to be reviewed, a complete copy of the audited or  
24 reviewed financial statements shall be delivered to the  
25 Commissioner at the time of the annual license renewal payment  
26 following receipt by the licensee of the audited or reviewed

1 financial statements. All workpapers shall be made available to  
2 the Commissioner upon request. The financial statements and  
3 workpapers may be reproduced by the Commissioner or the  
4 Commissioner's designee to carry out the purposes of this Act.  
5 (Source: P.A. 96-112, eff. 7-31-09; revised 11-18-11.)

6 Section 270. The Consumer Installment Loan Act is amended  
7 by changing Section 17.5 as follows:

8 (205 ILCS 670/17.5)

9 Sec. 17.5. Consumer reporting service.

10 (a) For the purpose of this Section, "certified database"  
11 means the consumer reporting service database established  
12 pursuant to the Payday Loan Reform Act.

13 (b) Within 90 days after making a small consumer loan, a  
14 licensee shall enter information about the loan into the  
15 certified database.

16 (c) For every small consumer loan made, the licensee shall  
17 input the following information into the certified database  
18 within 90 days after the loan is made:

19 (i) the consumer's name and official identification  
20 number (for purposes of this Act, "official identification  
21 number" includes a Social Security Number, an Individual  
22 Taxpayer Identification Number, a Federal Employer  
23 Identification Number, an Alien Registration Number, or an  
24 identification number imprinted on a passport or consular

1 identification document issued by a foreign government);

2 (ii) the consumer's gross monthly income;

3 (iii) the date of the loan;

4 (iv) the amount financed;

5 (v) the term of the loan;

6 (vi) the acquisition charge;

7 (vii) the monthly installment account handling charge;

8 (viii) the verification fee;

9 (ix) the number and amount of payments; and

10 (x) whether the loan is a first or subsequent  
11 refinancing of a prior small consumer loan.

12 (d) Once a loan is entered with the certified database, the  
13 certified database shall provide to the licensee a dated,  
14 time-stamped statement acknowledging the certified database's  
15 receipt of the information and assigning each loan a unique  
16 loan number.

17 (e) The licensee shall update the certified database within  
18 90 days if any of the following events occur:

19 (i) the loan is paid in full by cash;

20 (ii) the loan is refinanced;

21 (iii) the loan is renewed;

22 (iv) the loan is satisfied in full or in part by  
23 collateral being sold after default;

24 (v) the loan is cancelled or rescinded; or

25 (vi) the consumer's obligation on the loan is otherwise  
26 discharged by the licensee.

1 (f) To the extent a licensee sells a product or service to  
2 a consumer, other than a small consumer loan, and finances any  
3 portion of the cost of the product or service, the licensee  
4 shall, in addition to and at the same time as the information  
5 inputted under subsection (d) of this Section, enter into the  
6 certified database:

7 (i) a description of the product or service sold;

8 (ii) the charge for the product or service; and

9 (iii) the portion of the charge for the product or  
10 service, if any, that is included in the amount financed by  
11 a small consumer loan.

12 (g) The certified database provider shall indemnify the  
13 licensee against all claims and actions arising from illegal or  
14 willful or wanton acts on the part of the certified database  
15 provider. The certified database provider may charge a fee not  
16 to exceed \$1 for each loan entered into the certified database  
17 under subsection (d) of this Section. The database provider  
18 shall not charge any additional fees or charges to the  
19 licensee.

20 (h) All personally identifiable information regarding any  
21 consumer obtained by way of the certified database and  
22 maintained by the Department is strictly confidential and shall  
23 be exempt from disclosure under subsection (c) ~~provision (i) of~~  
24 ~~item (b) of subsection (1)~~ of Section 7 of the Freedom of  
25 Information Act.

26 (i) A licensee who submits information to a certified

1 database provider in accordance with this Section shall not be  
2 liable to any person for any subsequent release or disclosure  
3 of that information by the certified database provider, the  
4 Department, or any other person acquiring possession of the  
5 information, regardless of whether such subsequent release or  
6 disclosure was lawful, authorized, or intentional.

7 (j) To the extent the certified database becomes  
8 unavailable to a licensee as a result of some event or events  
9 outside the control of the licensee or the certified database  
10 is decertified, the requirements of this Section and Section  
11 17.4 of this Act are suspended until such time as the certified  
12 database becomes available.

13 (Source: P.A. 96-936, eff. 3-21-11; revised 11-18-11.)

14 Section 275. The Illinois Financial Services Development  
15 Act is amended by changing Section 5 as follows:

16 (205 ILCS 675/5) (from Ch. 17, par. 7005)

17 Sec. 5. A financial institution may charge and collect  
18 interest under a revolving credit plan on outstanding unpaid  
19 indebtedness in the borrower's account under the plan at such  
20 periodic percentage rate or rates as the agreement governing  
21 the plan provides or as established in the manner provided in  
22 the agreement governing the plan. If the agreement governing  
23 the revolving credit plan so provides, the periodic percentage  
24 rate or rates of interest under such plan may vary in

1 accordance with a schedule or formula. Such periodic percentage  
2 rate or rates may vary from time to time as the rate determined  
3 in accordance with such schedule or formula varies and such  
4 periodic percentage rate or rates, as so varied, may be made  
5 applicable to all outstanding unpaid indebtedness under the  
6 plan on or after the effective date of such variation,  
7 including any such indebtedness arising out of purchases made  
8 or loans obtained prior to such variation in the periodic  
9 percentage rate or rates. If the applicable periodic percentage  
10 rate under the agreement governing the plan is other than  
11 daily, periodic interest may be calculated on an amount not in  
12 excess of the average of outstanding unpaid indebtedness for  
13 the applicable billing period, determined by dividing the total  
14 of the amounts of outstanding unpaid indebtedness for each day  
15 in the applicable billing period by the number of days in the  
16 billing period. If the applicable periodic percentage rate  
17 under the agreement governing the plan is monthly, a billing  
18 period shall be deemed to be a month or monthly if the last day  
19 of each billing period is on the same day of each month or does  
20 not vary by more than ~~that~~ 4 days therefrom.

21 (Source: P.A. 85-1432; revised 11-18-11.)

22 Section 280. The Alternative Health Care Delivery Act is  
23 amended by changing Sections 15 and 30 as follows:

24 (210 ILCS 3/15)

1           Sec. 15. License required. No health care facility or  
2 program that meets the definition and scope of an alternative  
3 health care model shall operate as such unless it is a  
4 participant in a demonstration program under this Act and  
5 licensed by the Department as an alternative health care model.  
6 ~~, the Specialized Mental Health Rehabilitation Act, ID/DD~~ The  
7 provisions of this Act concerning children's respite care  
8 centers shall not apply to any facility licensed under the  
9 Hospital Licensing Act, the Nursing Home Care Act, the  
10 Specialized Mental Health Rehabilitation Act, the ID/DD  
11 Community Care Act, or the University of Illinois Hospital Act  
12 that provides respite care services to children.

13           (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-135,  
14 eff. 7-14-11; 97-227, eff. 1-1-12; revised 9-28-11.)

15           (210 ILCS 3/30)

16           Sec. 30. Demonstration program requirements. The  
17 requirements set forth in this Section shall apply to  
18 demonstration programs.

19           (a) (Blank).

20           (a-5) There shall be no more than the total number of  
21 postsurgical recovery care centers with a certificate of need  
22 for beds as of January 1, 2008.

23           (a-10) There shall be no more than a total of 9 children's  
24 respite care center alternative health care models in the  
25 demonstration program, which shall be located as follows:



1 (1) Two in the City of Chicago.

2 (2) One in Cook County outside the City of Chicago.

3 (3) A total of 2 in the area comprised of DuPage, Kane,  
4 Lake, McHenry, and Will counties.

5 (4) A total of 2 in municipalities with a population of  
6 50,000 or more and not located in the areas described in  
7 paragraphs (1), (2), or (3).

8 (5) A total of 2 in rural areas, as defined by the  
9 Health Facilities and Services Review Board.

10 No more than one children's respite care model owned and  
11 operated by a licensed skilled pediatric facility shall be  
12 located in each of the areas designated in this subsection  
13 (a-10).

14 (a-15) There shall be 5 authorized community-based  
15 residential rehabilitation center alternative health care  
16 models in the demonstration program.

17 (a-20) There shall be an authorized Alzheimer's disease  
18 management center alternative health care model in the  
19 demonstration program. The Alzheimer's disease management  
20 center shall be located in Will County, owned by a  
21 not-for-profit entity, and endorsed by a resolution approved by  
22 the county board before the effective date of this amendatory  
23 Act of the 91st General Assembly.

24 (a-25) There shall be no more than 10 birth center  
25 alternative health care models in the demonstration program,  
26 located as follows:

1           (1) Four in the area comprising Cook, DuPage, Kane,  
2           Lake, McHenry, and Will counties, one of which shall be  
3           owned or operated by a hospital and one of which shall be  
4           owned or operated by a federally qualified health center.

5           (2) Three in municipalities with a population of 50,000  
6           or more not located in the area described in paragraph (1)  
7           of this subsection, one of which shall be owned or operated  
8           by a hospital and one of which shall be owned or operated  
9           by a federally qualified health center.

10          (3) Three in rural areas, one of which shall be owned  
11          or operated by a hospital and one of which shall be owned  
12          or operated by a federally qualified health center.

13          The first 3 birth centers authorized to operate by the  
14          Department shall be located in or predominantly serve the  
15          residents of a health professional shortage area as determined  
16          by the United States Department of Health and Human Services.  
17          There shall be no more than 2 birth centers authorized to  
18          operate in any single health planning area for obstetric  
19          services as determined under the Illinois Health Facilities  
20          Planning Act. If a birth center is located outside of a health  
21          professional shortage area, (i) the birth center shall be  
22          located in a health planning area with a demonstrated need for  
23          obstetrical service beds, as determined by the Health  
24          Facilities and Services Review Board or (ii) there must be a  
25          reduction in the existing number of obstetrical service beds in  
26          the planning area so that the establishment of the birth center

1 does not result in an increase in the total number of  
2 obstetrical service beds in the health planning area.

3 (b) Alternative health care models, other than a model  
4 authorized under subsection (a-10) or (a-20), shall obtain a  
5 certificate of need from the Health Facilities and Services  
6 Review Board under the Illinois Health Facilities Planning Act  
7 before receiving a license by the Department. If, after  
8 obtaining its initial certificate of need, an alternative  
9 health care delivery model that is a community based  
10 residential rehabilitation center seeks to increase the bed  
11 capacity of that center, it must obtain a certificate of need  
12 from the Health Facilities and Services Review Board before  
13 increasing the bed capacity. Alternative health care models in  
14 medically underserved areas shall receive priority in  
15 obtaining a certificate of need.

16 (c) An alternative health care model license shall be  
17 issued for a period of one year and shall be annually renewed  
18 if the facility or program is in substantial compliance with  
19 the Department's rules adopted under this Act. A licensed  
20 alternative health care model that continues to be in  
21 substantial compliance after the conclusion of the  
22 demonstration program shall be eligible for annual renewals  
23 unless and until a different licensure program for that type of  
24 health care model is established by legislation, except that a  
25 postsurgical recovery care center meeting the following  
26 requirements may apply within 3 years after August 25, 2009

1 (the effective date of Public Act 96-669) for a Certificate of  
2 Need permit to operate as a hospital:

3 (1) The postsurgical recovery care center shall apply  
4 to the ~~Illinois~~ Health Facilities and Services Review  
5 ~~Planning~~ Board for a Certificate of Need permit to  
6 discontinue the postsurgical recovery care center and to  
7 establish a hospital.

8 (2) If the postsurgical recovery care center obtains a  
9 Certificate of Need permit to operate as a hospital, it  
10 shall apply for licensure as a hospital under the Hospital  
11 Licensing Act and shall meet all statutory and regulatory  
12 requirements of a hospital.

13 (3) After obtaining licensure as a hospital, any  
14 license as an ambulatory surgical treatment center and any  
15 license as a post-surgical recovery care center shall be  
16 null and void.

17 (4) The former postsurgical recovery care center that  
18 receives a hospital license must seek and use its best  
19 efforts to maintain certification under Titles XVIII and  
20 XIX of the federal Social Security Act.

21 The Department may issue a provisional license to any  
22 alternative health care model that does not substantially  
23 comply with the provisions of this Act and the rules adopted  
24 under this Act if (i) the Department finds that the alternative  
25 health care model has undertaken changes and corrections which  
26 upon completion will render the alternative health care model

1 in substantial compliance with this Act and rules and (ii) the  
2 health and safety of the patients of the alternative health  
3 care model will be protected during the period for which the  
4 provisional license is issued. The Department shall advise the  
5 licensee of the conditions under which the provisional license  
6 is issued, including the manner in which the alternative health  
7 care model fails to comply with the provisions of this Act and  
8 rules, and the time within which the changes and corrections  
9 necessary for the alternative health care model to  
10 substantially comply with this Act and rules shall be  
11 completed.

12 (d) Alternative health care models shall seek  
13 certification under Titles XVIII and XIX of the federal Social  
14 Security Act. In addition, alternative health care models shall  
15 provide charitable care consistent with that provided by  
16 comparable health care providers in the geographic area.

17 (d-5) (Blank).

18 (e) Alternative health care models shall, to the extent  
19 possible, link and integrate their services with nearby health  
20 care facilities.

21 (f) Each alternative health care model shall implement a  
22 quality assurance program with measurable benefits and at  
23 reasonable cost.

24 (Source: P.A. 96-31, eff. 6-30-09; 96-129, eff. 8-4-09; 96-669,  
25 eff. 8-25-09; 96-812, eff. 1-1-10; 96-1000, eff. 7-2-10;  
26 96-1071, eff. 7-16-10; 96-1123, eff. 1-1-11; 97-135, eff.

1 7-14-11; 97-333, eff. 8-12-11; revised 11-18-11.)

2 Section 285. The Ambulatory Surgical Treatment Center Act  
3 is amended by changing Section 3 as follows:

4 (210 ILCS 5/3) (from Ch. 111 1/2, par. 157-8.3)

5 Sec. 3. As used in this Act, unless the context otherwise  
6 requires, the following words and phrases shall have the  
7 meanings ascribed to them:

8 (A) "Ambulatory surgical treatment center" means any  
9 institution, place or building devoted primarily to the  
10 maintenance and operation of facilities for the performance of  
11 surgical procedures or any facility in which a medical or  
12 surgical procedure is utilized to terminate a pregnancy,  
13 irrespective of whether the facility is devoted primarily to  
14 this purpose. Such facility shall not provide beds or other  
15 accommodations for the overnight stay of patients; however,  
16 facilities devoted exclusively to the treatment of children may  
17 provide accommodations and beds for their patients for up to 23  
18 hours following admission. Individual patients shall be  
19 discharged in an ambulatory condition without danger to the  
20 continued well being of the patients or shall be transferred to  
21 a hospital.

22 The term "ambulatory surgical treatment center" does not  
23 include any of the following:

24 (1) Any institution, place, building or agency

1 required to be licensed pursuant to the "Hospital Licensing  
2 Act", approved July 1, 1953, as amended.

3 (2) Any person or institution required to be licensed  
4 pursuant to the Nursing Home Care Act, the Specialized  
5 Mental Health Rehabilitation Act, or the ID/DD Community  
6 Care Act.

7 (3) Hospitals or ambulatory surgical treatment centers  
8 maintained by the State or any department or agency  
9 thereof, where such department or agency has authority  
10 under law to establish and enforce standards for the  
11 hospitals or ambulatory surgical treatment centers under  
12 its management and control.

13 (4) Hospitals or ambulatory surgical treatment centers  
14 maintained by the Federal Government or agencies thereof.

15 (5) Any place, agency, clinic, or practice, public or  
16 private, whether organized for profit or not, devoted  
17 exclusively to the performance of dental or oral surgical  
18 procedures.

19 (B) "Person" means any individual, firm, partnership,  
20 corporation, company, association, or joint stock association,  
21 or the legal successor thereof.

22 (C) "Department" means the Department of Public Health of  
23 the State of Illinois.

24 (D) "Director" means the Director of the Department of  
25 Public Health of the State of Illinois.

26 (E) "Physician" means a person licensed to practice

1 medicine in all of its branches in the State of Illinois.

2 (F) "Dentist" means a person licensed to practice dentistry  
3 under the Illinois Dental Practice Act.

4 (G) "Podiatrist" means a person licensed to practice  
5 podiatry under the Podiatric Medical Practice Act of 1987.

6 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
7 eff. 1-1-12; revised 9-28-11.)

8 Section 290. The Assisted Living and Shared Housing Act is  
9 amended by changing Sections 10, 35, 55, and 145 as follows:

10 (210 ILCS 9/10)

11 Sec. 10. Definitions. For purposes of this Act:

12 "Activities of daily living" means eating, dressing,  
13 bathing, toileting, transferring, or personal hygiene.

14 "Assisted living establishment" or "establishment" means a  
15 home, building, residence, or any other place where sleeping  
16 accommodations are provided for at least 3 unrelated adults, at  
17 least 80% of whom are 55 years of age or older and where the  
18 following are provided consistent with the purposes of this  
19 Act:

20 (1) services consistent with a social model that is  
21 based on the premise that the resident's unit in assisted  
22 living and shared housing is his or her own home;

23 (2) community-based residential care for persons who  
24 need assistance with activities of daily living, including



1 personal, supportive, and intermittent health-related  
2 services available 24 hours per day, if needed, to meet the  
3 scheduled and unscheduled needs of a resident;

4 (3) mandatory services, whether provided directly by  
5 the establishment or by another entity arranged for by the  
6 establishment, with the consent of the resident or  
7 resident's representative; and

8 (4) a physical environment that is a homelike setting  
9 that includes the following and such other elements as  
10 established by the Department: individual living units  
11 each of which shall accommodate small kitchen appliances  
12 and contain private bathing, washing, and toilet  
13 facilities, or private washing and toilet facilities with a  
14 common bathing room readily accessible to each resident.  
15 Units shall be maintained for single occupancy except in  
16 cases in which 2 residents choose to share a unit.  
17 Sufficient common space shall exist to permit individual  
18 and group activities.

19 "Assisted living establishment" or "establishment" does  
20 not mean any of the following:

21 (1) A home, institution, or similar place operated by  
22 the federal government or the State of Illinois.

23 (2) A long term care facility licensed under the  
24 Nursing Home Care Act, a facility licensed under the  
25 Specialized Mental Health Rehabilitation Act, or a  
26 facility licensed under the ID/DD Community Care Act.

1           However, a facility licensed under either of those Acts may  
2           convert distinct parts of the facility to assisted living.  
3           If the facility elects to do so, the facility shall retain  
4           the Certificate of Need for its nursing and sheltered care  
5           beds that were converted.

6           (3) A hospital, sanitarium, or other institution, the  
7           principal activity or business of which is the diagnosis,  
8           care, and treatment of human illness and that is required  
9           to be licensed under the Hospital Licensing Act.

10          (4) A facility for child care as defined in the Child  
11          Care Act of 1969.

12          (5) A community living facility as defined in the  
13          Community Living Facilities Licensing Act.

14          (6) A nursing home or sanitarium operated solely by and  
15          for persons who rely exclusively upon treatment by  
16          spiritual means through prayer in accordance with the creed  
17          or tenants of a well-recognized church or religious  
18          denomination.

19          (7) A facility licensed by the Department of Human  
20          Services as a community-integrated living arrangement as  
21          defined in the Community-Integrated Living Arrangements  
22          Licensure and Certification Act.

23          (8) A supportive residence licensed under the  
24          Supportive Residences Licensing Act.

25          (9) The portion of a life care facility as defined in  
26          the Life Care Facilities Act not licensed as an assisted

1 living establishment under this Act; a life care facility  
2 may apply under this Act to convert sections of the  
3 community to assisted living.

4 (10) A free-standing hospice facility licensed under  
5 the Hospice Program Licensing Act.

6 (11) A shared housing establishment.

7 (12) A supportive living facility as described in  
8 Section 5-5.01a of the Illinois Public Aid Code.

9 "Department" means the Department of Public Health.

10 "Director" means the Director of Public Health.

11 "Emergency situation" means imminent danger of death or  
12 serious physical harm to a resident of an establishment.

13 "License" means any of the following types of licenses  
14 issued to an applicant or licensee by the Department:

15 (1) "Probationary license" means a license issued to an  
16 applicant or licensee that has not held a license under  
17 this Act prior to its application or pursuant to a license  
18 transfer in accordance with Section 50 of this Act.

19 (2) "Regular license" means a license issued by the  
20 Department to an applicant or licensee that is in  
21 substantial compliance with this Act and any rules  
22 promulgated under this Act.

23 "Licensee" means a person, agency, association,  
24 corporation, partnership, or organization that has been issued  
25 a license to operate an assisted living or shared housing  
26 establishment.

1 "Licensed health care professional" means a registered  
2 professional nurse, an advanced practice nurse, a physician  
3 assistant, and a licensed practical nurse.

4 "Mandatory services" include the following:

5 (1) 3 meals per day available to the residents prepared  
6 by the establishment or an outside contractor;

7 (2) housekeeping services including, but not limited  
8 to, vacuuming, dusting, and cleaning the resident's unit;

9 (3) personal laundry and linen services available to  
10 the residents provided or arranged for by the  
11 establishment;

12 (4) security provided 24 hours each day including, but  
13 not limited to, locked entrances or building or contract  
14 security personnel;

15 (5) an emergency communication response system, which  
16 is a procedure in place 24 hours each day by which a  
17 resident can notify building management, an emergency  
18 response vendor, or others able to respond to his or her  
19 need for assistance; and

20 (6) assistance with activities of daily living as  
21 required by each resident.

22 "Negotiated risk" is the process by which a resident, or  
23 his or her representative, may formally negotiate with  
24 providers what risks each are willing and unwilling to assume  
25 in service provision and the resident's living environment. The  
26 provider assures that the resident and the resident's

1 representative, if any, are informed of the risks of these  
2 decisions and of the potential consequences of assuming these  
3 risks.

4 "Owner" means the individual, partnership, corporation,  
5 association, or other person who owns an assisted living or  
6 shared housing establishment. In the event an assisted living  
7 or shared housing establishment is operated by a person who  
8 leases or manages the physical plant, which is owned by another  
9 person, "owner" means the person who operates the assisted  
10 living or shared housing establishment, except that if the  
11 person who owns the physical plant is an affiliate of the  
12 person who operates the assisted living or shared housing  
13 establishment and has significant control over the day to day  
14 operations of the assisted living or shared housing  
15 establishment, the person who owns the physical plant shall  
16 incur jointly and severally with the owner all liabilities  
17 imposed on an owner under this Act.

18 "Physician" means a person licensed under the Medical  
19 Practice Act of 1987 to practice medicine in all of its  
20 branches.

21 "Resident" means a person residing in an assisted living or  
22 shared housing establishment.

23 "Resident's representative" means a person, other than the  
24 owner, agent, or employee of an establishment or of the health  
25 care provider unless related to the resident, designated in  
26 writing by a resident to be his or her representative. This

1 designation may be accomplished through the Illinois Power of  
2 Attorney Act, pursuant to the guardianship process under the  
3 Probate Act of 1975, or pursuant to an executed designation of  
4 representative form specified by the Department.

5 "Self" means the individual or the individual's designated  
6 representative.

7 "Shared housing establishment" or "establishment" means a  
8 publicly or privately operated free-standing residence for 16  
9 or fewer persons, at least 80% of whom are 55 years of age or  
10 older and who are unrelated to the owners and one manager of  
11 the residence, where the following are provided:

12 (1) services consistent with a social model that is  
13 based on the premise that the resident's unit is his or her  
14 own home;

15 (2) community-based residential care for persons who  
16 need assistance with activities of daily living, including  
17 housing and personal, supportive, and intermittent  
18 health-related services available 24 hours per day, if  
19 needed, to meet the scheduled and unscheduled needs of a  
20 resident; and

21 (3) mandatory services, whether provided directly by  
22 the establishment or by another entity arranged for by the  
23 establishment, with the consent of the resident or the  
24 resident's representative.

25 "Shared housing establishment" or "establishment" does not  
26 mean any of the following:

1           (1) A home, institution, or similar place operated by  
2 the federal government or the State of Illinois.

3           (2) A long term care facility licensed under the  
4 Nursing Home Care Act, a facility licensed under the  
5 Specialized Mental Health Rehabilitation Act, or a  
6 facility licensed under the ID/DD Community Care Act. A  
7 facility licensed under either of those Acts may, however,  
8 convert sections of the facility to assisted living. If the  
9 facility elects to do so, the facility shall retain the  
10 Certificate of Need for its nursing beds that were  
11 converted.

12           (3) A hospital, sanitarium, or other institution, the  
13 principal activity or business of which is the diagnosis,  
14 care, and treatment of human illness and that is required  
15 to be licensed under the Hospital Licensing Act.

16           (4) A facility for child care as defined in the Child  
17 Care Act of 1969.

18           (5) A community living facility as defined in the  
19 Community Living Facilities Licensing Act.

20           (6) A nursing home or sanitarium operated solely by and  
21 for persons who rely exclusively upon treatment by  
22 spiritual means through prayer in accordance with the creed  
23 or tenants of a well-recognized church or religious  
24 denomination.

25           (7) A facility licensed by the Department of Human  
26 Services as a community-integrated living arrangement as

1 defined in the Community-Integrated Living Arrangements  
2 Licensure and Certification Act.

3 (8) A supportive residence licensed under the  
4 Supportive Residences Licensing Act.

5 (9) A life care facility as defined in the Life Care  
6 Facilities Act; a life care facility may apply under this  
7 Act to convert sections of the community to assisted  
8 living.

9 (10) A free-standing hospice facility licensed under  
10 the Hospice Program Licensing Act.

11 (11) An assisted living establishment.

12 (12) A supportive living facility as described in  
13 Section 5-5.01a of the Illinois Public Aid Code.

14 "Total assistance" means that staff or another individual  
15 performs the entire activity of daily living without  
16 participation by the resident.

17 (Source: P.A. 96-339, eff. 7-1-10; 96-975, eff. 7-2-10; 97-38,  
18 eff. 6-28-11; 97-227, eff. 1-1-12; revised 9-28-11.)

19 (210 ILCS 9/35)

20 Sec. 35. Issuance of license.

21 (a) Upon receipt and review of an application for a license  
22 and review of the applicant establishment, the Director may  
23 issue a license if he or she finds:

24 (1) that the individual applicant, or the corporation,  
25 partnership, or other entity if the applicant is not an



1 individual, is a person responsible and suitable to operate  
2 or to direct or participate in the operation of an  
3 establishment by virtue of financial capacity, appropriate  
4 business or professional experience, a record of lawful  
5 compliance with lawful orders of the Department and lack of  
6 revocation of a license issued under this Act, the Nursing  
7 Home Care Act, the Specialized Mental Health  
8 Rehabilitation Act, or the ID/DD Community Care Act during  
9 the previous 5 years;

10 (2) that the establishment is under the supervision of  
11 a full-time director who is at least 21 years of age and  
12 has a high school diploma or equivalent plus either:

13 (A) 2 years of management experience or 2 years of  
14 experience in positions of progressive responsibility  
15 in health care, housing with services, or adult day  
16 care or providing similar services to the elderly; or

17 (B) 2 years of management experience or 2 years of  
18 experience in positions of progressive responsibility  
19 in hospitality and training in health care and housing  
20 with services management as defined by rule;

21 (3) that the establishment has staff sufficient in  
22 number with qualifications, adequate skills, education,  
23 and experience to meet the 24 hour scheduled and  
24 unscheduled needs of residents and who participate in  
25 ongoing training to serve the resident population;

26 (4) that all employees who are subject to the Health

1 Care Worker Background Check Act meet the requirements of  
2 that Act;

3 (5) that the applicant is in substantial compliance  
4 with this Act and such other requirements for a license as  
5 the Department by rule may establish under this Act;

6 (6) that the applicant pays all required fees;

7 (7) that the applicant has provided to the Department  
8 an accurate disclosure document in accordance with the  
9 Alzheimer's Disease and Related Dementias Special Care  
10 Disclosure Act and in substantial compliance with Section  
11 150 of this Act.

12 In addition to any other requirements set forth in this  
13 Act, as a condition of licensure under this Act, the director  
14 of an establishment must participate in at least 20 hours of  
15 training every 2 years to assist him or her in better meeting  
16 the needs of the residents of the establishment and managing  
17 the operation of the establishment.

18 Any license issued by the Director shall state the physical  
19 location of the establishment, the date the license was issued,  
20 and the expiration date. All licenses shall be valid for one  
21 year, except as provided in Sections 40 and 45. Each license  
22 shall be issued only for the premises and persons named in the  
23 application, and shall not be transferable or assignable.

24 (Source: P.A. 96-339, eff. 7-1-10; 96-990, eff. 7-2-10; 97-38,  
25 eff. 6-28-11; 97-227, eff. 1-1-12; revised 9-28-11.)

1 (210 ILCS 9/55)

2 Sec. 55. Grounds for denial of a license. An application  
3 for a license may be denied for any of the following reasons:

4 (1) failure to meet any of the standards set forth in  
5 this Act or by rules adopted by the Department under this  
6 Act;

7 (2) conviction of the applicant, or if the applicant is  
8 a firm, partnership, or association, of any of its members,  
9 or if a corporation, the conviction of the corporation or  
10 any of its officers or stockholders, or of the person  
11 designated to manage or supervise the establishment, of a  
12 felony or of 2 or more misdemeanors involving moral  
13 turpitude during the previous 5 years as shown by a  
14 certified copy of the record of the court of conviction;

15 (3) personnel insufficient in number or unqualified by  
16 training or experience to properly care for the residents;

17 (4) insufficient financial or other resources to  
18 operate and conduct the establishment in accordance with  
19 standards adopted by the Department under this Act;

20 (5) revocation of a license during the previous 5  
21 years, if such prior license was issued to the individual  
22 applicant, a controlling owner or controlling combination  
23 of owners of the applicant; or any affiliate of the  
24 individual applicant or controlling owner of the applicant  
25 and such individual applicant, controlling owner of the  
26 applicant or affiliate of the applicant was a controlling

1 owner of the prior license; provided, however, that the  
2 denial of an application for a license pursuant to this  
3 Section must be supported by evidence that the prior  
4 revocation renders the applicant unqualified or incapable  
5 of meeting or maintaining an establishment in accordance  
6 with the standards and rules adopted by the Department  
7 under this Act; or

8 (6) the establishment is not under the direct  
9 supervision of a full-time director, as defined by rule.

10 The Department shall deny an application for a license if 6  
11 months after submitting its initial application the applicant  
12 has not provided the Department with all of the information  
13 required for review and approval or the applicant is not  
14 actively pursuing the processing of its application. In  
15 addition, the Department shall determine whether the applicant  
16 has violated any provision of the Nursing Home Care Act, the  
17 Specialized Mental Health Rehabilitation Act, or the ID/DD  
18 Community Care Act.

19 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
20 eff. 1-1-12; revised 9-28-11.)

21 (210 ILCS 9/145)

22 Sec. 145. Conversion of facilities. Entities licensed as  
23 facilities under the Nursing Home Care Act, the Specialized  
24 Mental Health Rehabilitation Act, or the ID/DD Community Care  
25 Act may elect to convert to a license under this Act. Any

1 facility that chooses to convert, in whole or in part, shall  
2 follow the requirements in the Nursing Home Care Act, the  
3 Specialized Mental Health Rehabilitation Act, or the ID/DD  
4 Community Care Act, as applicable, and rules promulgated under  
5 those Acts regarding voluntary closure and notice to residents.  
6 Any conversion of existing beds licensed under the Nursing Home  
7 Care Act, the Specialized Mental Health Rehabilitation Act, or  
8 the ID/DD Community Care Act to licensure under this Act is  
9 exempt from review by the Health Facilities and Services Review  
10 Board.

11 (Source: P.A. 96-31, eff. 6-30-09; 96-339, eff. 7-1-10;  
12 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;  
13 revised 9-28-11.)

14 Section 295. The Abuse Prevention Review Team Act is  
15 amended by changing Sections 10 and 50 as follows:

16 (210 ILCS 28/10)

17 Sec. 10. Definitions. As used in this Act, unless the  
18 context requires otherwise:

19 "Department" means the Department of Public Health.

20 "Director" means the Director of Public Health.

21 "Executive Council" means the Illinois Residential Health  
22 Care Facility Resident Sexual Assault and Death Review Teams  
23 Executive Council.

24 "Resident" means a person residing in and receiving

1 personal care from a facility licensed under the Nursing Home  
2 Care Act, the Specialized Mental Health Rehabilitation Act, or  
3 the ID/DD Community Care Act.

4 "Review team" means a residential health care facility  
5 resident sexual assault and death review team appointed under  
6 this Act.

7 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
8 eff. 1-1-12; revised 9-28-11.)

9 (210 ILCS 28/50)

10 Sec. 50. Funding. Notwithstanding any other provision of  
11 law, to the extent permitted by federal law, the Department  
12 shall use moneys from fines paid by facilities licensed under  
13 the Nursing Home Care Act, the Specialized Mental Health  
14 Rehabilitation Act, or the ID/DD Community Care Act for  
15 violating requirements for certification under Titles XVIII  
16 and XIX of the Social Security Act to implement the provisions  
17 of this Act. The Department shall use moneys deposited in the  
18 Long Term Care Monitor/Receiver Fund to pay the costs of  
19 implementing this Act that cannot be met by the use of federal  
20 civil monetary penalties.

21 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
22 eff. 1-1-12; revised 9-28-11.)

23 Section 300. The Abused and Neglected Long Term Care  
24 Facility Residents Reporting Act is amended by changing

1 Sections 3, 4, and 6 as follows:

2 (210 ILCS 30/3) (from Ch. 111 1/2, par. 4163)

3 Sec. 3. As used in this Act unless the context otherwise  
4 requires:

5 a. "Department" means the Department of Public Health of  
6 the State of Illinois.

7 b. "Resident" means a person residing in and receiving  
8 personal care from a long term care facility, or residing in a  
9 mental health facility or developmental disability facility as  
10 defined in the Mental Health and Developmental Disabilities  
11 Code.

12 c. "Long term care facility" has the same meaning ascribed  
13 to such term in the Nursing Home Care Act, except that the term  
14 as used in this Act shall include any mental health facility or  
15 developmental disability facility as defined in the Mental  
16 Health and Developmental Disabilities Code. The term also  
17 includes any facility licensed under the ID/DD Community Care  
18 Act or the Specialized Mental Health Rehabilitation Act.

19 d. "Abuse" means any physical injury, sexual abuse or  
20 mental injury inflicted on a resident other than by accidental  
21 means.

22 e. "Neglect" means a failure in a long term care facility  
23 to provide adequate medical or personal care or maintenance,  
24 which failure results in physical or mental injury to a  
25 resident or in the deterioration of a resident's physical or

1 mental condition.

2 f. "Protective services" means services provided to a  
3 resident who has been abused or neglected, which may include,  
4 but are not limited to alternative temporary institutional  
5 placement, nursing care, counseling, other social services  
6 provided at the nursing home where the resident resides or at  
7 some other facility, personal care and such protective services  
8 of voluntary agencies as are available.

9 g. Unless the context otherwise requires, direct or  
10 indirect references in this Act to the programs, personnel,  
11 facilities, services, service providers, or service recipients  
12 of the Department of Human Services shall be construed to refer  
13 only to those programs, personnel, facilities, services,  
14 service providers, or service recipients that pertain to the  
15 Department of Human Services' mental health and developmental  
16 disabilities functions.

17 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
18 eff. 1-1-12; revised 9-28-11.)

19 (210 ILCS 30/4) (from Ch. 111 1/2, par. 4164)

20 Sec. 4. Any long term care facility administrator, agent or  
21 employee or any physician, hospital, surgeon, dentist,  
22 osteopath, chiropractor, podiatrist, accredited religious  
23 practitioner who provides treatment by spiritual means alone  
24 through prayer in accordance with the tenets and practices of  
25 the accrediting church, coroner, social worker, social



1 services administrator, registered nurse, law enforcement  
2 officer, field personnel of the Department of Healthcare and  
3 Family Services, field personnel of the Illinois Department of  
4 Public Health and County or Municipal Health Departments,  
5 personnel of the Department of Human Services (acting as the  
6 successor to the Department of Mental Health and Developmental  
7 Disabilities or the Department of Public Aid), personnel of the  
8 Guardianship and Advocacy Commission, personnel of the State  
9 Fire Marshal, local fire department inspectors or other  
10 personnel, or personnel of the Illinois Department on Aging, or  
11 its subsidiary Agencies on Aging, or employee of a facility  
12 licensed under the Assisted Living and Shared Housing Act,  
13 having reasonable cause to believe any resident with whom they  
14 have direct contact has been subjected to abuse or neglect  
15 shall immediately report or cause a report to be made to the  
16 Department. Persons required to make reports or cause reports  
17 to be made under this Section include all employees of the  
18 State of Illinois who are involved in providing services to  
19 residents, including professionals providing medical or  
20 rehabilitation services and all other persons having direct  
21 contact with residents; and further include all employees of  
22 community service agencies who provide services to a resident  
23 of a public or private long term care facility outside of that  
24 facility. Any long term care surveyor of the Illinois  
25 Department of Public Health who has reasonable cause to believe  
26 in the course of a survey that a resident has been abused or

1 neglected and initiates an investigation while on site at the  
2 facility shall be exempt from making a report under this  
3 Section but the results of any such investigation shall be  
4 forwarded to the central register in a manner and form  
5 described by the Department.

6 The requirement of this Act shall not relieve any long term  
7 care facility administrator, agent or employee of  
8 responsibility to report the abuse or neglect of a resident  
9 under Section 3-610 of the Nursing Home Care Act or under  
10 Section 3-610 of the ID/DD Community Care Act or under Section  
11 3-610 of the Specialized Mental Health Rehabilitation Act.

12 In addition to the above persons required to report  
13 suspected resident abuse and neglect, any other person may make  
14 a report to the Department, or to any law enforcement officer,  
15 if such person has reasonable cause to suspect a resident has  
16 been abused or neglected.

17 This Section also applies to residents whose death occurs  
18 from suspected abuse or neglect before being found or brought  
19 to a hospital.

20 A person required to make reports or cause reports to be  
21 made under this Section who fails to comply with the  
22 requirements of this Section is guilty of a Class A  
23 misdemeanor.

24 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
25 eff. 1-1-12; revised 9-28-11.)

1 (210 ILCS 30/6) (from Ch. 111 1/2, par. 4166)

2 Sec. 6. All reports of suspected abuse or neglect made  
3 under this Act shall be made immediately by telephone to the  
4 Department's central register established under Section 14 on  
5 the single, State-wide, toll-free telephone number established  
6 under Section 13, or in person or by telephone through the  
7 nearest Department office. No long term care facility  
8 administrator, agent or employee, or any other person, shall  
9 screen reports or otherwise withhold any reports from the  
10 Department, and no long term care facility, department of State  
11 government, or other agency shall establish any rules,  
12 criteria, standards or guidelines to the contrary. Every long  
13 term care facility, department of State government and other  
14 agency whose employees are required to make or cause to be made  
15 reports under Section 4 shall notify its employees of the  
16 provisions of that Section and of this Section, and provide to  
17 the Department documentation that such notification has been  
18 given. The Department of Human Services shall train all of its  
19 mental health and developmental disabilities employees in the  
20 detection and reporting of suspected abuse and neglect of  
21 residents. Reports made to the central register through the  
22 State-wide, toll-free telephone number shall be transmitted to  
23 appropriate Department offices and municipal health  
24 departments that have responsibility for licensing long term  
25 care facilities under the Nursing Home Care Act, the  
26 Specialized Mental Health Rehabilitation Act, or the ID/DD

1 Community Care Act. All reports received through offices of the  
2 Department shall be forwarded to the central register, in a  
3 manner and form described by the Department. The Department  
4 shall be capable of receiving reports of suspected abuse and  
5 neglect 24 hours a day, 7 days a week. Reports shall also be  
6 made in writing deposited in the U.S. mail, postage prepaid,  
7 within 24 hours after having reasonable cause to believe that  
8 the condition of the resident resulted from abuse or neglect.  
9 Such reports may in addition be made to the local law  
10 enforcement agency in the same manner. However, in the event a  
11 report is made to the local law enforcement agency, the  
12 reporter also shall immediately so inform the Department. The  
13 Department shall initiate an investigation of each report of  
14 resident abuse and neglect under this Act, whether oral or  
15 written, as provided for in Section 3-702 of the Nursing Home  
16 Care Act, Section 3-702 of the Specialized Mental Health  
17 Rehabilitation Act, or Section 3-702 of the ID/DD Community  
18 Care Act, except that reports of abuse which indicate that a  
19 resident's life or safety is in imminent danger shall be  
20 investigated within 24 hours of such report. The Department may  
21 delegate to law enforcement officials or other public agencies  
22 the duty to perform such investigation.

23 With respect to investigations of reports of suspected  
24 abuse or neglect of residents of mental health and  
25 developmental disabilities institutions under the jurisdiction  
26 of the Department of Human Services, the Department shall

1 transmit copies of such reports to the Department of State  
2 Police, the Department of Human Services, and the Inspector  
3 General appointed under Section 1-17 of the Department of Human  
4 Services Act. If the Department receives a report of suspected  
5 abuse or neglect of a recipient of services as defined in  
6 Section 1-123 of the Mental Health and Developmental  
7 Disabilities Code, the Department shall transmit copies of such  
8 report to the Inspector General and the Directors of the  
9 Guardianship and Advocacy Commission and the agency designated  
10 by the Governor pursuant to the Protection and Advocacy for  
11 Developmentally Disabled Persons Act. When requested by the  
12 Director of the Guardianship and Advocacy Commission, the  
13 agency designated by the Governor pursuant to the Protection  
14 and Advocacy for Developmentally Disabled Persons Act, or the  
15 Department of Financial and Professional Regulation, the  
16 Department, the Department of Human Services and the Department  
17 of State Police shall make available a copy of the final  
18 investigative report regarding investigations conducted by  
19 their respective agencies on incidents of suspected abuse or  
20 neglect of residents of mental health and developmental  
21 disabilities institutions or individuals receiving services at  
22 community agencies under the jurisdiction of the Department of  
23 Human Services. Such final investigative report shall not  
24 contain witness statements, investigation notes, draft  
25 summaries, results of lie detector tests, investigative files  
26 or other raw data which was used to compile the final

1 investigative report. Specifically, the final investigative  
2 report of the Department of State Police shall mean the  
3 Director's final transmittal letter. The Department of Human  
4 Services shall also make available a copy of the results of  
5 disciplinary proceedings of employees involved in incidents of  
6 abuse or neglect to the Directors. All identifiable information  
7 in reports provided shall not be further disclosed except as  
8 provided by the Mental Health and Developmental Disabilities  
9 Confidentiality Act. Nothing in this Section is intended to  
10 limit or construe the power or authority granted to the agency  
11 designated by the Governor pursuant to the Protection and  
12 Advocacy for Developmentally Disabled Persons Act, pursuant to  
13 any other State or federal statute.

14 With respect to investigations of reported resident abuse  
15 or neglect, the Department shall effect with appropriate law  
16 enforcement agencies formal agreements concerning methods and  
17 procedures for the conduct of investigations into the criminal  
18 histories of any administrator, staff assistant or employee of  
19 the nursing home or other person responsible for the residents  
20 care, as well as for other residents in the nursing home who  
21 may be in a position to abuse, neglect or exploit the patient.  
22 Pursuant to the formal agreements entered into with appropriate  
23 law enforcement agencies, the Department may request  
24 information with respect to whether the person or persons set  
25 forth in this paragraph have ever been charged with a crime and  
26 if so, the disposition of those charges. Unless the criminal

1 histories of the subjects involved crimes of violence or  
2 resident abuse or neglect, the Department shall be entitled  
3 only to information limited in scope to charges and their  
4 dispositions. In cases where prior crimes of violence or  
5 resident abuse or neglect are involved, a more detailed report  
6 can be made available to authorized representatives of the  
7 Department, pursuant to the agreements entered into with  
8 appropriate law enforcement agencies. Any criminal charges and  
9 their disposition information obtained by the Department shall  
10 be confidential and may not be transmitted outside the  
11 Department, except as required herein, to authorized  
12 representatives or delegates of the Department, and may not be  
13 transmitted to anyone within the Department who is not duly  
14 authorized to handle resident abuse or neglect investigations.

15 The Department shall effect formal agreements with  
16 appropriate law enforcement agencies in the various counties  
17 and communities to encourage cooperation and coordination in  
18 the handling of resident abuse or neglect cases pursuant to  
19 this Act. The Department shall adopt and implement methods and  
20 procedures to promote statewide uniformity in the handling of  
21 reports of abuse and neglect under this Act, and those methods  
22 and procedures shall be adhered to by personnel of the  
23 Department involved in such investigations and reporting. The  
24 Department shall also make information required by this Act  
25 available to authorized personnel within the Department, as  
26 well as its authorized representatives.

1           The Department shall keep a continuing record of all  
2 reports made pursuant to this Act, including indications of the  
3 final determination of any investigation and the final  
4 disposition of all reports.

5           The Department shall report annually to the General  
6 Assembly on the incidence of abuse and neglect of long term  
7 care facility residents, with special attention to residents  
8 who are mentally disabled. The report shall include but not be  
9 limited to data on the number and source of reports of  
10 suspected abuse or neglect filed under this Act, the nature of  
11 any injuries to residents, the final determination of  
12 investigations, the type and number of cases where abuse or  
13 neglect is determined to exist, and the final disposition of  
14 cases.

15           (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
16 eff. 1-1-12; revised 9-28-11.)

17           Section 305. The Nursing Home Care Act is amended by  
18 changing Sections 1-113, 3-202.5, and 3-304.2 as follows:

19           (210 ILCS 45/1-113) (from Ch. 111 1/2, par. 4151-113)

20           Sec. 1-113. "Facility" or "long-term care facility" means a  
21 private home, institution, building, residence, or any other  
22 place, whether operated for profit or not, or a county home for  
23 the infirm and chronically ill operated pursuant to Division  
24 5-21 or 5-22 of the Counties Code, or any similar institution



1 operated by a political subdivision of the State of Illinois,  
2 which provides, through its ownership or management, personal  
3 care, sheltered care or nursing for 3 or more persons, not  
4 related to the applicant or owner by blood or marriage. It  
5 includes skilled nursing facilities and intermediate care  
6 facilities as those terms are defined in Title XVIII and Title  
7 XIX of the Federal Social Security Act. It also includes homes,  
8 institutions, or other places operated by or under the  
9 authority of the Illinois Department of Veterans' Affairs.

10 "Facility" does not include the following:

11 (1) A home, institution, or other place operated by the  
12 federal government or agency thereof, or by the State of  
13 Illinois, other than homes, institutions, or other places  
14 operated by or under the authority of the Illinois  
15 Department of Veterans' Affairs;

16 (2) A hospital, sanitarium, or other institution whose  
17 principal activity or business is the diagnosis, care, and  
18 treatment of human illness through the maintenance and  
19 operation as organized facilities therefor, which is  
20 required to be licensed under the Hospital Licensing Act;

21 (3) Any "facility for child care" as defined in the  
22 Child Care Act of 1969;

23 (4) Any "Community Living Facility" as defined in the  
24 Community Living Facilities Licensing Act;

25 (5) Any "community residential alternative" as defined  
26 in the Community Residential Alternatives Licensing Act;

1           (6) Any nursing home or sanatorium operated solely by  
2           and for persons who rely exclusively upon treatment by  
3           spiritual means through prayer, in accordance with the  
4           creed or tenets of any well-recognized church or religious  
5           denomination. However, such nursing home or sanatorium  
6           shall comply with all local laws and rules relating to  
7           sanitation and safety;

8           (7) Any facility licensed by the Department of Human  
9           Services as a community-integrated living arrangement as  
10          defined in the Community-Integrated Living Arrangements  
11          Licensure and Certification Act;

12          (8) Any "Supportive Residence" licensed under the  
13          Supportive Residences Licensing Act;

14          (9) Any "supportive living facility" in good standing  
15          with the program established under Section 5-5.01a of the  
16          Illinois Public Aid Code, except only for purposes of the  
17          employment of persons in accordance with Section 3-206.01;

18          (10) Any assisted living or shared housing  
19          establishment licensed under the Assisted Living and  
20          Shared Housing Act, except only for purposes of the  
21          employment of persons in accordance with Section 3-206.01;

22          (11) An Alzheimer's disease management center  
23          alternative health care model licensed under the  
24          Alternative Health Care Delivery Act;

25          (12) A facility licensed under the ID/DD Community Care  
26          Act; or

1           (13) A facility licensed under the Specialized Mental  
2           Health Rehabilitation Act.

3           (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
4           eff. 1-1-12; revised 9-28-11.)

5           (210 ILCS 45/3-202.5)

6           Sec. 3-202.5. Facility plan review; fees.

7           (a) Before commencing construction of a new facility or  
8           specified types of alteration or additions to an existing long  
9           term care facility involving major construction, as defined by  
10          rule by the Department, with an estimated cost greater than  
11          \$100,000, architectural drawings and specifications for the  
12          facility shall be submitted to the Department for review and  
13          approval. A facility may submit architectural drawings and  
14          specifications for other construction projects for Department  
15          review according to subsection (b) that shall not be subject to  
16          fees under subsection (d). Review of drawings and  
17          specifications shall be conducted by an employee of the  
18          Department meeting the qualifications established by the  
19          Department of Central Management Services class specifications  
20          for such an individual's position or by a person contracting  
21          with the Department who meets those class specifications. Final  
22          approval of the drawings and specifications for compliance with  
23          design and construction standards shall be obtained from the  
24          Department before the alteration, addition, or new  
25          construction is begun.

1           (b) The Department shall inform an applicant in writing  
2 within 10 working days after receiving drawings and  
3 specifications and the required fee, if any, from the applicant  
4 whether the applicant's submission is complete or incomplete.  
5 Failure to provide the applicant with this notice within 10  
6 working days shall result in the submission being deemed  
7 complete for purposes of initiating the 60-day review period  
8 under this Section. If the submission is incomplete, the  
9 Department shall inform the applicant of the deficiencies with  
10 the submission in writing. If the submission is complete the  
11 required fee, if any, has been paid, the Department shall  
12 approve or disapprove drawings and specifications submitted to  
13 the Department no later than 60 days following receipt by the  
14 Department. The drawings and specifications shall be of  
15 sufficient detail, as provided by Department rule, to enable  
16 the Department to render a determination of compliance with  
17 design and construction standards under this Act. If the  
18 Department finds that the drawings are not of sufficient detail  
19 for it to render a determination of compliance, the plans shall  
20 be determined to be incomplete and shall not be considered for  
21 purposes of initiating the 60 day review period. If a  
22 submission of drawings and specifications is incomplete, the  
23 applicant may submit additional information. The 60-day review  
24 period shall not commence until the Department determines that  
25 a submission of drawings and specifications is complete or the  
26 submission is deemed complete. If the Department has not

1 approved or disapproved the drawings and specifications within  
2 60 days, the construction, major alteration, or addition shall  
3 be deemed approved. If the drawings and specifications are  
4 disapproved, the Department shall state in writing, with  
5 specificity, the reasons for the disapproval. The entity  
6 submitting the drawings and specifications may submit  
7 additional information in response to the written comments from  
8 the Department or request a reconsideration of the disapproval.  
9 A final decision of approval or disapproval shall be made  
10 within 45 days of the receipt of the additional information or  
11 reconsideration request. If denied, the Department shall state  
12 the specific reasons for the denial.

13 (c) The Department shall provide written approval for  
14 occupancy pursuant to subsection (g) and shall not issue a  
15 violation to a facility as a result of a licensure or complaint  
16 survey based upon the facility's physical structure if:

17 (1) the Department reviewed and approved or deemed  
18 approved the drawings and specifications for compliance  
19 with design and construction standards;

20 (2) the construction, major alteration, or addition  
21 was built as submitted;

22 (3) the law or rules have not been amended since the  
23 original approval; and

24 (4) the conditions at the facility indicate that there  
25 is a reasonable degree of safety provided for the  
26 residents.

1 (d) The Department shall charge the following fees in  
2 connection with its reviews conducted before June 30, 2004  
3 under this Section:

4 (1) (Blank).

5 (2) (Blank).

6 (3) If the estimated dollar value of the alteration,  
7 addition, or new construction is \$100,000 or more but less  
8 than \$500,000, the fee shall be the greater of \$2,400 or  
9 1.2% of that value.

10 (4) If the estimated dollar value of the alteration,  
11 addition, or new construction is \$500,000 or more but less  
12 than \$1,000,000, the fee shall be the greater of \$6,000 or  
13 0.96% of that value.

14 (5) If the estimated dollar value of the alteration,  
15 addition, or new construction is \$1,000,000 or more but  
16 less than \$5,000,000, the fee shall be the greater of  
17 \$9,600 or 0.22% of that value.

18 (6) If the estimated dollar value of the alteration,  
19 addition, or new construction is \$5,000,000 or more, the  
20 fee shall be the greater of \$11,000 or 0.11% of that value,  
21 but shall not exceed \$40,000.

22 The fees provided in this subsection (d) shall not apply to  
23 major construction projects involving facility changes that  
24 are required by Department rule amendments.

25 The fees provided in this subsection (d) shall also not  
26 apply to major construction projects if 51% or more of the

1 estimated cost of the project is attributed to capital  
2 equipment. For major construction projects where 51% or more of  
3 the estimated cost of the project is attributed to capital  
4 equipment, the Department shall by rule establish a fee that is  
5 reasonably related to the cost of reviewing the project.

6 The Department shall not commence the facility plan review  
7 process under this Section until the applicable fee has been  
8 paid.

9 (e) All fees received by the Department under this Section  
10 shall be deposited into the Health Facility Plan Review Fund, a  
11 special fund created in the State Treasury. All fees paid by  
12 long-term care facilities under subsection (d) shall be used  
13 only to cover the costs relating to the Department's review of  
14 long-term care facility projects under this Section. Moneys  
15 shall be appropriated from that Fund to the Department only to  
16 pay the costs of conducting reviews under this Section or under  
17 Section 3-202.5 of the ID/DD Community Care Act or under  
18 Section 3-202.5 of the Specialized Mental Health  
19 Rehabilitation Act. None of the moneys in the Health Facility  
20 Plan Review Fund shall be used to reduce the amount of General  
21 Revenue Fund moneys appropriated to the Department for facility  
22 plan reviews conducted pursuant to this Section.

23 (f) (1) The provisions of this amendatory Act of 1997  
24 concerning drawings and specifications shall apply only to  
25 drawings and specifications submitted to the Department on  
26 or after October 1, 1997.

1           (2) On and after the effective date of this amendatory  
2           Act of 1997 and before October 1, 1997, an applicant may  
3           submit or resubmit drawings and specifications to the  
4           Department and pay the fees provided in subsection (d). If  
5           an applicant pays the fees provided in subsection (d) under  
6           this paragraph (2), the provisions of subsection (b) shall  
7           apply with regard to those drawings and specifications.

8           (g) The Department shall conduct an on-site inspection of  
9           the completed project no later than 30 days after notification  
10          from the applicant that the project has been completed and all  
11          certifications required by the Department have been received  
12          and accepted by the Department. The Department shall provide  
13          written approval for occupancy to the applicant within 5  
14          working days of the Department's final inspection, provided the  
15          applicant has demonstrated substantial compliance as defined  
16          by Department rule. Occupancy of new major construction is  
17          prohibited until Department approval is received, unless the  
18          Department has not acted within the time frames provided in  
19          this subsection (g), in which case the construction shall be  
20          deemed approved. Occupancy shall be authorized after any  
21          required health inspection by the Department has been  
22          conducted.

23          (h) The Department shall establish, by rule, a procedure to  
24          conduct interim on-site review of large or complex construction  
25          projects.

26          (i) The Department shall establish, by rule, an expedited



1 process for emergency repairs or replacement of like equipment.

2 (j) Nothing in this Section shall be construed to apply to  
3 maintenance, upkeep, or renovation that does not affect the  
4 structural integrity of the building, does not add beds or  
5 services over the number for which the long-term care facility  
6 is licensed, and provides a reasonable degree of safety for the  
7 residents.

8 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
9 eff. 1-1-12; revised 9-28-11.)

10 (210 ILCS 45/3-304.2)

11 Sec. 3-304.2. Designation of distressed facilities.

12 (a) By May 1, 2011, and quarterly thereafter, the  
13 Department shall generate and publish quarterly a list of  
14 distressed facilities. Criteria for inclusion of certified  
15 facilities on the list shall be those used by the U.S. General  
16 Accounting Office in report 9-689, until such time as the  
17 Department by rule modifies the criteria.

18 (b) In deciding whether and how to modify the criteria used  
19 by the General Accounting Office, the Department shall complete  
20 a test run of any substitute criteria to determine their  
21 reliability by comparing the number of facilities identified as  
22 distressed against the number of distressed facilities  
23 generated using the criteria contained in the General  
24 Accounting Office report. The Department may not adopt  
25 substitute criteria that generate fewer facilities with a

1 distressed designation than are produced by the General  
2 Accounting Office criteria during the test run.

3 (c) The Department shall, by rule, adopt criteria to  
4 identify non-Medicaid-certified facilities that are distressed  
5 and shall publish this list quarterly beginning October 1,  
6 2011.

7 (d) The Department shall notify each facility of its  
8 distressed designation, and of the calculation on which it is  
9 based.

10 (e) A distressed facility may contract with an independent  
11 consultant meeting criteria established by the Department. If  
12 the distressed facility does not seek the assistance of an  
13 independent consultant, the Department shall place a monitor or  
14 a temporary manager in the facility, depending on the  
15 Department's assessment of the condition of the facility.

16 (f) Independent consultant. A facility that has been  
17 designated a distressed facility may contract with an  
18 independent consultant to develop and assist in the  
19 implementation of a plan of improvement to bring and keep the  
20 facility in compliance with this Act and, if applicable, with  
21 federal certification requirements. A facility that contracts  
22 with an independent consultant shall have 90 days to develop a  
23 plan of improvement and demonstrate a good faith effort at  
24 implementation, and another 90 days to achieve compliance and  
25 take whatever additional actions are called for in the  
26 improvement plan to maintain compliance. A facility that the

1 Department determines has a plan of improvement likely to bring  
2 and keep the facility in compliance and that has demonstrated  
3 good faith efforts at implementation within the first 90 days  
4 may be eligible to receive a grant under the Equity in  
5 Long-term Care Quality Act to assist it in achieving and  
6 maintaining compliance. In this subsection, "independent"  
7 consultant means an individual who has no professional or  
8 financial relationship with the facility, any person with a  
9 reportable ownership interest in the facility, or any related  
10 parties. In this subsection, "related parties" has the meaning  
11 attributed to it in the instructions for completing Medicaid  
12 cost reports.

13 (f-5) ~~(f)~~ Monitor and temporary managers. A distressed  
14 facility that does not contract with a consultant shall be  
15 assigned a monitor or a temporary manager at the Department's  
16 discretion. The cost of the temporary manager shall be paid by  
17 the facility. The temporary manager shall have the authority  
18 determined by the Department, which may grant the temporary  
19 manager any or all of the authority a court may grant a  
20 receiver. The temporary manager may apply to the Equity in  
21 Long-term Care Quality Fund for grant funds to implement the  
22 plan of improvement.

23 (g) The Department shall by rule establish a mentor program  
24 for owners of distressed facilities.

25 (h) The Department shall by rule establish sanctions (in  
26 addition to those authorized elsewhere in this Article) against

1 distressed facilities that are not in compliance with this Act  
2 and (if applicable) with federal certification requirements.  
3 Criteria for imposing sanctions shall take into account a  
4 facility's actions to address the violations and deficiencies  
5 that caused its designation as a distressed facility, and its  
6 compliance with this Act and with federal certification  
7 requirements (if applicable), subsequent to its designation as  
8 a distressed facility, including mandatory revocations if  
9 criteria can be agreed upon by the Department, resident  
10 advocates, and representatives of the nursing home profession.  
11 By February 1, 2011, the Department shall report to the General  
12 Assembly on the results of negotiations about creating criteria  
13 for mandatory license revocations of distressed facilities and  
14 make recommendations about any statutory changes it believes  
15 are appropriate to protect the health, safety, and welfare of  
16 nursing home residents.

17 (i) The Department may establish by rule criteria for  
18 restricting the owner of a facility on the distressed list from  
19 acquiring additional skilled nursing facilities.

20 (Source: P.A. 96-1372, eff. 7-29-10; revised 11-18-11.)

21 Section 310. The ID/DD Community Care Act is amended by  
22 changing Section 3-310 as follows:

23 (210 ILCS 47/3-310)

24 Sec. 3-310. Collection of penalties. All penalties shall be

1 paid to the Department within 10 days of receipt of notice of  
2 assessment or, if the penalty is contested under Section 3-309,  
3 within 10 days of receipt of the final decision, unless the  
4 decision is appealed and the order is stayed by court order  
5 under Section 3-713. A facility choosing to waive the right to  
6 a hearing under Section 3-309 shall submit a payment totaling  
7 65% of the original fine amount along with the written waiver.  
8 A penalty assessed under this Act shall be collected by the  
9 Department and shall be deposited with the State Treasurer into  
10 the Long Term Care Monitor/Receiver Fund. If the person or  
11 facility against whom a penalty has been assessed does not  
12 comply with a written demand for payment within 30 days, the  
13 Director shall issue an order to do any of the following:

14 (1) Direct the State Treasurer or Comptroller to deduct  
15 the amount of the fine from amounts otherwise due from the  
16 State for the penalty, including any payments to be made  
17 from the Developmentally Disabled Care Provider Fund  
18 established under Section 5C-7 of the Illinois Public Aid  
19 Code, and remit that amount to the Department;

20 (2) Add the amount of the penalty to the facility's  
21 licensing fee; if the licensee refuses to make the payment  
22 at the time of application for renewal of its license, the  
23 license shall not be renewed; or

24 (3) Bring an action in circuit court to recover the  
25 amount of the penalty. ~~Equity~~

26 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-333,

1 eff. 8-12-11; revised 9-28-11.)

2 Section 315. The Specialized Mental Health Rehabilitation  
3 Act is amended by changing Sections 1-113 and 3-305 as follows:

4 (210 ILCS 48/1-113)

5 Sec. 1-113. Facility. "Facility" means a specialized  
6 mental health rehabilitation facility, whether operated for  
7 profit or not, which provides, through its ownership or  
8 management, personal care or nursing for 3 or more persons not  
9 related to the applicant or owner by blood or marriage. It  
10 includes facilities that meet the following criteria:

11 (i) 100% of the resident population of the facility has  
12 a diagnosis of serious mental illness;

13 (ii) no more than 15% of the resident population of the  
14 facility is 65 years of age or older;

15 (iii) none of the residents have a primary diagnosis of  
16 moderate, severe, or profound intellectual disability  
17 ~~mental retardation~~;

18 (iv) meet standards established in Subpart T of Section  
19 300 of Title 77 of the Illinois Administrative Code as it  
20 existed on June 30, 2011. Facilities licensed under this  
21 Act shall continue to meet standards established under this  
22 portion of the Illinois Administrative Code until such time  
23 as new rules are adopted pursuant to this Act; and

24 (v) must participate in the Demonstration Project for

1 Mental Health Services in Nursing Facilities established  
2 under Department of Healthcare and Family Services rules at  
3 89 Ill. Adm. Code 145.10 and its successor; to be  
4 considered for participation in this Demonstration Project  
5 for Mental Health Services in Nursing Facilities, a  
6 facility must meet all standards established in this  
7 rulemaking (89 Ill. Adm. Code) or its successor; this  
8 demonstration project shall be extended through June 30,  
9 2014.

10 "Facility" does not include the following:

11 (1) a home, institution, or other place operated by the  
12 federal government or agency thereof, or by the State of  
13 Illinois, other than homes, institutions, or other places  
14 operated by or under the authority of the Illinois  
15 Department of Veterans' Affairs;

16 (2) a hospital, sanitarium, or other institution whose  
17 principal activity or business is the diagnosis, care, and  
18 treatment of human illness through the maintenance and  
19 operation as organized facilities therefore, which is  
20 required to be licensed under the Hospital Licensing Act;

21 (3) any "facility for child care" as defined in the  
22 Child Care Act of 1969;

23 (4) any "community living facility" as defined in the  
24 Community Living Facilities Licensing Act;

25 (5) any "community residential alternative" as defined  
26 in the Community Residential Alternatives Licensing Act;

1           (6) any nursing home or sanatorium operated solely by  
2           and for persons who rely exclusively upon treatment by  
3           spiritual means through prayer, in accordance with the  
4           creed or tenets of any well-recognized church or religious  
5           denomination. However, such nursing home or sanatorium  
6           shall comply with all local laws and rules relating to  
7           sanitation and safety;

8           (7) any facility licensed by the Department of Human  
9           Services as a community integrated living arrangement as  
10          defined in the Community Integrated Living Arrangements  
11          Licensure and Certification Act;

12          (8) any "supportive residence" licensed under the  
13          Supportive Residences Licensing Act;

14          (9) any "supportive living facility" in good standing  
15          with the program established under Section 5-5.01a of the  
16          Illinois Public Aid Code, except only for purposes of the  
17          employment of persons in accordance with Section 3-206.01;

18          (10) any assisted living or shared housing  
19          establishment licensed under the Assisted Living and  
20          Shared Housing Act, except only for purposes of the  
21          employment of persons in accordance with Section 3-206.01;

22          (11) an Alzheimer's disease management center  
23          alternative health care model licensed under the  
24          Alternative Health Care Delivery Act;

25          (12) a home, institution, or other place operated by or  
26          under the authority of the Illinois Department of Veterans'



1 Affairs;

2 (13) any facility licensed under the ID/DD ~~MR/DD~~  
3 Community Care Act; or

4 (14) any facility licensed under the Nursing Home Care  
5 Act.

6 (Source: P.A. 97-38, eff. 6-28-11; revised 11-18-11.)

7 (210 ILCS 48/3-305)

8 Sec. 3-305. Licensee subject to penalties; fines. The  
9 license of a facility that is in violation of this Act or any  
10 rule adopted under this Act may be subject to the penalties or  
11 fines levied by the Department as specified in this Section.

12 (1) A licensee who commits a Type "AA" violation as defined  
13 in Section 1-128.5 is automatically issued a conditional  
14 license for a period of 6 months to coincide with an acceptable  
15 plan of correction and assessed a fine up to \$25,000 per  
16 violation.

17 (1.5) A licensee who commits a Type "A" violation as  
18 defined in Section 1-129 is automatically issued a conditional  
19 license for a period of 6 months to coincide with an acceptable  
20 plan of correction and assessed a fine of up to \$12,500 per  
21 violation.

22 (2) A licensee who commits a Type "B" violation as defined  
23 in Section 1-130 shall be assessed a fine of up to \$1,100 per  
24 violation.

25 (2.5) A licensee who commits 10 or more Type "C"

1 violations, as defined in Section 1-132, in a single survey  
2 shall be assessed a fine of up to \$250 per violation. A  
3 licensee who commits one or more Type "C" violations with a  
4 high-risk designation, as defined by rule, shall be assessed a  
5 fine of up to \$500 per violation.

6 (3) A licensee who commits a Type "AA" or Type "A"  
7 violation as defined in Section 1-128.5 or 1-129 that continues  
8 beyond the time specified in paragraph (a) of Section 3-303  
9 which is cited as a repeat violation shall have its license  
10 revoked and shall be assessed a fine of 3 times the fine  
11 computed per resident per day under subsection (1).

12 (4) A licensee who fails to satisfactorily comply with an  
13 accepted plan of correction for a Type "B" violation or an  
14 administrative warning issued pursuant to Sections 3-401  
15 through 3-413 or the rules promulgated thereunder shall be  
16 automatically issued a conditional license for a period of not  
17 less than 6 months. A second or subsequent acceptable plan of  
18 correction shall be filed. A fine shall be assessed in  
19 accordance with subsection (2) when cited for the repeat  
20 violation. This fine shall be computed for all days of the  
21 violation, including the duration of the first plan of  
22 correction compliance time.

23 (5) For the purpose of computing a penalty under  
24 subsections (2) through (4), the number of residents per day  
25 shall be based on the average number of residents in the  
26 facility during the 30 days preceding the discovery of the

1 violation.

2 (6) When the Department finds that a provision of Article  
3 II has been violated with regard to a particular resident, the  
4 Department shall issue an order requiring the facility to  
5 reimburse the resident for injuries incurred, or \$100,  
6 whichever is greater. In the case of a violation involving any  
7 action other than theft of money belonging to a resident,  
8 reimbursement shall be ordered only if a provision of Article  
9 II has been violated with regard to that or any other resident  
10 of the facility within the 2 years immediately preceding the  
11 violation in question.

12 (7) For purposes of assessing fines under this Section, a  
13 repeat violation shall be a violation which has been cited  
14 during one inspection of the facility for which an accepted  
15 plan of correction was not complied with or a new citation of  
16 the same rule if the licensee is not substantially addressing  
17 the issue routinely throughout the facility. Violations of the  
18 Nursing Home Care Act and the ID/DD ~~MR/DD~~ Community Care Act  
19 shall be deemed violations of this Act.

20 (7.5) If an occurrence results in more than one type of  
21 violation as defined in this Act, the Nursing Home Care Act, or  
22 the ID/DD ~~MR/DD~~ Community Care Act (that is, a Type "AA", Type  
23 "A", Type "B", or Type "C" violation), the maximum fine that  
24 may be assessed for that occurrence is the maximum fine that  
25 may be assessed for the most serious type of violation charged.  
26 For purposes of the preceding sentence, a Type "AA" violation

1 is the most serious type of violation that may be charged,  
2 followed by a Type "A", Type "B", or Type "C" violation, in  
3 that order.

4 (8) The minimum and maximum fines that may be assessed  
5 pursuant to this Section shall be twice those otherwise  
6 specified for any facility that willfully makes a misstatement  
7 of fact to the Department, or willfully fails to make a  
8 required notification to the Department, if that misstatement  
9 or failure delays the start of a surveyor or impedes a survey.

10 (9) If the Department finds that a facility has violated a  
11 provision of the Illinois Administrative Code that has a  
12 high-risk designation, or that a facility has violated the same  
13 provision of the Illinois Administrative Code 3 or more times  
14 in the previous 12 months, the Department may assess a fine of  
15 up to 2 times the maximum fine otherwise allowed.

16 (10) If a licensee has paid a civil monetary penalty  
17 imposed pursuant to the Medicare and Medicaid Certification  
18 Program for the equivalent federal violation giving rise to a  
19 fine under this Section, the Department shall offset the fine  
20 by the amount of the civil monetary penalty. The offset may not  
21 reduce the fine by more than 75% of the original fine, however.

22 (Source: P.A. 97-38, eff. 6-28-11; revised 11-18-11.)

23 Section 320. The Emergency Medical Services (EMS) Systems  
24 Act is amended by changing Section 3.50 as follows:

1 (210 ILCS 50/3.50)

2 Sec. 3.50. Emergency Medical Technician (EMT) Licensure.

3 (a) "Emergency Medical Technician-Basic" or "EMT-B" means  
4 a person who has successfully completed a course of instruction  
5 in basic life support as prescribed by the Department, is  
6 currently licensed by the Department in accordance with  
7 standards prescribed by this Act and rules adopted by the  
8 Department pursuant to this Act, and practices within an EMS  
9 System.

10 (b) "Emergency Medical Technician-Intermediate" or "EMT-I"  
11 means a person who has successfully completed a course of  
12 instruction in intermediate life support as prescribed by the  
13 Department, is currently licensed by the Department in  
14 accordance with standards prescribed by this Act and rules  
15 adopted by the Department pursuant to this Act, and practices  
16 within an Intermediate or Advanced Life Support EMS System.

17 (c) "Emergency Medical Technician-Paramedic" or "EMT-P"  
18 means a person who has successfully completed a course of  
19 instruction in advanced life support care as prescribed by the  
20 Department, is licensed by the Department in accordance with  
21 standards prescribed by this Act and rules adopted by the  
22 Department pursuant to this Act, and practices within an  
23 Advanced Life Support EMS System.

24 (d) The Department shall have the authority and  
25 responsibility to:

26 (1) Prescribe education and training requirements,

1           which includes training in the use of epinephrine, for all  
2           levels of EMT, based on the respective national curricula  
3           of the United States Department of Transportation and any  
4           modifications to such curricula specified by the  
5           Department through rules adopted pursuant to this Act.

6           (2) Prescribe licensure testing requirements for all  
7           levels of EMT, which shall include a requirement that all  
8           phases of instruction, training, and field experience be  
9           completed before taking the EMT licensure examination.  
10          Candidates may elect to take the National Registry of  
11          Emergency Medical Technicians examination in lieu of the  
12          Department's examination, but are responsible for making  
13          their own arrangements for taking the National Registry  
14          examination.

15          (2.5) Review applications for EMT licensure from  
16          honorably discharged members of the armed forces of the  
17          United States with military emergency medical training.  
18          Applications shall be filed with the Department within one  
19          year after military discharge and shall contain: (i) proof  
20          of successful completion of military emergency medical  
21          training; (ii) a detailed description of the emergency  
22          medical curriculum completed; and (iii) a detailed  
23          description of the applicant's clinical experience. The  
24          Department may request additional and clarifying  
25          information. The Department shall evaluate the  
26          application, including the applicant's training and

1 experience, consistent with the standards set forth under  
2 subsections (a), (b), (c), and (d) of Section 3.10. If the  
3 application clearly demonstrates that the training and  
4 experience meets such standards, the Department shall  
5 offer the applicant the opportunity to successfully  
6 complete a Department-approved EMT examination for which  
7 the applicant is qualified. Upon passage of an examination,  
8 the Department shall issue a license, which shall be  
9 subject to all provisions of this Act that are otherwise  
10 applicable to the class of EMT license issued.

11 (3) License individuals as an EMT-B, EMT-I, or EMT-P  
12 who have met the Department's education, training and  
13 examination requirements.

14 (4) Prescribe annual continuing education and  
15 relicensure requirements for all levels of EMT.

16 (5) Relicense individuals as an EMT-B, EMT-I, or EMT-P  
17 every 4 years, based on their compliance with continuing  
18 education and relicensure requirements. An Illinois  
19 licensed Emergency Medical Technician whose license has  
20 been expired for less than 36 months may apply for  
21 reinstatement by the Department. Reinstatement shall  
22 require that the applicant (i) submit satisfactory proof of  
23 completion of continuing medical education and clinical  
24 requirements to be prescribed by the Department in an  
25 administrative rule; (ii) submit a positive recommendation  
26 from an Illinois EMS Medical Director attesting to the

1 applicant's qualifications for retesting; and (iii) pass a  
2 Department approved test for the level of EMT license  
3 sought to be reinstated.

4 (6) Grant inactive status to any EMT who qualifies,  
5 based on standards and procedures established by the  
6 Department in rules adopted pursuant to this Act.

7 (7) Charge a fee for EMT examination, licensure, and  
8 license renewal.

9 (8) Suspend, revoke, or refuse to issue or renew the  
10 license of any licensee, after an opportunity for an  
11 impartial hearing before a neutral administrative law  
12 judge appointed by the Director, where the preponderance of  
13 the evidence shows one or more of the following:

14 (A) The licensee has not met continuing education  
15 or relicensure requirements as prescribed by the  
16 Department;

17 (B) The licensee has failed to maintain  
18 proficiency in the level of skills for which he or she  
19 is licensed;

20 (C) The licensee, during the provision of medical  
21 services, engaged in dishonorable, unethical, or  
22 unprofessional conduct of a character likely to  
23 deceive, defraud, or harm the public;

24 (D) The licensee has failed to maintain or has  
25 violated standards of performance and conduct as  
26 prescribed by the Department in rules adopted pursuant



1 to this Act or his or her EMS System's Program Plan;

2 (E) The licensee is physically impaired to the  
3 extent that he or she cannot physically perform the  
4 skills and functions for which he or she is licensed,  
5 as verified by a physician, unless the person is on  
6 inactive status pursuant to Department regulations;

7 (F) The licensee is mentally impaired to the extent  
8 that he or she cannot exercise the appropriate  
9 judgment, skill and safety for performing the  
10 functions for which he or she is licensed, as verified  
11 by a physician, unless the person is on inactive status  
12 pursuant to Department regulations;

13 (G) The licensee has violated this Act or any rule  
14 adopted by the Department pursuant to this Act; or

15 (H) The licensee has been convicted (or entered a  
16 plea of guilty or nolo-contendere) by a court of  
17 competent jurisdiction of a Class X, Class 1, or Class  
18 2 felony in this State or an out-of-state equivalent  
19 offense.

20 (9) An EMT who is a member of the Illinois National  
21 Guard or an Illinois State Trooper, or who exclusively  
22 serves as a volunteer for units of local government with a  
23 population base of less than 5,000 or as a volunteer for a  
24 not-for-profit organization that serves a service area  
25 with a population base of less than 5,000 may submit an  
26 application to the Department for a waiver of these fees on

1 a form prescribed by the Department.

2 The education requirements prescribed by the Department  
3 under this subsection must allow for the suspension of those  
4 requirements in the case of a member of the armed services or  
5 reserve forces of the United States or a member of the Illinois  
6 National Guard who is on active duty pursuant to an executive  
7 order of the President of the United States, an act of the  
8 Congress of the United States, or an order of the Governor at  
9 the time that the member would otherwise be required to fulfill  
10 a particular education requirement. Such a person must fulfill  
11 the education requirement within 6 months after his or her  
12 release from active duty.

13 (e) In the event that any rule of the Department or an EMS  
14 Medical Director that requires testing for drug use as a  
15 condition for EMT licensure conflicts with or duplicates a  
16 provision of a collective bargaining agreement that requires  
17 testing for drug use, that rule shall not apply to any person  
18 covered by the collective bargaining agreement.

19 (Source: P.A. 96-540, eff. 8-17-09; 96-1149, eff. 7-21-10;  
20 96-1469, eff. 1-1-11; 97-333, eff. 8-12-11; 97-509, eff.  
21 8-23-11; revised 11-18-11.)

22 Section 325. The Home Health, Home Services, and Home  
23 Nursing Agency Licensing Act is amended by changing Section  
24 2.08 as follows:

1 (210 ILCS 55/2.08)

2 Sec. 2.08. "Home services agency" means an agency that  
3 provides services directly, or acts as a placement agency, for  
4 the purpose of placing individuals as workers providing home  
5 services for consumers in their personal residences. "Home  
6 services agency" does not include agencies licensed under the  
7 Nurse Agency Licensing Act, the Hospital Licensing Act, the  
8 Nursing Home Care Act, the ID/DD Community Care Act, the  
9 Specialized Mental Health Rehabilitation Act, or the Assisted  
10 Living and Shared Housing Act and does not include an agency  
11 that limits its business exclusively to providing  
12 housecleaning services. Programs providing services  
13 exclusively through the Community Care Program of the Illinois  
14 Department on Aging, the Department of Human Services Office of  
15 Rehabilitation Services, or the United States Department of  
16 Veterans Affairs are not considered to be a home services  
17 agency under this Act.

18 (Source: P.A. 96-339, eff. 7-1-10; 96-577, eff. 8-18-09;  
19 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;  
20 revised 9-28-11.)

21 Section 330. The Hospice Program Licensing Act is amended  
22 by changing Sections 3 and 4 as follows:

23 (210 ILCS 60/3) (from Ch. 111 1/2, par. 6103)

24 Sec. 3. Definitions. As used in this Act, unless the

1 context otherwise requires:

2 (a) "Bereavement" means the period of time during which the  
3 hospice patient's family experiences and adjusts to the death  
4 of the hospice patient.

5 (a-5) "Bereavement services" means counseling services  
6 provided to an individual's family after the individual's  
7 death.

8 (a-10) "Attending physician" means a physician who:

9 (1) is a doctor of medicine or osteopathy; and

10 (2) is identified by an individual, at the time the  
11 individual elects to receive hospice care, as having the  
12 most significant role in the determination and delivery of  
13 the individual's medical care.

14 (b) "Department" means the Illinois Department of Public  
15 Health.

16 (c) "Director" means the Director of the Illinois  
17 Department of Public Health.

18 (d) "Hospice care" means a program of palliative care that  
19 provides for the physical, emotional, and spiritual care needs  
20 of a terminally ill patient and his or her family. The goal of  
21 such care is to achieve the highest quality of life as defined  
22 by the patient and his or her family through the relief of  
23 suffering and control of symptoms.

24 (e) "Hospice care team" means an interdisciplinary group or  
25 groups composed of individuals who provide or supervise the  
26 care and services offered by the hospice.

1 (f) "Hospice patient" means a terminally ill person  
2 receiving hospice services.

3 (g) "Hospice patient's family" means a hospice patient's  
4 immediate family consisting of a spouse, sibling, child, parent  
5 and those individuals designated as such by the patient for the  
6 purposes of this Act.

7 (g-1) "Hospice residence" means a separately licensed  
8 home, apartment building, or similar building providing living  
9 quarters:

10 (1) that is owned or operated by a person licensed to  
11 operate as a comprehensive hospice; and

12 (2) at which hospice services are provided to facility  
13 residents.

14 A building that is licensed under the Hospital Licensing  
15 Act, the Nursing Home Care Act, the Specialized Mental Health  
16 Rehabilitation Act, or the ID/DD Community Care Act is not a  
17 hospice residence.

18 (h) "Hospice services" means a range of professional and  
19 other supportive services provided to a hospice patient and his  
20 or her family. These services may include, but are not limited  
21 to, physician services, nursing services, medical social work  
22 services, spiritual counseling services, bereavement services,  
23 and volunteer services.

24 (h-5) "Hospice program" means a licensed public agency or  
25 private organization, or a subdivision of either of those, that  
26 is primarily engaged in providing care to terminally ill

1 individuals through a program of home care or inpatient care,  
2 or both home care and inpatient care, utilizing a medically  
3 directed interdisciplinary hospice care team of professionals  
4 or volunteers, or both professionals and volunteers. A hospice  
5 program may be licensed as a comprehensive hospice program or a  
6 volunteer hospice program.

7 (h-10) "Comprehensive hospice" means a program that  
8 provides hospice services and meets the minimum standards for  
9 certification under the Medicare program set forth in the  
10 Conditions of Participation in 42 CFR Part 418 but is not  
11 required to be Medicare-certified.

12 (i) "Palliative care" means the management of pain and  
13 other distressing symptoms that incorporates medical, nursing,  
14 psychosocial, and spiritual care according to the needs,  
15 values, beliefs, and culture or cultures of the patient and his  
16 or her family. The evaluation and treatment is  
17 patient-centered, with a focus on the central role of the  
18 family unit in decision-making.

19 (j) "Hospice service plan" means a plan detailing the  
20 specific hospice services offered by a comprehensive or  
21 volunteer hospice program, and the administrative and direct  
22 care personnel responsible for those services. The plan shall  
23 include but not be limited to:

24 (1) Identification of the person or persons  
25 administratively responsible for the program.

26 (2) The estimated average monthly patient census.

1           (3) The proposed geographic area the hospice will  
2           serve.

3           (4) A listing of those hospice services provided  
4           directly by the hospice, and those hospice services  
5           provided indirectly through a contractual agreement.

6           (5) The name and qualifications of those persons or  
7           entities under contract to provide indirect hospice  
8           services.

9           (6) The name and qualifications of those persons  
10          providing direct hospice services, with the exception of  
11          volunteers.

12          (7) A description of how the hospice plans to utilize  
13          volunteers in the provision of hospice services.

14          (8) A description of the program's record keeping  
15          system.

16          (k) "Terminally ill" means a medical prognosis by a  
17          physician licensed to practice medicine in all of its branches  
18          that a patient has an anticipated life expectancy of one year  
19          or less.

20          (l) "Volunteer" means a person who offers his or her  
21          services to a hospice without compensation. Reimbursement for a  
22          volunteer's expenses in providing hospice service shall not be  
23          considered compensation.

24          (1-5) "Employee" means a paid or unpaid member of the staff  
25          of a hospice program, or, if the hospice program is a  
26          subdivision of an agency or organization, of the agency or

1 organization, who is appropriately trained and assigned to the  
2 hospice program. "Employee" also means a volunteer whose duties  
3 are prescribed by the hospice program and whose performance of  
4 those duties is supervised by the hospice program.

5 (l-10) "Representative" means an individual who has been  
6 authorized under State law to terminate an individual's medical  
7 care or to elect or revoke the election of hospice care on  
8 behalf of a terminally ill individual who is mentally or  
9 physically incapacitated.

10 (m) "Volunteer hospice" means a program which provides  
11 hospice services to patients regardless of their ability to  
12 pay, with emphasis on the utilization of volunteers to provide  
13 services, under the administration of a not-for-profit agency.  
14 This definition does not prohibit the employment of staff.

15 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
16 eff. 1-1-12; revised 9-28-11.)

17 (210 ILCS 60/4) (from Ch. 111 1/2, par. 6104)

18 Sec. 4. License.

19 (a) No person shall establish, conduct or maintain a  
20 comprehensive or volunteer hospice program without first  
21 obtaining a license from the Department. A hospice residence  
22 may be operated only at the locations listed on the license. A  
23 comprehensive hospice program owning or operating a hospice  
24 residence is not subject to the provisions of the Nursing Home  
25 Care Act, the Specialized Mental Health Rehabilitation Act, or



1 the ID/DD Community Care Act in owning or operating a hospice  
2 residence.

3 (b) No public or private agency shall advertise or present  
4 itself to the public as a comprehensive or volunteer hospice  
5 program which provides hospice services without meeting the  
6 provisions of subsection (a).

7 (c) The license shall be valid only in the possession of  
8 the hospice to which it was originally issued and shall not be  
9 transferred or assigned to any other person, agency, or  
10 corporation.

11 (d) The license shall be renewed annually.

12 (e) The license shall be displayed in a conspicuous place  
13 inside the hospice program office.

14 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
15 eff. 1-1-12; revised 9-28-11.)

16 Section 335. The Hospital Licensing Act is amended by  
17 changing Sections 3, 6.09, and 10.10 as follows:

18 (210 ILCS 85/3)

19 Sec. 3. As used in this Act:

20 (A) "Hospital" means any institution, place, building,  
21 buildings on a campus, or agency, public or private, whether  
22 organized for profit or not, devoted primarily to the  
23 maintenance and operation of facilities for the diagnosis and  
24 treatment or care of 2 or more unrelated persons admitted for

1 overnight stay or longer in order to obtain medical, including  
2 obstetric, psychiatric and nursing, care of illness, disease,  
3 injury, infirmity, or deformity.

4 The term "hospital", without regard to length of stay,  
5 shall also include:

6 (a) any facility which is devoted primarily to  
7 providing psychiatric and related services and programs  
8 for the diagnosis and treatment or care of 2 or more  
9 unrelated persons suffering from emotional or nervous  
10 diseases;

11 (b) all places where pregnant females are received,  
12 cared for, or treated during delivery irrespective of the  
13 number of patients received.

14 The term "hospital" includes general and specialized  
15 hospitals, tuberculosis sanitarium, mental or psychiatric  
16 hospitals and sanitarium, and includes maternity homes,  
17 lying-in homes, and homes for unwed mothers in which care is  
18 given during delivery.

19 The term "hospital" does not include:

20 (1) any person or institution required to be licensed  
21 pursuant to the Nursing Home Care Act, the Specialized  
22 Mental Health Rehabilitation Act, or the ID/DD Community  
23 Care Act;

24 (2) hospitalization or care facilities maintained by  
25 the State or any department or agency thereof, where such  
26 department or agency has authority under law to establish

1 and enforce standards for the hospitalization or care  
2 facilities under its management and control;

3 (3) hospitalization or care facilities maintained by  
4 the federal government or agencies thereof;

5 (4) hospitalization or care facilities maintained by  
6 any university or college established under the laws of  
7 this State and supported principally by public funds raised  
8 by taxation;

9 (5) any person or facility required to be licensed  
10 pursuant to the Alcoholism and Other Drug Abuse and  
11 Dependency Act;

12 (6) any facility operated solely by and for persons who  
13 rely exclusively upon treatment by spiritual means through  
14 prayer, in accordance with the creed or tenets of any  
15 well-recognized church or religious denomination;

16 (7) an Alzheimer's disease management center  
17 alternative health care model licensed under the  
18 Alternative Health Care Delivery Act; or

19 (8) any veterinary hospital or clinic operated by a  
20 veterinarian or veterinarians licensed under the  
21 Veterinary Medicine and Surgery Practice Act of 2004 or  
22 maintained by a State-supported or publicly funded  
23 university or college.

24 (B) "Person" means the State, and any political subdivision  
25 or municipal corporation, individual, firm, partnership,  
26 corporation, company, association, or joint stock association,

1 or the legal successor thereof.

2 (C) "Department" means the Department of Public Health of  
3 the State of Illinois.

4 (D) "Director" means the Director of Public Health of the  
5 State of Illinois.

6 (E) "Perinatal" means the period of time between the  
7 conception of an infant and the end of the first month after  
8 birth.

9 (F) "Federally designated organ procurement agency" means  
10 the organ procurement agency designated by the Secretary of the  
11 U.S. Department of Health and Human Services for the service  
12 area in which a hospital is located; except that in the case of  
13 a hospital located in a county adjacent to Wisconsin which  
14 currently contracts with an organ procurement agency located in  
15 Wisconsin that is not the organ procurement agency designated  
16 by the U.S. Secretary of Health and Human Services for the  
17 service area in which the hospital is located, if the hospital  
18 applies for a waiver pursuant to 42 USC 1320b-8(a), it may  
19 designate an organ procurement agency located in Wisconsin to  
20 be thereafter deemed its federally designated organ  
21 procurement agency for the purposes of this Act.

22 (G) "Tissue bank" means any facility or program operating  
23 in Illinois that is certified by the American Association of  
24 Tissue Banks or the Eye Bank Association of America and is  
25 involved in procuring, furnishing, donating, or distributing  
26 corneas, bones, or other human tissue for the purpose of

1 injecting, transfusing, or transplanting any of them into the  
2 human body. "Tissue bank" does not include a licensed blood  
3 bank. For the purposes of this Act, "tissue" does not include  
4 organs.

5 (H) "Campus", as this terms applies to operations, has the  
6 same meaning as the term "campus" as set forth in federal  
7 Medicare regulations, 42 CFR 413.65.

8 (Source: P.A. 96-219, eff. 8-10-09; 96-339, eff. 7-1-10;  
9 96-1000, eff. 7-2-10; 96-1515, eff. 2-4-11; 97-38, eff.  
10 6-28-11; 97-227, eff. 1-1-12; revised 9-28-11.)

11 (210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)

12 Sec. 6.09. (a) In order to facilitate the orderly  
13 transition of aged and disabled patients from hospitals to  
14 post-hospital care, whenever a patient who qualifies for the  
15 federal Medicare program is hospitalized, the patient shall be  
16 notified of discharge at least 24 hours prior to discharge from  
17 the hospital. With regard to pending discharges to a skilled  
18 nursing facility, the hospital must notify the case  
19 coordination unit, as defined in 89 Ill. Adm. Code 240.260, at  
20 least 24 hours prior to discharge or, if home health services  
21 are ordered, the hospital must inform its designated case  
22 coordination unit, as defined in 89 Ill. Adm. Code 240.260, of  
23 the pending discharge and must provide the patient with the  
24 case coordination unit's telephone number and other contact  
25 information.

1 (b) Every hospital shall develop procedures for a physician  
2 with medical staff privileges at the hospital or any  
3 appropriate medical staff member to provide the discharge  
4 notice prescribed in subsection (a) of this Section. The  
5 procedures must include prohibitions against discharging or  
6 referring a patient to any of the following if unlicensed,  
7 uncertified, or unregistered: (i) a board and care facility, as  
8 defined in the Board and Care Home Act; (ii) an assisted living  
9 and shared housing establishment, as defined in the Assisted  
10 Living and Shared Housing Act; (iii) a facility licensed under  
11 the Nursing Home Care Act, the Specialized Mental Health  
12 Rehabilitation Act, or the ID/DD Community Care Act; (iv) a  
13 supportive living facility, as defined in Section 5-5.01a of  
14 the Illinois Public Aid Code; or (v) a free-standing hospice  
15 facility licensed under the Hospice Program Licensing Act if  
16 licensure, certification, or registration is required. The  
17 Department of Public Health shall annually provide hospitals  
18 with a list of licensed, certified, or registered board and  
19 care facilities, assisted living and shared housing  
20 establishments, nursing homes, supportive living facilities,  
21 facilities licensed under the ID/DD Community Care Act or the  
22 Specialized Mental Health Rehabilitation Act, and hospice  
23 facilities. Reliance upon this list by a hospital shall satisfy  
24 compliance with this requirement. The procedure may also  
25 include a waiver for any case in which a discharge notice is  
26 not feasible due to a short length of stay in the hospital by

1 the patient, or for any case in which the patient voluntarily  
2 desires to leave the hospital before the expiration of the 24  
3 hour period.

4 (c) At least 24 hours prior to discharge from the hospital,  
5 the patient shall receive written information on the patient's  
6 right to appeal the discharge pursuant to the federal Medicare  
7 program, including the steps to follow to appeal the discharge  
8 and the appropriate telephone number to call in case the  
9 patient intends to appeal the discharge.

10 (d) Before transfer of a patient to a long term care  
11 facility licensed under the Nursing Home Care Act where elderly  
12 persons reside, a hospital shall as soon as practicable  
13 initiate a name-based criminal history background check by  
14 electronic submission to the Department of State Police for all  
15 persons between the ages of 18 and 70 years; provided, however,  
16 that a hospital shall be required to initiate such a background  
17 check only with respect to patients who:

18 (1) are transferring to a long term care facility for  
19 the first time;

20 (2) have been in the hospital more than 5 days;

21 (3) are reasonably expected to remain at the long term  
22 care facility for more than 30 days;

23 (4) have a known history of serious mental illness or  
24 substance abuse; and

25 (5) are independently ambulatory or mobile for more  
26 than a temporary period of time.

1           A hospital may also request a criminal history background  
2 check for a patient who does not meet any of the criteria set  
3 forth in items (1) through (5).

4           A hospital shall notify a long term care facility if the  
5 hospital has initiated a criminal history background check on a  
6 patient being discharged to that facility. In all circumstances  
7 in which the hospital is required by this subsection to  
8 initiate the criminal history background check, the transfer to  
9 the long term care facility may proceed regardless of the  
10 availability of criminal history results. Upon receipt of the  
11 results, the hospital shall promptly forward the results to the  
12 appropriate long term care facility. If the results of the  
13 background check are inconclusive, the hospital shall have no  
14 additional duty or obligation to seek additional information  
15 from, or about, the patient.

16           (Source: P.A. 96-339, eff. 7-1-10; 96-1372, eff. 7-29-10;  
17 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; revised 9-28-11.)

18           (210 ILCS 85/10.10)

19           Sec. 10.10. Nurse Staffing by Patient Acuity.

20           (a) Findings. The Legislature finds and declares all of the  
21 following:

22                 (1) The State of Illinois has a substantial interest in  
23 promoting quality care and improving the delivery of health  
24 care services.

25                 (2) Evidence-based studies have shown that the basic



1 principles of staffing in the acute care setting should be  
2 based on the complexity of patients' care needs aligned  
3 with available nursing skills to promote quality patient  
4 care consistent with professional nursing standards.

5 (3) Compliance with this Section promotes an  
6 organizational climate that values registered nurses'  
7 input in meeting the health care needs of hospital  
8 patients.

9 (b) Definitions. As used in this Section:

10 "Acuity model" means an assessment tool selected and  
11 implemented by a hospital, as recommended by a nursing care  
12 committee, that assesses the complexity of patient care needs  
13 requiring professional nursing care and skills and aligns  
14 patient care needs and nursing skills consistent with  
15 professional nursing standards.

16 "Department" means the Department of Public Health.

17 "Direct patient care" means care provided by a registered  
18 professional nurse with direct responsibility to oversee or  
19 carry out medical regimens or nursing care for one or more  
20 patients.

21 "Nursing care committee" means an existing or newly created  
22 hospital-wide committee or committees of nurses whose  
23 functions, in part or in whole, contribute to the development,  
24 recommendation, and review of the hospital's nurse staffing  
25 plan established pursuant to subsection (d).

26 "Registered professional nurse" means a person licensed as

1 a Registered Nurse under the Nurse Practice Act.

2 "Written staffing plan for nursing care services" means a  
3 written plan for guiding the assignment of patient care nursing  
4 staff based on multiple nurse and patient considerations that  
5 yield minimum staffing levels for inpatient care units and the  
6 adopted acuity model aligning patient care needs with nursing  
7 skills required for quality patient care consistent with  
8 professional nursing standards.

9 (c) Written staffing plan.

10 (1) Every hospital shall implement a written  
11 hospital-wide staffing plan, recommended by a nursing care  
12 committee or committees, that provides for minimum direct  
13 care professional registered nurse-to-patient staffing  
14 needs for each inpatient care unit. The written  
15 hospital-wide staffing plan shall include, but need not be  
16 limited to, the following considerations:

17 (A) The complexity of complete care, assessment on  
18 patient admission, volume of patient admissions,  
19 discharges and transfers, evaluation of the progress  
20 of a patient's problems, ongoing physical assessments,  
21 planning for a patient's discharge, assessment after a  
22 change in patient condition, and assessment of the need  
23 for patient referrals.

24 (B) The complexity of clinical professional  
25 nursing judgment needed to design and implement a  
26 patient's nursing care plan, the need for specialized

1 equipment and technology, the skill mix of other  
2 personnel providing or supporting direct patient care,  
3 and involvement in quality improvement activities,  
4 professional preparation, and experience.

5 (C) Patient acuity and the number of patients for  
6 whom care is being provided.

7 (D) The ongoing assessments of a unit's patient  
8 acuity levels and nursing staff needed shall be  
9 routinely made by the unit nurse manager or his or her  
10 designee.

11 (E) The identification of additional registered  
12 nurses available for direct patient care when  
13 patients' unexpected needs exceed the planned workload  
14 for direct care staff.

15 (2) In order to provide staffing flexibility to meet  
16 patient needs, every hospital shall identify an acuity  
17 model for adjusting the staffing plan for each inpatient  
18 care unit.

19 (3) The written staffing plan shall be posted in a  
20 conspicuous and accessible location for both patients and  
21 direct care staff, as required under the Hospital Report  
22 Card Act. A copy of the written staffing plan shall be  
23 provided to any member of the general public upon request.

24 (d) Nursing care committee.

25 (1) Every hospital shall have a nursing care committee.  
26 A hospital shall appoint members of a committee whereby at

1           least 50% of the members are registered professional nurses  
2           providing direct patient care.

3           (2) A nursing care committee's recommendations must be  
4           given significant regard and weight in the hospital's  
5           adoption and implementation of a written staffing plan.

6           (3) A nursing care committee or committees shall  
7           recommend a written staffing plan for the hospital based on  
8           the principles from the staffing components set forth in  
9           subsection (c). In particular, a committee or committees  
10          shall provide input and feedback on the following:

11           (A) Selection, implementation, and evaluation of  
12          minimum staffing levels for inpatient care units.

13           (B) Selection, implementation, and evaluation of  
14          an acuity model to provide staffing flexibility that  
15          aligns changing patient acuity with nursing skills  
16          required.

17           (C) Selection, implementation, and evaluation of a  
18          written staffing plan incorporating the items  
19          described in subdivisions (c)(1) and (c)(2) of this  
20          Section.

21           (D) Review the following: nurse-to-patient  
22          staffing guidelines for all inpatient areas; and  
23          current acuity tools and measures in use.

24           (4) A nursing care committee must address the items  
25          described in subparagraphs (A) through (D) of paragraph (3)  
26          semi-annually.

1 (e) Nothing in ~~is~~ this Section 10.10 shall be construed to  
2 limit, alter, or modify any of the terms, conditions, or  
3 provisions of a collective bargaining agreement entered into by  
4 the hospital.

5 (Source: P.A. 96-328, eff. 8-11-09; 97-423, eff. 1-1-12;  
6 revised 11-18-11.)

7 Section 340. The Language Assistance Services Act is  
8 amended by changing Section 10 as follows:

9 (210 ILCS 87/10)

10 Sec. 10. Definitions. As used in this Act:

11 "Department" means the Department of Public Health.

12 "Interpreter" means a person fluent in English and in the  
13 necessary language of the patient who can accurately speak,  
14 read, and readily interpret the necessary second language, or a  
15 person who can accurately sign and read sign language.  
16 Interpreters shall have the ability to translate the names of  
17 body parts and to describe completely symptoms and injuries in  
18 both languages. Interpreters may include members of the medical  
19 or professional staff.

20 "Language or communication barriers" means either of the  
21 following:

22 (1) With respect to spoken language, barriers that are  
23 experienced by limited-English-speaking or  
24 non-English-speaking individuals who speak the same

1 primary language, if those individuals constitute at least  
2 5% of the patients served by the health facility annually.

3 (2) With respect to sign language, barriers that are  
4 experienced by individuals who are deaf and whose primary  
5 language is sign language.

6 "Health facility" means a hospital licensed under the  
7 Hospital Licensing Act, a long-term care facility licensed  
8 under the Nursing Home Care Act, or a facility licensed under  
9 the ID/DD Community Care Act or the Specialized Mental Health  
10 Rehabilitation Act.

11 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
12 eff. 1-1-12; revised 9-28-11.)

13 Section 345. The Community-Integrated Living Arrangements  
14 Licensure and Certification Act is amended by changing Section  
15 4 and by setting forth, renumbering, and changing multiple  
16 versions of Section 13 as follows:

17 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

18 Sec. 4. (a) Any community mental health or developmental  
19 services agency who wishes to develop and support a variety of  
20 community-integrated living arrangements may do so pursuant to  
21 a license issued by the Department under this Act. However,  
22 programs established under or otherwise subject to the Child  
23 Care Act of 1969, the Nursing Home Care Act, the Specialized  
24 Mental Health Rehabilitation Act, or the ID/DD Community Care

1 Act, as now or hereafter amended, shall remain subject thereto,  
2 and this Act shall not be construed to limit the application of  
3 those Acts.

4 (b) The system of licensure established under this Act  
5 shall be for the purposes of:

6 (1) Insuring that all recipients residing in  
7 community-integrated living arrangements are receiving  
8 appropriate community-based services, including treatment,  
9 training and habilitation or rehabilitation;

10 (2) Insuring that recipients' rights are protected and  
11 that all programs provided to and placements arranged for  
12 recipients comply with this Act, the Mental Health and  
13 Developmental Disabilities Code, and applicable Department  
14 rules and regulations;

15 (3) Maintaining the integrity of communities by  
16 requiring regular monitoring and inspection of placements  
17 and other services provided in community-integrated living  
18 arrangements.

19 The licensure system shall be administered by a quality  
20 assurance unit within the Department which shall be  
21 administratively independent of units responsible for funding  
22 of agencies or community services.

23 (c) As a condition of being licensed by the Department as a  
24 community mental health or developmental services agency under  
25 this Act, the agency shall certify to the Department that:

26 (1) All recipients residing in community-integrated

1 living arrangements are receiving appropriate  
2 community-based services, including treatment, training  
3 and habilitation or rehabilitation;

4 (2) All programs provided to and placements arranged  
5 for recipients are supervised by the agency; and

6 (3) All programs provided to and placements arranged  
7 for recipients comply with this Act, the Mental Health and  
8 Developmental Disabilities Code, and applicable Department  
9 rules and regulations.

10 (d) An applicant for licensure as a community mental health  
11 or developmental services agency under this Act shall submit an  
12 application pursuant to the application process established by  
13 the Department by rule and shall pay an application fee in an  
14 amount established by the Department, which amount shall not be  
15 more than \$200.

16 (e) If an applicant meets the requirements established by  
17 the Department to be licensed as a community mental health or  
18 developmental services agency under this Act, after payment of  
19 the licensing fee, the Department shall issue a license valid  
20 for 3 years from the date thereof unless suspended or revoked  
21 by the Department or voluntarily surrendered by the agency.

22 (f) Upon application to the Department, the Department may  
23 issue a temporary permit to an applicant for a 6-month period  
24 to allow the holder of such permit reasonable time to become  
25 eligible for a license under this Act.

26 (g) (1) The Department may conduct site visits to an agency



1 licensed under this Act, or to any program or placement  
2 certified by the agency, and inspect the records or premises,  
3 or both, of such agency, program or placement as it deems  
4 appropriate, for the purpose of determining compliance with  
5 this Act, the Mental Health and Developmental Disabilities  
6 Code, and applicable Department rules and regulations.

7 (2) If the Department determines that an agency licensed  
8 under this Act is not in compliance with this Act or the rules  
9 and regulations promulgated under this Act, the Department  
10 shall serve a notice of violation upon the licensee. Each  
11 notice of violation shall be prepared in writing and shall  
12 specify the nature of the violation, the statutory provision or  
13 rule alleged to have been violated, and that the licensee  
14 submit a plan of correction to the Department if required. The  
15 notice shall also inform the licensee of any other action which  
16 the Department might take pursuant to this Act and of the right  
17 to a hearing.

18 (g-5) As determined by the Department, a disproportionate  
19 number or percentage of licensure complaints; a  
20 disproportionate number or percentage of substantiated cases  
21 of abuse, neglect, or exploitation involving an agency; an  
22 apparent unnatural death of an individual served by an agency;  
23 any egregious or life-threatening abuse or neglect within an  
24 agency; or any other significant event as determined by the  
25 Department shall initiate a review of the agency's license by  
26 the Department, as well as a review of its service agreement

1 for funding. The Department shall adopt rules to establish the  
2 process by which the determination to initiate a review shall  
3 be made and the timeframe to initiate a review upon the making  
4 of such determination.

5 (h) Upon the expiration of any license issued under this  
6 Act, a license renewal application shall be required of and a  
7 license renewal fee in an amount established by the Department  
8 shall be charged to a community mental health or developmental  
9 services agency, provided that such fee shall not be more than  
10 \$200.

11 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
12 eff. 1-1-12; 97-441, eff. 8-19-11; revised 9-28-11.)

13 (210 ILCS 135/13)

14 Sec. 13. Fire inspections; authority.

15 (a) Per the requirements of Public Act 96-1141, on January  
16 1, 2011 a report titled "Streamlined Auditing and Monitoring  
17 for Community Based Services: First Steps Toward a More  
18 Efficient System for Providers, State Government, and the  
19 Community" was provided for members of the General Assembly.  
20 The report, which was developed by a steering committee of  
21 community providers, trade associations, and designated  
22 representatives from the Departments of Children and Family  
23 Services, Healthcare and Family Services, Human Services, and  
24 Public Health, issued a series of recommendations, including  
25 recommended changes to Administrative Rules and Illinois

1 statutes, on the categories of deemed status for accreditation,  
2 fiscal audits, centralized repository of information,  
3 Medicaid, technology, contracting, and streamlined monitoring  
4 procedures. It is the intent of the 97th General Assembly to  
5 pursue implementation of those recommendations that have been  
6 determined to require Acts of the General Assembly.

7 (b) For community-integrated living arrangements licensed  
8 under this Act, the Office of the State Fire Marshal shall  
9 provide the necessary fire inspection to comply with licensing  
10 requirements. The Office of the State Fire Marshal may enter  
11 into an agreement with another State agency to conduct this  
12 inspection if qualified personnel are employed by that agency.  
13 Code enforcement inspection of the facility by the local  
14 authority shall only occur if the local authority having  
15 jurisdiction enforces code requirements that are more  
16 stringent than those enforced by the State Fire Marshal.  
17 Nothing in this Section shall prohibit a local fire authority  
18 from conducting fire incident planning activities.

19 (Source: P.A. 97-321, eff. 8-12-11.)

20 (210 ILCS 135/13.1)

21 Sec. 13.1 ~~13~~. Registry checks for employees.

22 (a) Within 60 days after August 19, 2011 (the effective  
23 date of Public Act 97-441) ~~this amendatory Act of the 97th~~  
24 ~~General Assembly~~, the Department shall require all of its  
25 community developmental services agencies to conduct required

1 registry checks on employees at the time of hire and annually  
2 thereafter during employment. The required registries to be  
3 checked are the Health Care Worker Registry, the Department of  
4 Children and Family Services' State Central Register, and the  
5 Illinois Sex Offender Registry. A person may not be employed if  
6 he or she is found to have disqualifying convictions or  
7 substantiated cases of abuse or neglect. At the time of the  
8 annual registry checks, if a current employee's name has been  
9 placed on a registry with disqualifying convictions or  
10 disqualifying substantiated cases of abuse or neglect, then the  
11 employee must be terminated. Disqualifying convictions or  
12 disqualifying substantiated cases of abuse or neglect are  
13 defined for the Department of Children and Family Services'  
14 State Central Register by the Department of Children and Family  
15 Services' standards for background checks in Part 385 of Title  
16 89 of the Illinois Administrative Code. Disqualifying  
17 convictions or disqualifying substantiated cases of abuse or  
18 neglect are defined for the Health Care Worker Registry by the  
19 Health Care Worker Background Check Act and the Department's  
20 standards for abuse and neglect investigations in Section 1-17  
21 of the Department of Human Services Act.

22 (b) In collaboration with the Department of Children and  
23 Family Services and the Department of Public Health, the  
24 Department of Human Services shall establish a waiver process  
25 from the prohibition of employment or termination of employment  
26 requirements in subsection (a) of this Section for any

1 applicant or employee listed under the Department of Children  
2 and Family Services' State Central Register seeking to be hired  
3 or maintain his or her employment with a community  
4 developmental services agency under this Act. The waiver  
5 process for applicants and employees outlined under Section 40  
6 of the Health Care Worker Background Check Act shall remain in  
7 effect for individuals listed on the Health Care Worker  
8 Registry.

9 (c) In order to effectively and efficiently comply with  
10 subsection (a), the Department of Children and Family Services  
11 shall take immediate actions to streamline the process for  
12 checking the State Central Register for employees hired by  
13 community developmental services agencies referenced in this  
14 Act. These actions may include establishing a website for  
15 registry checks or establishing a registry check process  
16 similar to the Health Care Worker Registry.

17 (Source: P.A. 97-441, eff. 8-19-11; revised 10-28-11.)

18 Section 350. The Illinois Insurance Code is amended by  
19 changing Sections 356z.3, 356z.16, 364.01, 368a, 408, 409, and  
20 1540 and by setting forth and renumbering multiple versions of  
21 Section 356z.19 as follows:

22 (215 ILCS 5/356z.3)

23 Sec. 356z.3. Disclosure of limited benefit. An insurer that  
24 issues, delivers, amends, or renews an individual or group

1 policy of accident and health insurance in this State after the  
2 effective date of this amendatory Act of the 92nd General  
3 Assembly and arranges, contracts with, or administers  
4 contracts with a provider whereby beneficiaries are provided an  
5 incentive to use the services of such provider must include the  
6 following disclosure on its contracts and evidences of  
7 coverage: "WARNING, LIMITED BENEFITS WILL BE PAID WHEN  
8 NON-PARTICIPATING PROVIDERS ARE USED. You should be aware that  
9 when you elect to utilize the services of a non-participating  
10 provider for a covered service in non-emergency situations,  
11 benefit payments to such non-participating provider are not  
12 based upon the amount billed. The basis of your benefit payment  
13 will be determined according to your policy's fee schedule,  
14 usual and customary charge (which is determined by comparing  
15 charges for similar services adjusted to the geographical area  
16 where the services are performed), or other method as defined  
17 by the policy. YOU CAN EXPECT TO PAY MORE THAN THE COINSURANCE  
18 AMOUNT DEFINED IN THE POLICY AFTER THE PLAN HAS PAID ITS  
19 REQUIRED PORTION. Non-participating providers may bill members  
20 for any amount up to the billed charge after the plan has paid  
21 its portion of the bill as provided in Section 356z.3a of the  
22 Illinois Insurance Code ~~this Code~~. Participating providers  
23 have agreed to accept discounted payments for services with no  
24 additional billing to the member other than co-insurance and  
25 deductible amounts. You may obtain further information about  
26 the participating status of professional providers and

1 information on out-of-pocket expenses by calling the toll free  
2 telephone number on your identification card."

3 (Source: P.A. 95-331, eff. 8-21-07; 96-1523, eff. 6-1-11;  
4 revised 11-18-11.)

5 (215 ILCS 5/356z.16)

6 Sec. 356z.16. Applicability of mandated benefits to  
7 supplemental policies. Unless specified otherwise, the  
8 following Sections of the Illinois Insurance Code do not apply  
9 to short-term travel, disability income, long-term care,  
10 accident only, or limited or specified disease policies: 356b,  
11 356c, 356d, 356g, 356k, 356m, 356n, 356p, 356q, 356r, 356t,  
12 356u, 356w, 356x, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6,  
13 356z.8, 356z.12, 356z.19, 356z.21 ~~356z.19~~, 364.01, 367.2-5,  
14 and 367e.

15 (Source: P.A. 96-180, eff. 1-1-10; 96-1000, eff. 7-2-10;  
16 96-1034, eff. 1-1-11; 97-91, eff. 1-1-12; 97-282, eff. 8-9-11;  
17 97-592, eff. 1-1-12; revised 10-13-11.)

18 (215 ILCS 5/356z.19)

19 Sec. 356z.19. Cardiovascular disease. Because  
20 cardiovascular disease is a leading cause of death and  
21 disability, an insurer providing group or individual policies  
22 of accident and health insurance or a managed care plan shall  
23 develop and implement a process to communicate with their adult  
24 enrollees on an annual basis regarding the importance and value

1 of early detection and proactive management of cardiovascular  
2 disease. Nothing in this Section affects any change in the  
3 terms, conditions, or benefits of the policies and plans, nor  
4 the criteria, standards, and procedures related to the  
5 application for, enrollment in, or renewal of coverage or  
6 conditions of participation of enrollees in the health plans or  
7 policies subject to this Code.

8 (Source: P.A. 97-282, eff. 8-9-11.)

9 (215 ILCS 5/356z.20)

10 Sec. 356z.20 ~~356z.19~~. Cancer drug parity.

11 (a) As used in this Section:

12 "Financial requirement" means deductibles, copayments,  
13 coinsurance, out-of-pocket expenses, aggregate lifetime  
14 limits, and annual limits.

15 "Treatment limitation" means limits on the frequency of  
16 treatment, days of coverage, or other similar limits on the  
17 scope or duration of treatment.

18 (b) On and after the effective date of this amendatory Act  
19 of the 97th General Assembly, every insurer that amends,  
20 delivers, issues, or renews an individual or group policy of  
21 accident and health insurance amended, delivered, issued, or  
22 renewed on or after the effective date of this amendatory Act  
23 of the 97th General Assembly that provides coverage for  
24 prescribed orally-administered cancer medications and  
25 intravenously administered or injected cancer medications



1 shall ensure that:

2 (1) the financial requirements applicable to such  
3 prescribed orally-administered cancer medications are no  
4 more restrictive than the financial requirements applied  
5 to intravenously administered or injected cancer  
6 medications that are covered by the policy and that there  
7 are no separate cost-sharing requirements that are  
8 applicable only with respect to such prescribed  
9 orally-administered cancer medications; and

10 (2) the treatment limitations applicable to such  
11 prescribed orally-administered cancer medications are no  
12 more restrictive than the treatment limitations applied to  
13 intravenously administered or injected cancer medications  
14 that are covered by the policy and that there are no  
15 separate treatment limitations that are applicable only  
16 with respect to such prescribed orally-administered cancer  
17 medications.

18 (c) An insurer cannot achieve compliance with this Section  
19 by increasing financial requirements or imposing more  
20 restrictive treatment limitations on prescribed  
21 orally-administered cancer medications or intravenously  
22 administered or injected cancer medications covered under the  
23 policy on the effective date of this amendatory Act of the 97th  
24 General Assembly.

25 (Source: P.A. 97-198, eff. 1-1-12; revised 10-13-11.)

1 (215 ILCS 5/356z.21)

2 Sec. 356z.21 ~~356z.19~~. Tobacco use cessation programs;  
3 coverage offer.

4 (a) Tobacco use is the number one cause of preventable  
5 disease and death in Illinois, costing \$4.1 billion annually in  
6 direct health care costs and an additional \$4.35 billion in  
7 lost productivity. In Illinois, the smoking rates are highest  
8 among African Americans (25.8%). Smoking rates among lesbian,  
9 gay, and bisexual adults range from 25% to 44%. The U.S. Public  
10 Health Service Clinical Practice Guideline 2008 Update found  
11 that tobacco dependence treatments are both clinically  
12 effective and highly cost effective. A study in the Journal of  
13 Preventive Medicine concluded that comprehensive smoking  
14 cessation treatment is one of the 3 most important and cost  
15 effective preventive services that can be provided in medical  
16 practice. Greater efforts are needed to achieve more of this  
17 potential value by increasing current low levels of  
18 performance.

19 (b) In this Section, "tobacco use cessation program" means  
20 a program recommended by a physician that follows  
21 evidence-based treatment, such as is outlined in the United  
22 States Public Health Service guidelines for tobacco use  
23 cessation. "Tobacco use cessation program" includes education  
24 and medical treatment components designed to assist a person in  
25 ceasing the use of tobacco products. "Tobacco use cessation  
26 program" includes education and counseling by physicians or

1 associated medical personnel and all FDA approved medications  
2 for the treatment of tobacco dependence irrespective of whether  
3 they are available only over the counter, only by prescription,  
4 or both over the counter and by prescription.

5 (c) On or after the effective date of this amendatory Act  
6 of the 97th General Assembly, every insurer that amends,  
7 delivers, issues, or renews group accident and health policies  
8 providing coverage for hospital or medical treatment or  
9 services on an expense-incurred basis shall offer, for an  
10 additional premium and subject to the insurer's standard of  
11 insurability, optional coverage or optional reimbursement of  
12 up to \$500 annually for a tobacco use cessation program for a  
13 person enrolled in the plan who is 18 years of age or older.

14 (d) The coverage required by this Section shall be subject  
15 to other general exclusions and limitations of the policy,  
16 including coordination of benefits, participating provider  
17 requirements, restrictions on services provided by family or  
18 household members, utilization review of health care services,  
19 including review of medical necessity, case management,  
20 experimental and investigational treatments, and other managed  
21 care provisions.

22 (e) For the coverage provided under this Section, an  
23 insurer may not penalize or reduce or limit the reimbursement  
24 of an attending provider or provide incentives, monetary or  
25 otherwise, to an attending provider to induce the provider to  
26 provide care to an insured in a manner inconsistent with the

1 coverage under this Section.

2 (Source: P.A. 97-592, eff. 1-1-12; revised 10-13-11.)

3 (215 ILCS 5/364.01)

4 Sec. 364.01. Qualified clinical cancer trials.

5 (a) No individual or group policy of accident and health  
6 insurance issued or renewed in this State may be cancelled or  
7 non-renewed for any individual based on that individual's  
8 participation in a qualified clinical cancer trial.

9 (b) Qualified clinical cancer trials must meet the  
10 following criteria:

11 (1) the effectiveness of the treatment has not been  
12 determined relative to established therapies;

13 (2) the trial is under clinical investigation as part  
14 of an approved cancer research trial in Phase II, Phase  
15 III, or Phase IV of investigation;

16 (3) the trial is:

17 (A) approved by the Food and Drug Administration;

18 or

19 (B) approved and funded by the National Institutes  
20 of Health, the Centers for Disease Control and  
21 Prevention, the Agency for Healthcare Research and  
22 Quality, the United States Department of Defense, the  
23 United States Department of Veterans Affairs, or the  
24 United States Department of Energy in the form of an  
25 investigational new drug application, or a cooperative

1 group or center of any entity described in this  
2 subdivision (B); and

3 (4) the patient's primary care physician, if any, is  
4 involved in the coordination of care.

5 (c) No group policy of accident and health insurance shall  
6 exclude coverage for any routine patient care administered to  
7 an insured who is a qualified individual participating in a  
8 qualified clinical cancer trial, if the policy covers that same  
9 routine patient care of insureds not enrolled in a qualified  
10 clinical cancer trial.

11 (d) The coverage that may not be excluded under subsection  
12 (c) of this Section is subject to all terms, conditions,  
13 restrictions, exclusions, and limitations that apply to the  
14 same routine patient care received by an insured not enrolled  
15 in a qualified clinical cancer trial, including the application  
16 of any authorization requirement, utilization review, or  
17 medical management practices. The insured or enrollee shall  
18 incur no greater out-of-pocket liability than had the insured  
19 or enrollee not enrolled in a qualified clinical cancer trial.

20 (e) If the group policy of accident and health insurance  
21 uses a preferred provider program and a preferred provider  
22 provides routine patient care in connection with a qualified  
23 clinical cancer trial, then the insurer may require the insured  
24 to use the preferred provider if the preferred provider agrees  
25 to provide to the insured that routine patient care.

26 (f) A qualified clinical cancer trial may not pay or refuse

1 to pay for routine patient care of an individual participating  
2 in the trial, based in whole or in part on the person's having  
3 or not having coverage for routine patient care under a group  
4 policy of accident and health insurance.

5 (g) Nothing in this Section shall be construed to limit an  
6 insurer's coverage with respect to clinical trials.

7 (h) Nothing in this Section shall require coverage for  
8 out-of-network services where the underlying health benefit  
9 plan does not provide coverage for out-of-network services.

10 (i) As used in this Section, "routine patient care" means  
11 all health care services provided in the qualified clinical  
12 cancer trial that are otherwise generally covered under the  
13 policy if those items or services were not provided in  
14 connection with a qualified clinical cancer trial consistent  
15 with the standard of care for the treatment of cancer,  
16 including the type and frequency of any diagnostic modality,  
17 that a provider typically provides to a cancer patient who is  
18 not enrolled in a qualified clinical cancer trial. "Routine  
19 patient care" does not include, and a group policy of accident  
20 and health insurance may exclude, coverage for:

21 (1) a health care service, item, or drug that is the  
22 subject of the cancer clinical trial;

23 (2) a health care service, item, or drug provided  
24 solely to satisfy data collection and analysis needs for  
25 the qualified clinical cancer trial that is not used in the  
26 direct clinical management of the patient;

1           (3) an investigational drug or device that has not been  
2 approved for market by the United States Food and Drug  
3 Administration;

4           (4) transportation, lodging, food, or other expenses  
5 for the patient or a family member or companion of the  
6 patient that are associated with the travel to or from a  
7 facility providing the qualified clinical cancer trial,  
8 unless the policy covers these expenses for a cancer  
9 patient who is not enrolled in a qualified clinical cancer  
10 trial;

11           (5) a health care service, item, or drug customarily  
12 provided by the qualified clinical cancer trial sponsors  
13 free of charge for any patient;

14           (6) a health care service or item, which except for the  
15 fact that it is being provided in a qualified clinical  
16 cancer trial, is otherwise specifically excluded from  
17 coverage under the insured's policy, including:

18           (A) costs of extra treatments, services,  
19 procedures, tests, or drugs that would not be performed  
20 or administered except for the fact that the insured is  
21 participating in the cancer clinical trial; and

22           (B) costs of nonhealth care services that the  
23 patient is required to receive as a result of  
24 participation in the approved cancer clinical trial;

25           (7) costs for services, items, or drugs that are  
26 eligible for reimbursement from a source other than a

1 patient's contract or policy providing for third-party  
2 payment or prepayment of health or medical expenses,  
3 including the sponsor of the approved cancer clinical  
4 trial; ~~or~~

5 (8) costs associated with approved cancer clinical  
6 trials designed exclusively to test toxicity or disease  
7 pathophysiology, unless the policy covers these expenses  
8 for a cancer patient who is not enrolled in a qualified  
9 clinical cancer trial; or

10 (9) a health care service or item that is eligible for  
11 reimbursement by a source other than the insured's policy,  
12 including the sponsor of the qualified clinical cancer  
13 trial.

14 The definitions of the terms "health care services",  
15 "Non-Preferred Provider", "Preferred Provider", and "Preferred  
16 Provider Program", stated in 50 IL Adm. Code Part 2051  
17 Preferred Provider Programs apply to these terms in this  
18 Section.

19 (j) The external review procedures established under the  
20 Health Carrier External Review Act shall apply to the  
21 provisions under this Section.

22 (Source: P.A. 97-91, eff. 1-1-12; revised 11-18-11.)

23 (215 ILCS 5/368a)

24 Sec. 368a. Timely payment for health care services.

25 (a) This Section applies to insurers, health maintenance



1 organizations, managed care plans, health care plans,  
2 preferred provider organizations, third party administrators,  
3 independent practice associations, and physician-hospital  
4 organizations (hereinafter referred to as "payors") that  
5 provide periodic payments, which are payments not requiring a  
6 claim, bill, capitation encounter data, or capitation  
7 reconciliation reports, such as prospective capitation  
8 payments, to health care professionals and health care  
9 facilities to provide medical or health care services for  
10 insureds or enrollees.

11 (1) A payor shall make periodic payments in accordance  
12 with item (3). Failure to make periodic payments within the  
13 period of time specified in item (3) shall entitle the  
14 health care professional or health care facility to  
15 interest at the rate of 9% per year from the date payment  
16 was required to be made to the date of the late payment,  
17 provided that interest amounting to less than \$1 need not  
18 be paid. Any required interest payments shall be made  
19 within 30 days after the payment.

20 (2) When a payor requires selection of a health care  
21 professional or health care facility, the selection shall  
22 be completed by the insured or enrollee no later than 30  
23 days after enrollment. The payor shall provide written  
24 notice of this requirement to all insureds and enrollees.  
25 Nothing in this Section shall be construed to require a  
26 payor to select a health care professional or health care

1 facility for an insured or enrollee.

2 (3) A payor shall provide the health care professional  
3 or health care facility with notice of the selection as a  
4 health care professional or health care facility by an  
5 insured or enrollee and the effective date of the selection  
6 within 60 calendar days after the selection. No later than  
7 the 60th day following the date an insured or enrollee has  
8 selected a health care professional or health care facility  
9 or the date that selection becomes effective, whichever is  
10 later, or in cases of retrospective enrollment only, 30  
11 days after notice by an employer to the payor of the  
12 selection, a payor shall begin periodic payment of the  
13 required amounts to the insured's or enrollee's health care  
14 professional or health care facility, or the designee of  
15 either, calculated from the date of selection or the date  
16 the selection becomes effective, whichever is later. All  
17 subsequent payments shall be made in accordance with a  
18 monthly periodic cycle.

19 (b) Notwithstanding any other provision of this Section,  
20 independent practice associations and physician-hospital  
21 organizations shall make periodic payment of the required  
22 amounts in accordance with a monthly periodic schedule after an  
23 insured or enrollee has selected a health care professional or  
24 health care facility or after that selection becomes effective,  
25 whichever is later.

26 Notwithstanding any other provision of this Section,

1 independent practice associations and physician-hospital  
2 organizations shall make all other payments for health services  
3 within 30 days after receipt of due proof of loss. Independent  
4 practice associations and physician-hospital organizations  
5 shall notify the insured, insured's assignee, health care  
6 professional, or health care facility of any failure to provide  
7 sufficient documentation for a due proof of loss within 30 days  
8 after receipt of the claim for health services.

9 Failure to pay within the required time period shall  
10 entitle the payee to interest at the rate of 9% per year from  
11 the date the payment is due to the date of the late payment,  
12 provided that interest amounting to less than ~~that~~ \$1 need not  
13 be paid. Any required interest payments shall be made within 30  
14 days after the payment.

15 (c) All insurers, health maintenance organizations,  
16 managed care plans, health care plans, preferred provider  
17 organizations, and third party administrators shall ensure  
18 that all claims and indemnities concerning health care services  
19 other than for any periodic payment shall be paid within 30  
20 days after receipt of due written proof of such loss. An  
21 insured, insured's assignee, health care professional, or  
22 health care facility shall be notified of any known failure to  
23 provide sufficient documentation for a due proof of loss within  
24 30 days after receipt of the claim for health care services.  
25 Failure to pay within such period shall entitle the payee to  
26 interest at the rate of 9% per year from the 30th day after

1 receipt of such proof of loss to the date of late payment,  
2 provided that interest amounting to less than one dollar need  
3 not be paid. Any required interest payments shall be made  
4 within 30 days after the payment.

5 (d) The Department shall enforce the provisions of this  
6 Section pursuant to the enforcement powers granted to it by  
7 law.

8 (e) The Department is hereby granted specific authority to  
9 issue a cease and desist order, fine, or otherwise penalize  
10 independent practice associations and physician-hospital  
11 organizations that violate this Section. The Department shall  
12 adopt reasonable rules to enforce compliance with this Section  
13 by independent practice associations and physician-hospital  
14 organizations.

15 (Source: P.A. 91-605, eff. 12-14-99; 91-788, eff. 6-9-00;  
16 92-745, eff. 1-1-03; revised 11-18-11.)

17 (215 ILCS 5/408) (from Ch. 73, par. 1020)

18 Sec. 408. Fees and charges.

19 (1) The Director shall charge, collect and give proper  
20 acquittances for the payment of the following fees and charges:

21 (a) For filing all documents submitted for the  
22 incorporation or organization or certification of a  
23 domestic company, except for a fraternal benefit society,  
24 \$2,000.

25 (b) For filing all documents submitted for the

1 incorporation or organization of a fraternal benefit  
2 society, \$500.

3 (c) For filing amendments to articles of incorporation  
4 and amendments to declaration of organization, except for a  
5 fraternal benefit society, a mutual benefit association, a  
6 burial society or a farm mutual, \$200.

7 (d) For filing amendments to articles of incorporation  
8 of a fraternal benefit society, a mutual benefit  
9 association or a burial society, \$100.

10 (e) For filing amendments to articles of incorporation  
11 of a farm mutual, \$50.

12 (f) For filing bylaws or amendments thereto, \$50.

13 (g) For filing agreement of merger or consolidation:

14 (i) for a domestic company, except for a fraternal  
15 benefit society, a mutual benefit association, a  
16 burial society, or a farm mutual, \$2,000.

17 (ii) for a foreign or alien company, except for a  
18 fraternal benefit society, \$600.

19 (iii) for a fraternal benefit society, a mutual  
20 benefit association, a burial society, or a farm  
21 mutual, \$200.

22 (h) For filing agreements of reinsurance by a domestic  
23 company, \$200.

24 (i) For filing all documents submitted by a foreign or  
25 alien company to be admitted to transact business or  
26 accredited as a reinsurer in this State, except for a

1 fraternal benefit society, \$5,000.

2 (j) For filing all documents submitted by a foreign or  
3 alien fraternal benefit society to be admitted to transact  
4 business in this State, \$500.

5 (k) For filing declaration of withdrawal of a foreign  
6 or alien company, \$50.

7 (l) For filing annual statement by a domestic company,  
8 except a fraternal benefit society, a mutual benefit  
9 association, a burial society, or a farm mutual, \$200.

10 (m) For filing annual statement by a domestic fraternal  
11 benefit society, \$100.

12 (n) For filing annual statement by a farm mutual, a  
13 mutual benefit association, or a burial society, \$50.

14 (o) For issuing a certificate of authority or renewal  
15 thereof except to a foreign fraternal benefit society,  
16 \$400.

17 (p) For issuing a certificate of authority or renewal  
18 thereof to a foreign fraternal benefit society, \$200.

19 (q) For issuing an amended certificate of authority,  
20 \$50.

21 (r) For each certified copy of certificate of  
22 authority, \$20.

23 (s) For each certificate of deposit, or valuation, or  
24 compliance or surety certificate, \$20.

25 (t) For copies of papers or records per page, \$1.

26 (u) For each certification to copies of papers or

1 records, \$10.

2 (v) For multiple copies of documents or certificates  
3 listed in subparagraphs (r), (s), and (u) of paragraph (1)  
4 of this Section, \$10 for the first copy of a certificate of  
5 any type and \$5 for each additional copy of the same  
6 certificate requested at the same time, unless, pursuant to  
7 paragraph (2) of this Section, the Director finds these  
8 additional fees excessive.

9 (w) For issuing a permit to sell shares or increase  
10 paid-up capital:

11 (i) in connection with a public stock offering,  
12 \$300;

13 (ii) in any other case, \$100.

14 (x) For issuing any other certificate required or  
15 permissible under the law, \$50.

16 (y) For filing a plan of exchange of the stock of a  
17 domestic stock insurance company, a plan of  
18 demutualization of a domestic mutual company, or a plan of  
19 reorganization under Article XII, \$2,000.

20 (z) For filing a statement of acquisition of a domestic  
21 company as defined in Section 131.4 of this Code, \$2,000.

22 (aa) For filing an agreement to purchase the business  
23 of an organization authorized under the Dental Service Plan  
24 Act or the Voluntary Health Services Plans Act or of a  
25 health maintenance organization or a limited health  
26 service organization, \$2,000.

1 (bb) For filing a statement of acquisition of a foreign  
2 or alien insurance company as defined in Section 131.12a of  
3 this Code, \$1,000.

4 (cc) For filing a registration statement as required in  
5 Sections 131.13 and 131.14, the notification as required by  
6 Sections 131.16, 131.20a, or 141.4, or an agreement or  
7 transaction required by Sections 124.2(2), 141, 141a, or  
8 141.1, \$200.

9 (dd) For filing an application for licensing of:

10 (i) a religious or charitable risk pooling trust or  
11 a workers' compensation pool, \$1,000;

12 (ii) a workers' compensation service company,  
13 \$500;

14 (iii) a self-insured automobile fleet, \$200; or

15 (iv) a renewal of or amendment of any license  
16 issued pursuant to (i), (ii), or (iii) above, \$100.

17 (ee) For filing articles of incorporation for a  
18 syndicate to engage in the business of insurance through  
19 the Illinois Insurance Exchange, \$2,000.

20 (ff) For filing amended articles of incorporation for a  
21 syndicate engaged in the business of insurance through the  
22 Illinois Insurance Exchange, \$100.

23 (gg) For filing articles of incorporation for a limited  
24 syndicate to join with other subscribers or limited  
25 syndicates to do business through the Illinois Insurance  
26 Exchange, \$1,000.



1           (hh) For filing amended articles of incorporation for a  
2 limited syndicate to do business through the Illinois  
3 Insurance Exchange, \$100.

4           (ii) For a permit to solicit subscriptions to a  
5 syndicate or limited syndicate, \$100.

6           (jj) For the filing of each form as required in Section  
7 143 of this Code, \$50 per form. The fee for advisory and  
8 rating organizations shall be \$200 per form.

9           (i) For the purposes of the form filing fee,  
10 filings made on insert page basis will be considered  
11 one form at the time of its original submission.  
12 Changes made to a form subsequent to its approval shall  
13 be considered a new filing.

14           (ii) Only one fee shall be charged for a form,  
15 regardless of the number of other forms or policies  
16 with which it will be used.

17           (iii) Fees charged for a policy filed as it will be  
18 issued regardless of the number of forms comprising  
19 that policy shall not exceed \$1,500. For advisory or  
20 rating organizations, fees charged for a policy filed  
21 as it will be issued regardless of the number of forms  
22 comprising that policy shall not exceed \$2,500.

23           (iv) The Director may by rule exempt forms from  
24 such fees.

25           (kk) For filing an application for licensing of a  
26 reinsurance intermediary, \$500.

1           (11) For filing an application for renewal of a license  
2           of a reinsurance intermediary, \$200.

3           (2) When printed copies or numerous copies of the same  
4           paper or records are furnished or certified, the Director may  
5           reduce such fees for copies if he finds them excessive. He may,  
6           when he considers it in the public interest, furnish without  
7           charge to state insurance departments and persons other than  
8           companies, copies or certified copies of reports of  
9           examinations and of other papers and records.

10          (3) The expenses incurred in any performance examination  
11          authorized by law shall be paid by the company or person being  
12          examined. The charge shall be reasonably related to the cost of  
13          the examination including but not limited to compensation of  
14          examiners, electronic data processing costs, supervision and  
15          preparation of an examination report and lodging and travel  
16          expenses. All lodging and travel expenses shall be in accord  
17          with the applicable travel regulations as published by the  
18          Department of Central Management Services and approved by the  
19          Governor's Travel Control Board, except that out-of-state  
20          lodging and travel expenses related to examinations authorized  
21          under Section 132 shall be in accordance with travel rates  
22          prescribed under paragraph 301-7.2 of the Federal Travel  
23          Regulations, 41 C.F.R. 301-7.2, for reimbursement of  
24          subsistence expenses incurred during official travel. All  
25          lodging and travel expenses may be reimbursed directly upon  
26          authorization of the Director. With the exception of the direct

1 reimbursements authorized by the Director, all performance  
2 examination charges collected by the Department shall be paid  
3 to the Insurance Producers Administration Fund, however, the  
4 electronic data processing costs incurred by the Department in  
5 the performance of any examination shall be billed directly to  
6 the company being examined for payment to the Statistical  
7 Services Revolving Fund.

8 (4) At the time of any service of process on the Director  
9 as attorney for such service, the Director shall charge and  
10 collect the sum of \$20, which may be recovered as taxable costs  
11 by the party to the suit or action causing such service to be  
12 made if he prevails in such suit or action.

13 (5) (a) The costs incurred by the Department of Insurance  
14 in conducting any hearing authorized by law shall be assessed  
15 against the parties to the hearing in such proportion as the  
16 Director of Insurance may determine upon consideration of all  
17 relevant circumstances including: (1) the nature of the  
18 hearing; (2) whether the hearing was instigated by, or for the  
19 benefit of a particular party or parties; (3) whether there is  
20 a successful party on the merits of the proceeding; and (4) the  
21 relative levels of participation by the parties.

22 (b) For purposes of this subsection (5) costs incurred  
23 shall mean the hearing officer fees, court reporter fees, and  
24 travel expenses of Department of Insurance officers and  
25 employees; provided however, that costs incurred shall not  
26 include hearing officer fees or court reporter fees unless the

1 Department has retained the services of independent  
2 contractors or outside experts to perform such functions.

3 (c) The Director shall make the assessment of costs  
4 incurred as part of the final order or decision arising out of  
5 the proceeding; provided, however, that such order or decision  
6 shall include findings and conclusions in support of the  
7 assessment of costs. This subsection (5) shall not be construed  
8 as permitting the payment of travel expenses unless calculated  
9 in accordance with the applicable travel regulations of the  
10 Department of Central Management Services, as approved by the  
11 Governor's Travel Control Board. The Director as part of such  
12 order or decision shall require all assessments for hearing  
13 officer fees and court reporter fees, if any, to be paid  
14 directly to the hearing officer or court reporter by the  
15 party(s) assessed for such costs. The assessments for travel  
16 expenses of Department officers and employees shall be  
17 reimbursable to the Director of Insurance for deposit to the  
18 fund out of which those expenses had been paid.

19 (d) The provisions of this subsection (5) shall apply in  
20 the case of any hearing conducted by the Director of Insurance  
21 not otherwise specifically provided for by law.

22 (6) The Director shall charge and collect an annual  
23 financial regulation fee from every domestic company for  
24 examination and analysis of its financial condition and to fund  
25 the internal costs and expenses of the Interstate Insurance  
26 Receivership Commission as may be allocated to the State of

1 Illinois and companies doing an insurance business in this  
2 State pursuant to Article X of the Interstate Insurance  
3 Receivership Compact. The fee shall be the greater fixed amount  
4 based upon the combination of nationwide direct premium income  
5 and nationwide reinsurance assumed premium income or upon  
6 admitted assets calculated under this subsection as follows:

7 (a) Combination of nationwide direct premium income  
8 and nationwide reinsurance assumed premium.

9 (i) \$150, if the premium is less than \$500,000 and  
10 there is no reinsurance assumed premium;

11 (ii) \$750, if the premium is \$500,000 or more, but  
12 less than \$5,000,000 and there is no reinsurance  
13 assumed premium; or if the premium is less than  
14 \$5,000,000 and the reinsurance assumed premium is less  
15 than \$10,000,000;

16 (iii) \$3,750, if the premium is less than  
17 \$5,000,000 and the reinsurance assumed premium is  
18 \$10,000,000 or more;

19 (iv) \$7,500, if the premium is \$5,000,000 or more,  
20 but less than \$10,000,000;

21 (v) \$18,000, if the premium is \$10,000,000 or more,  
22 but less than \$25,000,000;

23 (vi) \$22,500, if the premium is \$25,000,000 or  
24 more, but less than \$50,000,000;

25 (vii) \$30,000, if the premium is \$50,000,000 or  
26 more, but less than \$100,000,000;

1 (viii) \$37,500, if the premium is \$100,000,000 or  
2 more.

3 (b) Admitted assets.

4 (i) \$150, if admitted assets are less than  
5 \$1,000,000;

6 (ii) \$750, if admitted assets are \$1,000,000 or  
7 more, but less than \$5,000,000;

8 (iii) \$3,750, if admitted assets are \$5,000,000 or  
9 more, but less than \$25,000,000;

10 (iv) \$7,500, if admitted assets are \$25,000,000 or  
11 more, but less than \$50,000,000;

12 (v) \$18,000, if admitted assets are \$50,000,000 or  
13 more, but less than \$100,000,000;

14 (vi) \$22,500, if admitted assets are \$100,000,000  
15 or more, but less than \$500,000,000;

16 (vii) \$30,000, if admitted assets are \$500,000,000  
17 or more, but less than \$1,000,000,000;

18 (viii) \$37,500, if admitted assets are  
19 \$1,000,000,000 or more.

20 (c) The sum of financial regulation fees charged to the  
21 domestic companies of the same affiliated group shall not  
22 exceed \$250,000 in the aggregate in any single year and  
23 shall be billed by the Director to the member company  
24 designated by the group.

25 (7) The Director shall charge and collect an annual  
26 financial regulation fee from every foreign or alien company,

1     except fraternal benefit societies, for the examination and  
2     analysis of its financial condition and to fund the internal  
3     costs and expenses of the Interstate Insurance Receivership  
4     Commission as may be allocated to the State of Illinois and  
5     companies doing an insurance business in this State pursuant to  
6     Article X of the Interstate Insurance Receivership Compact. The  
7     fee shall be a fixed amount based upon Illinois direct premium  
8     income and nationwide reinsurance assumed premium income in  
9     accordance with the following schedule:

10           (a) \$150, if the premium is less than \$500,000 and  
11           there is no reinsurance assumed premium;

12           (b) \$750, if the premium is \$500,000 or more, but less  
13           than \$5,000,000 and there is no reinsurance assumed  
14           premium; or if the premium is less than \$5,000,000 and the  
15           reinsurance assumed premium is less than \$10,000,000;

16           (c) \$3,750, if the premium is less than \$5,000,000 and  
17           the reinsurance assumed premium is \$10,000,000 or more;

18           (d) \$7,500, if the premium is \$5,000,000 or more, but  
19           less than \$10,000,000;

20           (e) \$18,000, if the premium is \$10,000,000 or more, but  
21           less than \$25,000,000;

22           (f) \$22,500, if the premium is \$25,000,000 or more, but  
23           less than \$50,000,000;

24           (g) \$30,000, if the premium is \$50,000,000 or more, but  
25           less than \$100,000,000;

26           (h) \$37,500, if the premium is \$100,000,000 or more.

1           The sum of financial regulation fees under this subsection  
2           (7) charged to the foreign or alien companies within the same  
3           affiliated group shall not exceed \$250,000 in the aggregate in  
4           any single year and shall be billed by the Director to the  
5           member company designated by the group.

6           (8) Beginning January 1, 1992, the financial regulation  
7           fees imposed under subsections (6) and (7) of this Section  
8           shall be paid by each company or domestic affiliated group  
9           annually. After January 1, 1994, the fee shall be billed by  
10          Department invoice based upon the company's premium income or  
11          admitted assets as shown in its annual statement for the  
12          preceding calendar year. The invoice is due upon receipt and  
13          must be paid no later than June 30 of each calendar year. All  
14          financial regulation fees collected by the Department shall be  
15          paid to the Insurance Financial Regulation Fund. The Department  
16          may not collect financial examiner per diem charges from  
17          companies subject to subsections (6) and (7) of this Section  
18          undergoing financial examination after June 30, 1992.

19          (9) In addition to the financial regulation fee required by  
20          this Section, a company undergoing any financial examination  
21          authorized by law shall pay the following costs and expenses  
22          incurred by the Department: electronic data processing costs,  
23          the expenses authorized under Section 131.21 and subsection (d)  
24          of Section 132.4 of this Code, and lodging and travel expenses.

25          Electronic data processing costs incurred by the  
26          Department in the performance of any examination shall be



1 billed directly to the company undergoing examination for  
2 payment to the Statistical Services Revolving Fund. Except for  
3 direct reimbursements authorized by the Director or direct  
4 payments made under Section 131.21 or subsection (d) of Section  
5 132.4 of this Code, all financial regulation fees and all  
6 financial examination charges collected by the Department  
7 shall be paid to the Insurance Financial Regulation Fund.

8 All lodging and travel expenses shall be in accordance with  
9 applicable travel regulations published by the Department of  
10 Central Management Services and approved by the Governor's  
11 Travel Control Board, except that out-of-state lodging and  
12 travel expenses related to examinations authorized under  
13 Sections 132.1 through 132.7 shall be in accordance with travel  
14 rates prescribed under paragraph 301-7.2 of the Federal Travel  
15 Regulations, 41 C.F.R. 301-7.2, for reimbursement of  
16 subsistence expenses incurred during official travel. All  
17 lodging and travel expenses may be reimbursed directly upon the  
18 authorization of the Director.

19 In the case of an organization or person not subject to the  
20 financial regulation fee, the expenses incurred in any  
21 financial examination authorized by law shall be paid by the  
22 organization or person being examined. The charge shall be  
23 reasonably related to the cost of the examination including,  
24 but not limited to, compensation of examiners and other costs  
25 described in this subsection.

26 (10) Any company, person, or entity failing to make any

1 payment of \$150 or more as required under this Section shall be  
2 subject to the penalty and interest provisions provided for in  
3 subsections (4) and (7) of Section 412.

4 (11) Unless otherwise specified, all of the fees collected  
5 under this Section shall be paid into the Insurance Financial  
6 Regulation Fund.

7 (12) For purposes of this Section:

8 (a) "Domestic company" means a company as defined in  
9 Section 2 of this Code which is incorporated or organized  
10 under the laws of this State, and in addition includes a  
11 not-for-profit corporation authorized under the Dental  
12 Service Plan Act or the Voluntary Health Services Plans  
13 Act, a health maintenance organization, and a limited  
14 health service organization.

15 (b) "Foreign company" means a company as defined in  
16 Section 2 of this Code which is incorporated or organized  
17 under the laws of any state of the United States other than  
18 this State and in addition includes a health maintenance  
19 organization and a limited health service organization  
20 which is incorporated or organized under the laws of any  
21 state of the United States other than this State.

22 (c) "Alien company" means a company as defined in  
23 Section 2 of this Code which is incorporated or organized  
24 under the laws of any country other than the United States.

25 (d) "Fraternal benefit society" means a corporation,  
26 society, order, lodge or voluntary association as defined

1 in Section 282.1 of this Code.

2 (e) "Mutual benefit association" means a company,  
3 association or corporation authorized by the Director to do  
4 business in this State under the provisions of Article  
5 XVIII of this Code.

6 (f) "Burial society" means a person, firm,  
7 corporation, society or association of individuals  
8 authorized by the Director to do business in this State  
9 under the provisions of Article XIX of this Code.

10 (g) "Farm mutual" means a district, county and township  
11 mutual insurance company authorized by the Director to do  
12 business in this State under the provisions of the Farm  
13 Mutual Insurance Company Act of 1986.

14 (Source: P.A. 97-486, eff. 1-1-12; 97-603, eff. 8-26-11;  
15 revised 11-1-11.)

16 (215 ILCS 5/409) (from Ch. 73, par. 1021)

17 Sec. 409. Annual privilege tax payable by companies.

18 (1) As of January 1, 1999 for all health maintenance  
19 organization premiums written; as of July 1, 1998 for all  
20 premiums written as accident and health business, voluntary  
21 health service plan business, dental service plan business, or  
22 limited health service organization business; and as of January  
23 1, 1998 for all other types of insurance premiums written,  
24 every company doing any form of insurance business in this  
25 State, including, but not limited to, every risk retention

1 group, and excluding all fraternal benefit societies, all farm  
2 mutual companies, all religious charitable risk pooling  
3 trusts, and excluding all statutory residual market and special  
4 purpose entities in which companies are statutorily required to  
5 participate, whether incorporated or otherwise, shall pay, for  
6 the privilege of doing business in this State, to the Director  
7 for the State treasury a State tax equal to 0.5% of the net  
8 taxable premium written, together with any amounts due under  
9 Section 444 of this Code, except that the tax to be paid on any  
10 premium derived from any accident and health insurance or on  
11 any insurance business written by any company operating as a  
12 health maintenance organization, voluntary health service  
13 plan, dental service plan, or limited health service  
14 organization shall be equal to 0.4% of such net taxable premium  
15 written, together with any amounts due under Section 444. Upon  
16 the failure of any company to pay any such tax due, the  
17 Director may, by order, revoke or suspend the company's  
18 certificate of authority after giving 20 days written notice to  
19 the company, or commence proceedings for the suspension of  
20 business in this State under the procedures set forth by  
21 Section 401.1 of this Code. The gross taxable premium written  
22 shall be the gross amount of premiums received on direct  
23 business during the calendar year on contracts covering risks  
24 in this State, except premiums on annuities, premiums on which  
25 State premium taxes are prohibited by federal law, premiums  
26 paid by the State for health care coverage for Medicaid

1 eligible insureds as described in Section 5-2 of the Illinois  
2 Public Aid Code, premiums paid for health care services  
3 included as an element of tuition charges at any university or  
4 college owned and operated by the State of Illinois, premiums  
5 on group insurance contracts under the State Employees Group  
6 Insurance Act of 1971, and except premiums for deferred  
7 compensation plans for employees of the State, units of local  
8 government, or school districts. The net taxable premium shall  
9 be the gross taxable premium written reduced only by the  
10 following:

11 (a) the amount of premiums returned thereon which shall  
12 be limited to premiums returned during the same preceding  
13 calendar year and shall not include the return of cash  
14 surrender values or death benefits on life policies  
15 including annuities;

16 (b) dividends on such direct business that have been  
17 paid in cash, applied in reduction of premiums or left to  
18 accumulate to the credit of policyholders or annuitants. In  
19 the case of life insurance, no deduction shall be made for  
20 the payment of deferred dividends paid in cash to  
21 policyholders on maturing policies; dividends left to  
22 accumulate to the credit of policyholders or annuitants  
23 shall be included as gross taxable premium written when  
24 such dividend accumulations are applied to purchase  
25 paid-up insurance or to shorten the endowment or premium  
26 paying period.

1           (2) The annual privilege tax payment due from a company  
2 under subsection (4) of this Section may be reduced by: (a) the  
3 excess amount, if any, by which the aggregate income taxes paid  
4 by the company, on a cash basis, for the preceding calendar  
5 year under subsections (a) through (d) of Section 201 of the  
6 Illinois Income Tax Act exceed 1.5% of the company's net  
7 taxable premium written for that prior calendar year, as  
8 determined under subsection (1) of this Section; and (b) the  
9 amount of any fire department taxes paid by the company during  
10 the preceding calendar year under Section 11-10-1 of the  
11 Illinois Municipal Code. Any deductible amount or offset  
12 allowed under items (a) and (b) of this subsection for any  
13 calendar year will not be allowed as a deduction or offset  
14 against the company's privilege tax liability for any other  
15 taxing period or calendar year.

16           (3) If a company survives or was formed by a merger,  
17 consolidation, reorganization, or reincorporation, the  
18 premiums received and amounts returned or paid by all companies  
19 party to the merger, consolidation, reorganization, or  
20 reincorporation shall, for purposes of determining the amount  
21 of the tax imposed by this Section, be regarded as received,  
22 returned, or paid by the surviving or new company.

23           (4) (a) All companies subject to the provisions of this  
24 Section shall make an annual return for the preceding calendar  
25 year on or before March 15 setting forth such information on  
26 such forms as the Director may reasonably require. Payments of

1 quarterly installments of the taxpayer's total estimated tax  
2 for the current calendar year shall be due on or before April  
3 15, June 15, September 15, and December 15 of such year, except  
4 that all companies transacting insurance in this State whose  
5 annual tax for the immediately preceding calendar year was less  
6 than \$5,000 shall make only an annual return. Failure of a  
7 company to make the annual payment, or to make the quarterly  
8 payments, if required, of at least 25% of either (i) the total  
9 tax paid during the previous calendar year or (ii) 80% of the  
10 actual tax for the current calendar year shall subject it to  
11 the penalty provisions set forth in Section 412 of this Code.

12 (b) Notwithstanding the foregoing provisions, no annual  
13 return shall be required or made on March 15, 1998, under this  
14 subsection. For the calendar year 1998:

15 (i) each health maintenance organization shall have no  
16 estimated tax installments;

17 (ii) all companies subject to the tax as of July 1,  
18 1998 as set forth in subsection (1) shall have estimated  
19 tax installments due on September 15 and December 15 of  
20 1998 which installments shall each amount to no less than  
21 one-half of 80% of the actual tax on its net taxable  
22 premium written during the period July 1, 1998, through  
23 December 31, 1998; and

24 (iii) all other companies shall have estimated tax  
25 installments due on June 15, September 15, and December 15  
26 of 1998 which installments shall each amount to no less

1 than one-third of 80% of the actual tax on its net taxable  
2 premium written during the calendar year 1998.

3 In the year 1999 and thereafter all companies shall make  
4 annual and quarterly installments of their estimated tax as  
5 provided by paragraph (a) of this subsection.

6 (5) In addition to the authority specifically granted under  
7 Article XXV of this Code, the Director shall have such  
8 authority to adopt rules and establish forms as may be  
9 reasonably necessary for purposes of determining the  
10 allocation of Illinois corporate income taxes paid under  
11 subsections (a) through (d) of Section 201 of the Illinois  
12 Income Tax Act amongst members of a business group that files  
13 an Illinois corporate income tax return on a unitary basis, for  
14 purposes of regulating the amendment of tax returns, for  
15 purposes of defining terms, and for purposes of enforcing the  
16 provisions of Article XXV of this Code. The Director shall also  
17 have authority to defer, waive, or abate the tax imposed by  
18 this Section if in his opinion the company's solvency and  
19 ability to meet its insured obligations would be immediately  
20 threatened by payment of the tax due.

21 (6) ~~(e)~~ This Section is subject to the provisions of  
22 Section 10 of the New Markets Development Program Act.

23 (Source: P.A. 95-1024, eff. 12-31-08; revised 11-18-11.)

24 (215 ILCS 5/1540)

25 Sec. 1540. Nonresident license reciprocity.



1           (a) Unless denied licensure pursuant to Section 1555 of  
2 this Article, a nonresident person shall receive a nonresident  
3 public adjuster license if:

4           (1) the person is currently licensed as a resident  
5 public adjuster and in good standing in his or her home  
6 state;

7           (2) the person has submitted the proper request for  
8 licensure and has provided proof of financial  
9 responsibility as required in Section 1560 of this Article;

10           (3) the person has submitted or transmitted to the  
11 Director the appropriate completed application for  
12 licensure; and

13           (4) the person's home state awards nonresident public  
14 adjuster licenses to residents of this State on the same  
15 basis.

16           (b) The Director may verify the public adjuster's licensing  
17 status through the producer database maintained by the NAIC,  
18 its affiliates, or subsidiaries.

19           (c) As a condition to continuation of a public adjuster  
20 license issued under this Section, the licensee shall maintain  
21 a resident public adjuster license in his or her home state.  
22 The nonresident public adjuster license issued under this  
23 Section shall terminate and be surrendered immediately to the  
24 Director if the home state public adjuster license terminates  
25 for any reason, unless the public adjuster has been issued a  
26 license as a resident public adjuster in his or her new home

1 state. Notification to the state or states where the  
2 nonresident license is issued must be made as soon as possible,  
3 yet no later than ~~that~~ 30 days of change in new state resident  
4 license. The licensee shall include his or her new and old  
5 address on the notification. A new state resident license is  
6 required for nonresident licenses to remain valid. The new  
7 state resident license must have reciprocity with the licensing  
8 nonresident state or states for the nonresident license not to  
9 terminate.

10 (Source: P.A. 96-1332, eff. 1-1-11; revised 11-18-11.)

11 Section 355. The Comprehensive Health Insurance Plan Act is  
12 amended by changing Section 8 as follows:

13 (215 ILCS 105/8) (from Ch. 73, par. 1308)

14 Sec. 8. Minimum benefits.

15 a. Availability. The Plan shall offer in a periodically  
16 renewable policy major medical expense coverage to every  
17 eligible person who is not eligible for Medicare. Major medical  
18 expense coverage offered by the Plan shall pay an eligible  
19 person's covered expenses, subject to limit on the deductible  
20 and coinsurance payments authorized under paragraph (4) of  
21 subsection d of this Section, up to a lifetime benefit limit of  
22 \$5,000,000. The maximum limit under this subsection shall not  
23 be altered by the Board, and no actuarial equivalent benefit  
24 may be substituted by the Board. Any person who otherwise would

1 qualify for coverage under the Plan, but is excluded because he  
2 or she is eligible for Medicare, shall be eligible for any  
3 separate Medicare supplement policy or policies which the Board  
4 may offer.

5 b. Outline of benefits. Covered expenses shall be limited  
6 to the usual and customary charge, including negotiated fees,  
7 in the locality for the following services and articles when  
8 prescribed by a physician and determined by the Plan to be  
9 medically necessary for the following areas of services,  
10 subject to such separate deductibles, co-payments, exclusions,  
11 and other limitations on benefits as the Board shall establish  
12 and approve, and the other provisions of this Section:

13 (1) Hospital services, except that any services  
14 provided by a hospital that is located more than 75 miles  
15 outside the State of Illinois shall be covered only for a  
16 maximum of 45 days in any calendar year. With respect to  
17 covered expenses incurred during any calendar year ending  
18 on or after December 31, 1999, inpatient hospitalization of  
19 an eligible person for the treatment of mental illness at a  
20 hospital located within the State of Illinois shall be  
21 subject to the same terms and conditions as for any other  
22 illness.

23 (2) Professional services for the diagnosis or  
24 treatment of injuries, illnesses or conditions, other than  
25 dental and mental and nervous disorders as described in  
26 paragraph (17), which are rendered by a physician, or by

1 other licensed professionals at the physician's direction.  
2 This includes reconstruction of the breast on which a  
3 mastectomy was performed; surgery and reconstruction of  
4 the other breast to produce a symmetrical appearance; and  
5 prostheses and treatment of physical complications at all  
6 stages of the mastectomy, including lymphedemas.

7 (2.5) Professional services provided by a physician to  
8 children under the age of 16 years for physical  
9 examinations and age appropriate immunizations ordered by  
10 a physician licensed to practice medicine in all its  
11 branches.

12 (3) (Blank).

13 (4) Outpatient prescription drugs that by law require a  
14 prescription written by a physician licensed to practice  
15 medicine in all its branches subject to such separate  
16 deductible, copayment, and other limitations or  
17 restrictions as the Board shall approve, including the use  
18 of a prescription drug card or any other program, or both.

19 (5) Skilled nursing services of a licensed skilled  
20 nursing facility for not more than 120 days during a policy  
21 year.

22 (6) Services of a home health agency in accord with a  
23 home health care plan, up to a maximum of 270 visits per  
24 year.

25 (7) Services of a licensed hospice for not more than  
26 180 days during a policy year.

1 (8) Use of radium or other radioactive materials.

2 (9) Oxygen.

3 (10) Anesthetics.

4 (11) Orthoses and prostheses other than dental.

5 (12) Rental or purchase in accordance with Board  
6 policies or procedures of durable medical equipment, other  
7 than eyeglasses or hearing aids, for which there is no  
8 personal use in the absence of the condition for which it  
9 is prescribed.

10 (13) Diagnostic x-rays and laboratory tests.

11 (14) Oral surgery (i) for excision of partially or  
12 completely unerupted impacted teeth when not performed in  
13 connection with the routine extraction or repair of teeth;  
14 (ii) for excision of tumors or cysts of the jaws, cheeks,  
15 lips, tongue, and roof and floor of the mouth; (iii)  
16 required for correction of cleft lip and palate and other  
17 craniofacial and maxillofacial birth defects; or (iv) for  
18 treatment of injuries to natural teeth or a fractured jaw  
19 due to an accident.

20 (15) Physical, speech, and functional occupational  
21 therapy as medically necessary and provided by appropriate  
22 licensed professionals.

23 (16) Emergency and other medically necessary  
24 transportation provided by a licensed ambulance service to  
25 the nearest health care facility qualified to treat a  
26 covered illness, injury, or condition, subject to the

1 provisions of the Emergency Medical Systems (EMS) Act.

2 (17) Outpatient services for diagnosis and treatment  
3 of mental and nervous disorders provided that a covered  
4 person shall be required to make a copayment not to exceed  
5 50% and that the Plan's payment shall not exceed such  
6 amounts as are established by the Board.

7 (18) Human organ or tissue transplants specified by the  
8 Board that are performed at a hospital designated by the  
9 Board as a participating transplant center for that  
10 specific organ or tissue transplant.

11 (19) Naprapathic services, as appropriate, provided by  
12 a licensed naprapathic practitioner.

13 c. Exclusions. Covered expenses of the Plan shall not  
14 include the following:

15 (1) Any charge for treatment for cosmetic purposes  
16 other than for reconstructive surgery when the service is  
17 incidental to or follows surgery resulting from injury,  
18 sickness or other diseases of the involved part or surgery  
19 for the repair or treatment of a congenital bodily defect  
20 to restore normal bodily functions.

21 (2) Any charge for care that is primarily for rest,  
22 custodial, educational, or domiciliary purposes.

23 (3) Any charge for services in a private room to the  
24 extent it is in excess of the institution's charge for its  
25 most common semiprivate room, unless a private room is  
26 prescribed as medically necessary by a physician.

1           (4) That part of any charge for room and board or for  
2 services rendered or articles prescribed by a physician,  
3 dentist, or other health care personnel that exceeds the  
4 reasonable and customary charge in the locality or for any  
5 services or supplies not medically necessary for the  
6 diagnosed injury or illness.

7           (5) Any charge for services or articles the provision  
8 of which is not within the scope of licensure of the  
9 institution or individual providing the services or  
10 articles.

11           (6) Any expense incurred prior to the effective date of  
12 coverage by the Plan for the person on whose behalf the  
13 expense is incurred.

14           (7) Dental care, dental surgery, dental treatment, any  
15 other dental procedure involving the teeth or  
16 periodontium, or any dental appliances, including crowns,  
17 bridges, implants, or partial or complete dentures, except  
18 as specifically provided in paragraph (14) of subsection b  
19 of this Section.

20           (8) Eyeglasses, contact lenses, hearing aids or their  
21 fitting.

22           (9) Illness or injury due to acts of war.

23           (10) Services of blood donors and any fee for failure  
24 to replace the first 3 pints of blood provided to a covered  
25 person each policy year.

26           (11) Personal supplies or services provided by a

1 hospital or nursing home, or any other nonmedical or  
2 nonprescribed supply or service.

3 (12) Routine maternity charges for a pregnancy, except  
4 where added as optional coverage with payment of an  
5 additional premium for pregnancy resulting from conception  
6 occurring after the effective date of the optional  
7 coverage.

8 (13) (Blank).

9 (14) Any expense or charge for services, drugs, or  
10 supplies that are: (i) not provided in accord with  
11 generally accepted standards of current medical practice;  
12 (ii) for procedures, treatments, equipment, transplants,  
13 or implants, any of which are investigational,  
14 experimental, or for research purposes; (iii)  
15 investigative and not proven safe and effective; or (iv)  
16 for, or resulting from, a gender transformation operation.

17 (15) Any expense or charge for routine physical  
18 examinations or tests except as provided in item (2.5) of  
19 subsection b of this Section.

20 (16) Any expense for which a charge is not made in the  
21 absence of insurance or for which there is no legal  
22 obligation on the part of the patient to pay.

23 (17) Any expense incurred for benefits provided under  
24 the laws of the United States and this State, including  
25 Medicare, Medicaid, and other medical assistance, maternal  
26 and child health services and any other program that is



1 administered or funded by the Department of Human Services,  
2 Department of Healthcare and Family Services, or  
3 Department of Public Health, military service-connected  
4 disability payments, medical services provided for members  
5 of the armed forces and their dependents or employees of  
6 the armed forces of the United States, and medical services  
7 financed on behalf of all citizens by the United States.

8 (18) Any expense or charge for in vitro fertilization,  
9 artificial insemination, or any other artificial means  
10 used to cause pregnancy.

11 (19) Any expense or charge for oral contraceptives used  
12 for birth control or any other temporary birth control  
13 measures.

14 (20) Any expense or charge for sterilization or  
15 sterilization reversals.

16 (21) Any expense or charge for weight loss programs,  
17 exercise equipment, or treatment of obesity, except when  
18 certified by a physician as morbid obesity (at least 2  
19 times normal body weight).

20 (22) Any expense or charge for acupuncture treatment  
21 unless used as an anesthetic agent for a covered surgery.

22 (23) Any expense or charge for or related to organ or  
23 tissue transplants other than those performed at a hospital  
24 with a Board approved organ transplant program that has  
25 been designated by the Board as a preferred or exclusive  
26 provider organization for that specific organ or tissue

1 transplant.

2 (24) Any expense or charge for procedures, treatments,  
3 equipment, or services that are provided in special  
4 settings for research purposes or in a controlled  
5 environment, are being studied for safety, efficiency, and  
6 effectiveness, and are awaiting endorsement by the  
7 appropriate national medical specialty ~~speciality~~ college  
8 for general use within the medical community.

9 d. Deductibles and coinsurance.

10 The Plan coverage defined in Section 6 shall provide for a  
11 choice of deductibles per individual as authorized by the  
12 Board. If 2 individual members of the same family household,  
13 who are both covered persons under the Plan, satisfy the same  
14 applicable deductibles, no other member of that family who is  
15 also a covered person under the Plan shall be required to meet  
16 any deductibles for the balance of that calendar year. The  
17 deductibles must be applied first to the authorized amount of  
18 covered expenses incurred by the covered person. A mandatory  
19 coinsurance requirement shall be imposed at the rate authorized  
20 by the Board in excess of the mandatory deductible, the  
21 coinsurance in the aggregate not to exceed such amounts as are  
22 authorized by the Board per annum. At its discretion the Board  
23 may, however, offer catastrophic coverages or other policies  
24 that provide for larger deductibles with or without coinsurance  
25 requirements. The deductibles and coinsurance factors may be  
26 adjusted annually according to the Medical Component of the

1 Consumer Price Index.

2 e. Scope of coverage.

3 (1) In approving any of the benefit plans to be offered  
4 by the Plan, the Board shall establish such benefit levels,  
5 deductibles, coinsurance factors, exclusions, and  
6 limitations as it may deem appropriate and that it believes  
7 to be generally reflective of and commensurate with health  
8 insurance coverage that is provided in the individual  
9 market in this State.

10 (2) The benefit plans approved by the Board may also  
11 provide for and employ various cost containment measures  
12 and other requirements including, but not limited to,  
13 preadmission certification, prior approval, second  
14 surgical opinions, concurrent utilization review programs,  
15 individual case management, preferred provider  
16 organizations, health maintenance organizations, and other  
17 cost effective arrangements for paying for covered  
18 expenses.

19 f. Preexisting conditions.

20 (1) Except for federally eligible individuals  
21 qualifying for Plan coverage under Section 15 of this Act  
22 or eligible persons who qualify for the waiver authorized  
23 in paragraph (3) of this subsection, plan coverage shall  
24 exclude charges or expenses incurred during the first 6  
25 months following the effective date of coverage as to any  
26 condition for which medical advice, care or treatment was

1 recommended or received during the 6 month period  
2 immediately preceding the effective date of coverage.

3 (2) (Blank).

4 (3) Waiver: The preexisting condition exclusions as  
5 set forth in paragraph (1) of this subsection shall be  
6 waived to the extent to which the eligible person (a) has  
7 satisfied similar exclusions under any prior individual  
8 health insurance policy that was involuntarily terminated  
9 because of the insolvency of the issuer of the policy and  
10 (b) has applied for Plan coverage within 90 days following  
11 the involuntary termination of that individual health  
12 insurance coverage.

13 (4) Waiver: The preexisting condition exclusions as  
14 set forth in paragraph (1) of this subsection shall be  
15 waived to the extent to which the eligible person (a) has  
16 satisfied the exclusion under prior Comprehensive Health  
17 Insurance Plan coverage that was involuntarily terminated  
18 because of meeting a lower lifetime benefit limit and (b)  
19 has reapplied for Plan coverage within 90 days following an  
20 increase in the lifetime benefit limit set forth in Section  
21 8 of this Act.

22 g. Other sources primary; nonduplication of benefits.

23 (1) The Plan shall be the last payor of benefits  
24 whenever any other benefit or source of third party payment  
25 is available. Subject to the provisions of subsection e of  
26 Section 7, benefits otherwise payable under Plan coverage

1 shall be reduced by all amounts paid or payable by Medicare  
2 or any other government program or through any health  
3 insurance coverage or group health plan, whether by  
4 insurance, reimbursement, or otherwise, or through any  
5 third party liability, settlement, judgment, or award,  
6 regardless of the date of the settlement, judgment, or  
7 award, whether the settlement, judgment, or award is in the  
8 form of a contract, agreement, or trust on behalf of a  
9 minor or otherwise and whether the settlement, judgment, or  
10 award is payable to the covered person, his or her  
11 dependent, estate, personal representative, or guardian in  
12 a lump sum or over time, and by all hospital or medical  
13 expense benefits paid or payable under any worker's  
14 compensation coverage, automobile medical payment, or  
15 liability insurance, whether provided on the basis of fault  
16 or nonfault, and by any hospital or medical benefits paid  
17 or payable under or provided pursuant to any State or  
18 federal law or program.

19 (2) The Plan shall have a cause of action against any  
20 covered person or any other person or entity for the  
21 recovery of any amount paid to the extent the amount was  
22 for treatment, services, or supplies not covered in this  
23 Section or in excess of benefits as set forth in this  
24 Section.

25 (3) Whenever benefits are due from the Plan because of  
26 sickness or an injury to a covered person resulting from a

1 third party's wrongful act or negligence and the covered  
2 person has recovered or may recover damages from a third  
3 party or its insurer, the Plan shall have the right to  
4 reduce benefits or to refuse to pay benefits that otherwise  
5 may be payable by the amount of damages that the covered  
6 person has recovered or may recover regardless of the date  
7 of the sickness or injury or the date of any settlement,  
8 judgment, or award resulting from that sickness or injury.

9 During the pendency of any action or claim that is  
10 brought by or on behalf of a covered person against a third  
11 party or its insurer, any benefits that would otherwise be  
12 payable except for the provisions of this paragraph (3)  
13 shall be paid if payment by or for the third party has not  
14 yet been made and the covered person or, if incapable, that  
15 person's legal representative agrees in writing to pay back  
16 promptly the benefits paid as a result of the sickness or  
17 injury to the extent of any future payments made by or for  
18 the third party for the sickness or injury. This agreement  
19 is to apply whether or not liability for the payments is  
20 established or admitted by the third party or whether those  
21 payments are itemized.

22 Any amounts due the plan to repay benefits may be  
23 deducted from other benefits payable by the Plan after  
24 payments by or for the third party are made.

25 (4) Benefits due from the Plan may be reduced or  
26 refused as an offset against any amount otherwise

1 recoverable under this Section.

2 h. Right of subrogation; recoveries.

3 (1) Whenever the Plan has paid benefits because of  
4 sickness or an injury to any covered person resulting from  
5 a third party's wrongful act or negligence, or for which an  
6 insurer is liable in accordance with the provisions of any  
7 policy of insurance, and the covered person has recovered  
8 or may recover damages from a third party that is liable  
9 for the damages, the Plan shall have the right to recover  
10 the benefits it paid from any amounts that the covered  
11 person has received or may receive regardless of the date  
12 of the sickness or injury or the date of any settlement,  
13 judgment, or award resulting from that sickness or injury.  
14 The Plan shall be subrogated to any right of recovery the  
15 covered person may have under the terms of any private or  
16 public health care coverage or liability coverage,  
17 including coverage under the Workers' Compensation Act or  
18 the Workers' Occupational Diseases Act, without the  
19 necessity of assignment of claim or other authorization to  
20 secure the right of recovery. To enforce its subrogation  
21 right, the Plan may (i) intervene or join in an action or  
22 proceeding brought by the covered person or his personal  
23 representative, including his guardian, conservator,  
24 estate, dependents, or survivors, against any third party  
25 or the third party's insurer that may be liable or (ii)  
26 institute and prosecute legal proceedings against any

1 third party or the third party's insurer that may be liable  
2 for the sickness or injury in an appropriate court either  
3 in the name of the Plan or in the name of the covered  
4 person or his personal representative, including his  
5 guardian, conservator, estate, dependents, or survivors.

6 (2) If any action or claim is brought by or on behalf  
7 of a covered person against a third party or the third  
8 party's insurer, the covered person or his personal  
9 representative, including his guardian, conservator,  
10 estate, dependents, or survivors, shall notify the Plan by  
11 personal service or registered mail of the action or claim  
12 and of the name of the court in which the action or claim  
13 is brought, filing proof thereof in the action or claim.  
14 The Plan may, at any time thereafter, join in the action or  
15 claim upon its motion so that all orders of court after  
16 hearing and judgment shall be made for its protection. No  
17 release or settlement of a claim for damages and no  
18 satisfaction of judgment in the action shall be valid  
19 without the written consent of the Plan to the extent of  
20 its interest in the settlement or judgment and of the  
21 covered person or his personal representative.

22 (3) In the event that the covered person or his  
23 personal representative fails to institute a proceeding  
24 against any appropriate third party before the fifth month  
25 before the action would be barred, the Plan may, in its own  
26 name or in the name of the covered person or personal



1 representative, commence a proceeding against any  
2 appropriate third party for the recovery of damages on  
3 account of any sickness, injury, or death to the covered  
4 person. The covered person shall cooperate in doing what is  
5 reasonably necessary to assist the Plan in any recovery and  
6 shall not take any action that would prejudice the Plan's  
7 right to recovery. The Plan shall pay to the covered person  
8 or his personal representative all sums collected from any  
9 third party by judgment or otherwise in excess of amounts  
10 paid in benefits under the Plan and amounts paid or to be  
11 paid as costs, attorneys fees, and reasonable expenses  
12 incurred by the Plan in making the collection or enforcing  
13 the judgment.

14 (4) In the event that a covered person or his personal  
15 representative, including his guardian, conservator,  
16 estate, dependents, or survivors, recovers damages from a  
17 third party for sickness or injury caused to the covered  
18 person, the covered person or the personal representative  
19 shall pay to the Plan from the damages recovered the amount  
20 of benefits paid or to be paid on behalf of the covered  
21 person.

22 (5) When the action or claim is brought by the covered  
23 person alone and the covered person incurs a personal  
24 liability to pay attorney's fees and costs of litigation,  
25 the Plan's claim for reimbursement of the benefits provided  
26 to the covered person shall be the full amount of benefits

1       paid to or on behalf of the covered person under this Act  
2       less a pro rata share that represents the Plan's reasonable  
3       share of attorney's fees paid by the covered person and  
4       that portion of the cost of litigation expenses determined  
5       by multiplying by the ratio of the full amount of the  
6       expenditures to the full amount of the judgement, award, or  
7       settlement.

8           (6) In the event of judgment or award in a suit or  
9       claim against a third party or insurer, the court shall  
10      first order paid from any judgement or award the reasonable  
11      litigation expenses incurred in preparation and  
12      prosecution of the action or claim, together with  
13      reasonable attorney's fees. After payment of those  
14      expenses and attorney's fees, the court shall apply out of  
15      the balance of the judgment or award an amount sufficient  
16      to reimburse the Plan the full amount of benefits paid on  
17      behalf of the covered person under this Act, provided the  
18      court may reduce and apportion the Plan's portion of the  
19      judgement proportionate to the recovery of the covered  
20      person. The burden of producing evidence sufficient to  
21      support the exercise by the court of its discretion to  
22      reduce the amount of a proven charge sought to be enforced  
23      against the recovery shall rest with the party seeking the  
24      reduction. The court may consider the nature and extent of  
25      the injury, economic and non-economic loss, settlement  
26      offers, comparative negligence as it applies to the case at

1 hand, hospital costs, physician costs, and all other  
2 appropriate costs. The Plan shall pay its pro rata share of  
3 the attorney fees based on the Plan's recovery as it  
4 compares to the total judgment. Any reimbursement rights of  
5 the Plan shall take priority over all other liens and  
6 charges existing under the laws of this State with the  
7 exception of any attorney liens filed under the Attorneys  
8 Lien Act.

9 (7) The Plan may compromise or settle and release any  
10 claim for benefits provided under this Act or waive any  
11 claims for benefits, in whole or in part, for the  
12 convenience of the Plan or if the Plan determines that  
13 collection would result in undue hardship upon the covered  
14 person.

15 (Source: P.A. 95-547, eff. 8-29-07; 96-791, eff. 9-25-09;  
16 96-938, eff. 6-24-10; revised 11-18-11.)

17 Section 360. The Health Maintenance Organization Act is  
18 amended by changing Section 5-3 as follows:

19 (215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

20 Sec. 5-3. Insurance Code provisions.

21 (a) Health Maintenance Organizations shall be subject to  
22 the provisions of Sections 133, 134, 136, 137, 139, 140, 141.1,  
23 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154,  
24 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a, 355.2, 356g.5-1,

1 356m, 356v, 356w, 356x, 356y, 356z.2, 356z.4, 356z.5, 356z.6,  
2 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14,  
3 356z.15, 356z.17, 356z.18, 356z.19, 356z.21 ~~356z.19~~, 364.01,  
4 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 370c,  
5 370c.1, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444,  
6 and 444.1, paragraph (c) of subsection (2) of Section 367, and  
7 Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and  
8 XXVI of the Illinois Insurance Code.

9 (b) For purposes of the Illinois Insurance Code, except for  
10 Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health  
11 Maintenance Organizations in the following categories are  
12 deemed to be "domestic companies":

13 (1) a corporation authorized under the Dental Service  
14 Plan Act or the Voluntary Health Services Plans Act;

15 (2) a corporation organized under the laws of this  
16 State; or

17 (3) a corporation organized under the laws of another  
18 state, 30% or more of the enrollees of which are residents  
19 of this State, except a corporation subject to  
20 substantially the same requirements in its state of  
21 organization as is a "domestic company" under Article VIII  
22 1/2 of the Illinois Insurance Code.

23 (c) In considering the merger, consolidation, or other  
24 acquisition of control of a Health Maintenance Organization  
25 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

26 (1) the Director shall give primary consideration to

1 the continuation of benefits to enrollees and the financial  
2 conditions of the acquired Health Maintenance Organization  
3 after the merger, consolidation, or other acquisition of  
4 control takes effect;

5 (2) (i) the criteria specified in subsection (1) (b) of  
6 Section 131.8 of the Illinois Insurance Code shall not  
7 apply and (ii) the Director, in making his determination  
8 with respect to the merger, consolidation, or other  
9 acquisition of control, need not take into account the  
10 effect on competition of the merger, consolidation, or  
11 other acquisition of control;

12 (3) the Director shall have the power to require the  
13 following information:

14 (A) certification by an independent actuary of the  
15 adequacy of the reserves of the Health Maintenance  
16 Organization sought to be acquired;

17 (B) pro forma financial statements reflecting the  
18 combined balance sheets of the acquiring company and  
19 the Health Maintenance Organization sought to be  
20 acquired as of the end of the preceding year and as of  
21 a date 90 days prior to the acquisition, as well as pro  
22 forma financial statements reflecting projected  
23 combined operation for a period of 2 years;

24 (C) a pro forma business plan detailing an  
25 acquiring party's plans with respect to the operation  
26 of the Health Maintenance Organization sought to be

1           acquired for a period of not less than 3 years; and

2                   (D) such other information as the Director shall  
3           require.

4           (d) The provisions of Article VIII 1/2 of the Illinois  
5   Insurance Code and this Section 5-3 shall apply to the sale by  
6   any health maintenance organization of greater than 10% of its  
7   enrollee population (including without limitation the health  
8   maintenance organization's right, title, and interest in and to  
9   its health care certificates).

10          (e) In considering any management contract or service  
11   agreement subject to Section 141.1 of the Illinois Insurance  
12   Code, the Director (i) shall, in addition to the criteria  
13   specified in Section 141.2 of the Illinois Insurance Code, take  
14   into account the effect of the management contract or service  
15   agreement on the continuation of benefits to enrollees and the  
16   financial condition of the health maintenance organization to  
17   be managed or serviced, and (ii) need not take into account the  
18   effect of the management contract or service agreement on  
19   competition.

20          (f) Except for small employer groups as defined in the  
21   Small Employer Rating, Renewability and Portability Health  
22   Insurance Act and except for medicare supplement policies as  
23   defined in Section 363 of the Illinois Insurance Code, a Health  
24   Maintenance Organization may by contract agree with a group or  
25   other enrollment unit to effect refunds or charge additional  
26   premiums under the following terms and conditions:

1           (i) the amount of, and other terms and conditions with  
2           respect to, the refund or additional premium are set forth  
3           in the group or enrollment unit contract agreed in advance  
4           of the period for which a refund is to be paid or  
5           additional premium is to be charged (which period shall not  
6           be less than one year); and

7           (ii) the amount of the refund or additional premium  
8           shall not exceed 20% of the Health Maintenance  
9           Organization's profitable or unprofitable experience with  
10          respect to the group or other enrollment unit for the  
11          period (and, for purposes of a refund or additional  
12          premium, the profitable or unprofitable experience shall  
13          be calculated taking into account a pro rata share of the  
14          Health Maintenance Organization's administrative and  
15          marketing expenses, but shall not include any refund to be  
16          made or additional premium to be paid pursuant to this  
17          subsection (f)). The Health Maintenance Organization and  
18          the group or enrollment unit may agree that the profitable  
19          or unprofitable experience may be calculated taking into  
20          account the refund period and the immediately preceding 2  
21          plan years.

22          The Health Maintenance Organization shall include a  
23          statement in the evidence of coverage issued to each enrollee  
24          describing the possibility of a refund or additional premium,  
25          and upon request of any group or enrollment unit, provide to  
26          the group or enrollment unit a description of the method used

1 to calculate (1) the Health Maintenance Organization's  
2 profitable experience with respect to the group or enrollment  
3 unit and the resulting refund to the group or enrollment unit  
4 or (2) the Health Maintenance Organization's unprofitable  
5 experience with respect to the group or enrollment unit and the  
6 resulting additional premium to be paid by the group or  
7 enrollment unit.

8 In no event shall the Illinois Health Maintenance  
9 Organization Guaranty Association be liable to pay any  
10 contractual obligation of an insolvent organization to pay any  
11 refund authorized under this Section.

12 (g) Rulemaking authority to implement Public Act 95-1045,  
13 if any, is conditioned on the rules being adopted in accordance  
14 with all provisions of the Illinois Administrative Procedure  
15 Act and all rules and procedures of the Joint Committee on  
16 Administrative Rules; any purported rule not so adopted, for  
17 whatever reason, is unauthorized.

18 (Source: P.A. 96-328, eff. 8-11-09; 96-639, eff. 1-1-10;  
19 96-833, eff. 6-1-10; 96-1000, eff. 7-2-10; 97-282, eff. 8-9-11;  
20 97-343, eff. 1-1-12; 97-437, eff. 8-18-11; 97-486, eff. 1-1-12;  
21 97-592, eff. 1-1-12; revised 10-13-11.)

22 Section 365. The Limited Health Service Organization Act is  
23 amended by changing Sections 2003 and 4003 as follows:

24 (215 ILCS 130/2003) (from Ch. 73, par. 1502-3)



1           Sec. 2003. Powers of limited health service organizations.  
2           The powers of a limited health service organization include,  
3           but are not limited to the following:

4           (1)    The purchase, lease, construction, renovation,  
5           operation or maintenance of limited health service facilities  
6           and their ancillary equipment, and such property as may  
7           reasonably be required for its principal office or for such  
8           other purposes as may be necessary in the transaction of the  
9           business of the organization.

10          (2)    The making of loans to a provider group under contract  
11          with it and in furtherance of its program or the making of  
12          loans to a corporation or corporations under its control for  
13          the purpose of acquiring or constructing limited health service  
14          facilities or in furtherance of a program providing limited  
15          health services for enrollees.

16          (3)    The furnishing of limited health services through  
17          providers which are under contract with or employed by the  
18          limited health service organization.

19          (4)    The contracting with any person for the performance on  
20          its behalf of certain functions such as marketing, enrollment  
21          and administration.

22          (5)    The contracting with an insurance company licensed in  
23          this State, or with a hospital, medical, voluntary, dental,  
24          vision or pharmaceutical service corporation authorized to do  
25          business in this State, for the provision of insurance,  
26          indemnity or reimbursement against the cost of limited health

1 service provided by the limited health service organization.

2 (6) Rendering services related to the functions involved in  
3 the operation of its limited health service business including,  
4 but not limited to, providing limited health services, data  
5 processing, accounting, claims.

6 (7) Indemnity benefits covering out of area or emergency  
7 services directly related to the provision of limited health  
8 service.

9 (8) The offering of point-of-service products as  
10 authorized under Section 3009.

11 (9) Any other business activity reasonably complementary  
12 ~~complimentary~~ or supplementary to its limited health service  
13 business to the extent approved by the Director.

14 (Source: P.A. 86-600; 87-1079; revised 11-18-11.)

15 (215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

16 Sec. 4003. Illinois Insurance Code provisions. Limited  
17 health service organizations shall be subject to the provisions  
18 of Sections 133, 134, 136, 137, 139, 140, 141.1, 141.2, 141.3,  
19 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6,  
20 154.7, 154.8, 155.04, 155.37, 355.2, 356v, 356z.10, 356z.21  
21 ~~356z.19~~, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, 409,  
22 412, 444, and 444.1 and Articles IIA, VIII 1/2, XII, XII 1/2,  
23 XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.  
24 For purposes of the Illinois Insurance Code, except for  
25 Sections 444 and 444.1 and Articles XIII and XIII 1/2, limited

1 health service organizations in the following categories are  
2 deemed to be domestic companies:

3 (1) a corporation under the laws of this State; or

4 (2) a corporation organized under the laws of another  
5 state, 30% of more of the enrollees of which are residents  
6 of this State, except a corporation subject to  
7 substantially the same requirements in its state of  
8 organization as is a domestic company under Article VIII  
9 1/2 of the Illinois Insurance Code.

10 (Source: P.A. 97-486, eff. 1-1-12; 97-592, 1-1-12; revised  
11 10-13-11.)

12 Section 370. The Viatical Settlements Act of 2009 is  
13 amended by changing Section 72 as follows:

14 (215 ILCS 159/72)

15 Sec. 72. Crimes and offenses.

16 (a) A person acting in this State as a viatical settlement  
17 provider without having been licensed pursuant to Section 10 of  
18 this Act who willfully violates any provision of this Act or  
19 any rule adopted or order issued under this Act is guilty of a  
20 Class A misdemeanor and may be subject to a fine of not more  
21 than \$3,000. When such violation results in a loss of more than  
22 \$10,000, the person shall be guilty of a Class 3 felony and may  
23 be subject to a fine of not more than \$10,000.

24 (b) A person acting in this State as a viatical settlement

1 broker without having met the licensure and notification  
2 requirements established by Section 10 of this Act who  
3 willfully violates any provision of this Act or any rule  
4 adopted or order issued under this Act is guilty of a Class A  
5 misdemeanor and may be subject to a fine of not more than  
6 \$3,000. When such violation results in a loss of more than  
7 \$10,000, the person shall be guilty of a Class 3 felony and may  
8 be subject to a fine of not more than \$10,000.

9 (c) The Director may refer such evidence as is available  
10 concerning violations of this Act or any rule adopted or order  
11 issued under this Act or of the failure of a person to comply  
12 with the licensing requirements of this Act to the Attorney  
13 General or the proper county attorney who may, with or without  
14 such reference, institute the appropriate criminal proceedings  
15 under this Act.

16 (d) A person commits the offense of viatical settlement  
17 fraud when:

18 (1) For the purpose of depriving another of property or  
19 for pecuniary gain any person knowingly:

20 (A) presents, causes to be presented, or prepares  
21 with knowledge or belief that it will be presented to  
22 or by a viatical settlement provider, viatical  
23 settlement broker, life expectancy provider, viatical  
24 settlement purchaser, financing entity, insurer,  
25 insurance producer, or any other person, false  
26 material information, or conceals material

1 information, as part of, in support of or concerning a  
2 fact material to one or more of the following:

3 (i) an application for the issuance of a  
4 viatical settlement contract or insurance policy;

5 (ii) the underwriting of a viatical settlement  
6 contract or insurance policy;

7 (iii) a claim for payment or benefit pursuant  
8 to a viatical settlement contract or insurance  
9 policy;

10 (iv) premiums paid on an insurance policy;

11 (v) payments and changes in ownership or  
12 beneficiary made in accordance with the terms of a  
13 viatical settlement contract or insurance policy;

14 (vi) the reinstatement or conversion of an  
15 insurance policy;

16 (vii) in the solicitation, offer,  
17 effectuation, or sale of a viatical settlement  
18 contract or insurance policy;

19 (viii) the issuance of written evidence of a  
20 viatical settlement contract or insurance; or

21 (ix) a financing transaction; or

22 (B) employs any plan, financial structure, device,  
23 scheme, or artifice to defraud related to viaticated  
24 policies; or

25 (C) enters into any act, practice, or arrangement  
26 which involves stranger-originated life insurance.

1           (2) In furtherance of a scheme to defraud, to further a  
2 fraud, or to prevent or hinder the detection of a scheme to  
3 defraud any person knowingly does or permits his employees  
4 or agents to do any of the following:

5           (A) remove, conceal, alter, destroy, or sequester  
6 from the Director the assets or records of a licensee  
7 or other person engaged in the business of viatical  
8 settlements;

9           (B) misrepresent or conceal the financial  
10 condition of a licensee, financing entity, insurer, or  
11 other person;

12           (C) transact the business of viatical settlements  
13 in violation of laws requiring a license, certificate  
14 of authority, or other legal authority for the  
15 transaction of the business of viatical settlements;  
16 or

17           (D) file with the Director or the equivalent chief  
18 insurance regulatory official of another jurisdiction  
19 a document containing false information or otherwise  
20 conceals information about a material fact from the  
21 Director;

22           (3) Any person knowingly steals, misappropriates, or  
23 converts monies, funds, premiums, credits, or other  
24 property of a viatical settlement provider, insurer,  
25 insured, viator, insurance policyowner, or any other  
26 person engaged in the business of viatical settlements or

1 insurance;

2 (4) Any person recklessly enters into, negotiates,  
3 brokers, or otherwise deals in a viatical settlement  
4 contract, the subject of which is a life insurance policy  
5 that was obtained by presenting false information  
6 concerning any fact material to the policy or by  
7 concealing, for the purpose of misleading another,  
8 information concerning any fact material to the policy,  
9 where the person or the persons intended to defraud the  
10 policy's issuer, the viatical settlement provider or the  
11 viator; or

12 (5) Any person facilitates the change of state of  
13 ownership of a policy or the state of residency of a viator  
14 to a state or jurisdiction that does not have a law similar  
15 to this Act for the express purposes of evading or avoiding  
16 the provisions of this Act.

17 (e) ~~(e)~~ For purposes of this Section, "person" means (i) an  
18 individual, (ii) a corporation, (iii) an officer, agent, or  
19 employee of a corporation, (iv) a member, agent, or employee of  
20 a partnership, or (v) a member, manager, employee, officer,  
21 director, or agent of a limited liability company who, in any  
22 such capacity described by this subsection (e) ~~(e)~~, commits  
23 viatical settlement fraud.

24 (Source: P.A. 96-736, eff. 7-1-10; revised 11-18-11.)

25 Section 375. The Voluntary Health Services Plans Act is

1 amended by changing Section 10 as follows:

2 (215 ILCS 165/10) (from Ch. 32, par. 604)

3 Sec. 10. Application of Insurance Code provisions. Health  
4 services plan corporations and all persons interested therein  
5 or dealing therewith shall be subject to the provisions of  
6 Articles IIA and XII 1/2 and Sections 3.1, 133, 136, 139, 140,  
7 143, 143c, 149, 155.22a, 155.37, 354, 355.2, 356g, 356g.5,  
8 356g.5-1, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1,  
9 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10,  
10 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.18, 356z.19,  
11 356z.21 ~~356z.19~~, 364.01, 367.2, 368a, 401, 401.1, 402, 403,  
12 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of  
13 Section 367 of the Illinois Insurance Code.

14 Rulemaking authority to implement Public Act 95-1045, if  
15 any, is conditioned on the rules being adopted in accordance  
16 with all provisions of the Illinois Administrative Procedure  
17 Act and all rules and procedures of the Joint Committee on  
18 Administrative Rules; any purported rule not so adopted, for  
19 whatever reason, is unauthorized.

20 (Source: P.A. 96-328, eff. 8-11-09; 96-833, eff. 6-1-10;  
21 96-1000, eff. 7-2-10; 97-282, eff. 8-9-11; 97-343, eff. 1-1-12;  
22 97-486, eff. 1-1-12; 97-592, eff. 1-1-12; revised 10-13-11.)

23 Section 380. The Health Carrier External Review Act is  
24 amended by changing Section 10 as follows:



1 (215 ILCS 180/10)

2 Sec. 10. Definitions. For the purposes of this Act:

3 "Adverse determination" means:

4 (1) a determination by a health carrier or its designee  
5 utilization review organization that, based upon the  
6 information provided, a request for a benefit under the  
7 health carrier's health benefit plan upon application of  
8 any utilization review technique does not meet the health  
9 carrier's requirements for medical necessity,  
10 appropriateness, health care setting, level of care, or  
11 effectiveness or is determined to be experimental or  
12 investigational and the requested benefit is therefore  
13 denied, reduced, or terminated or payment is not provided  
14 or made, in whole or in part, for the benefit;

15 (2) the denial, reduction, or termination of or failure  
16 to provide or make payment, in whole or in part, for a  
17 benefit based on a determination by a health carrier or its  
18 designee utilization review organization that a  
19 preexisting condition was present before the effective  
20 date of coverage; or

21 (3) a rescission of coverage determination, which does  
22 not include a cancellation or discontinuance of coverage  
23 that is attributable to a failure to timely pay required  
24 premiums or contributions towards the cost of coverage.

25 "Authorized representative" means:

1           (1) a person to whom a covered person has given express  
2 written consent to represent the covered person for  
3 purposes of this Law;

4           (2) a person authorized by law to provide substituted  
5 consent for a covered person;

6           (3) a family member of the covered person or the  
7 covered person's treating health care professional when  
8 the covered person is unable to provide consent;

9           (4) a health care provider when the covered person's  
10 health benefit plan requires that a request for a benefit  
11 under the plan be initiated by the health care provider; or

12           (5) in the case of an urgent care request, a health  
13 care provider with knowledge of the covered person's  
14 medical condition.

15 "Best evidence" means evidence based on:

16           (1) randomized clinical trials;

17           (2) if randomized clinical trials are not available,  
18 then cohort studies or case-control studies;

19           (3) if items (1) and (2) are not available, then  
20 case-series; or

21           (4) if items (1), (2), and (3) are not available, then  
22 expert opinion.

23 "Case-series" means an evaluation of a series of patients  
24 with a particular outcome, without the use of a control group.

25 "Clinical review criteria" means the written screening  
26 procedures, decision abstracts, clinical protocols, and

1 practice guidelines used by a health carrier to determine the  
2 necessity and appropriateness of health care services.

3 "Cohort study" means a prospective evaluation of 2 groups  
4 of patients with only one group of patients receiving specific  
5 intervention.

6 "Concurrent review" means a review conducted during a  
7 patient's stay or course of treatment in a facility, the office  
8 of a health care professional, or other inpatient or outpatient  
9 health care setting.

10 "Covered benefits" or "benefits" means those health care  
11 services to which a covered person is entitled under the terms  
12 of a health benefit plan.

13 "Covered person" means a policyholder, subscriber,  
14 enrollee, or other individual participating in a health benefit  
15 plan.

16 "Director" means the Director of the Department of  
17 Insurance.

18 "Emergency medical condition" means a medical condition  
19 manifesting itself by acute symptoms of sufficient severity,  
20 including, but not limited to, severe pain, such that a prudent  
21 layperson who possesses an average knowledge of health and  
22 medicine could reasonably expect the absence of immediate  
23 medical attention to result in:

24 (1) placing the health of the individual or, with  
25 respect to a pregnant woman, the health of the woman or her  
26 unborn child, in serious jeopardy;

1 (2) serious impairment to bodily functions; or

2 (3) serious dysfunction of any bodily organ or part.

3 "Emergency services" means health care items and services  
4 furnished or required to evaluate and treat an emergency  
5 medical condition.

6 "Evidence-based standard" means the conscientious,  
7 explicit, and judicious use of the current best evidence based  
8 on an overall systematic review of the research in making  
9 decisions about the care of individual patients.

10 "Expert opinion" means a belief or an interpretation by  
11 specialists with experience in a specific area about the  
12 scientific evidence pertaining to a particular service,  
13 intervention, or therapy.

14 "Facility" means an institution providing health care  
15 services or a health care setting.

16 "Final adverse determination" means an adverse  
17 determination involving a covered benefit that has been upheld  
18 by a health carrier, or its designee utilization review  
19 organization, at the completion of the health carrier's  
20 internal grievance process procedures as set forth by the  
21 Managed Care Reform and Patient Rights Act.

22 "Health benefit plan" means a policy, contract,  
23 certificate, plan, or agreement offered or issued by a health  
24 carrier to provide, deliver, arrange for, pay for, or reimburse  
25 any of the costs of health care services.

26 "Health care provider" or "provider" means a physician,

1 hospital facility, or other health care practitioner licensed,  
2 accredited, or certified to perform specified health care  
3 services consistent with State law, responsible for  
4 recommending health care services on behalf of a covered  
5 person.

6 "Health care services" means services for the diagnosis,  
7 prevention, treatment, cure, or relief of a health condition,  
8 illness, injury, or disease.

9 "Health carrier" means an entity subject to the insurance  
10 laws and regulations of this State, or subject to the  
11 jurisdiction of the Director, that contracts or offers to  
12 contract to provide, deliver, arrange for, pay for, or  
13 reimburse any of the costs of health care services, including a  
14 sickness and accident insurance company, a health maintenance  
15 organization, or any other entity providing a plan of health  
16 insurance, health benefits, or health care services. "Health  
17 carrier" also means Limited Health Service Organizations  
18 (LHSO) and Voluntary Health Service Plans.

19 "Health information" means information or data, whether  
20 oral or recorded in any form or medium, and personal facts or  
21 information about events or relationships that relate to:

22 (1) the past, present, or future physical, mental, or  
23 behavioral health or condition of an individual or a member  
24 of the individual's family;

25 (2) the provision of health care services to an  
26 individual; or

1           (3) payment for the provision of health care services  
2           to an individual.

3           "Independent review organization" means an entity that  
4           conducts independent external reviews of adverse  
5           determinations and final adverse determinations.

6           "Medical or scientific evidence" means evidence found in  
7           the following sources:

8           (1) peer-reviewed scientific studies published in or  
9           accepted for publication by medical journals that meet  
10          nationally recognized requirements for scientific  
11          manuscripts and that submit most of their published  
12          articles for review by experts who are not part of the  
13          editorial staff;

14          (2) peer-reviewed medical literature, including  
15          literature relating to therapies reviewed and approved by a  
16          qualified institutional review board, biomedical  
17          compendia, and other medical literature that meet the  
18          criteria of the National Institutes of Health's Library of  
19          Medicine for indexing in Index Medicus (Medline) and  
20          Elsevier Science Ltd. for indexing in Excerpta Medicus  
21          (EMBASE);

22          (3) medical journals recognized by the Secretary of  
23          Health and Human Services under Section 1861(t)(2) of the  
24          federal Social Security Act;

25          (4) the following standard reference compendia:

26               (a) The American Hospital Formulary Service-Drug

1 Information;

2 (b) Drug Facts and Comparisons;

3 (c) The American Dental Association Accepted  
4 Dental Therapeutics; and

5 (d) The United States Pharmacopoeia-Drug  
6 Information;

7 (5) findings, studies, or research conducted by or  
8 under the auspices of federal government agencies and  
9 nationally recognized federal research institutes,  
10 including:

11 (a) the federal Agency for Healthcare Research and  
12 Quality;

13 (b) the National Institutes of Health;

14 (c) the National Cancer Institute;

15 (d) the National Academy of Sciences;

16 (e) the Centers for Medicare & Medicaid Services;

17 (f) the federal Food and Drug Administration; and

18 (g) any national board recognized by the National  
19 Institutes of Health for the purpose of evaluating the  
20 medical value of health care services; or

21 (6) any other medical or scientific evidence that is  
22 comparable to the sources listed in items (1) through (5).

23 "Person" means an individual, a corporation, a  
24 partnership, an association, a joint venture, a joint stock  
25 company, a trust, an unincorporated organization, any similar  
26 entity, or any combination of the foregoing.

1 "Prospective review" means a review conducted prior to an  
2 admission or the provision of a health care service or a course  
3 of treatment in accordance with a health carrier's requirement  
4 that the health care service or course of treatment, in whole  
5 or in part, be approved prior to its provision.

6 "Protected health information" means health information  
7 (i) that identifies an individual who is the subject of the  
8 information; or (ii) with respect to which there is a  
9 reasonable basis to believe that the information could be used  
10 to identify an individual.

11 "Randomized clinical trial" means a controlled prospective  
12 study of patients that have been randomized into an  
13 experimental group and a control group at the beginning of the  
14 study with only the experimental group of patients receiving a  
15 specific intervention, which includes study of the groups for  
16 variables and anticipated outcomes over time.

17 "Retrospective review" means any review of a request for a  
18 benefit that is not a concurrent or prospective review request.  
19 "Retrospective review" does not include the review of a claim  
20 that is limited to veracity of documentation or accuracy of  
21 coding.-

22 "Utilization review" has the meaning provided by the  
23 Managed Care Reform and Patient Rights Act.

24 "Utilization review organization" means a utilization  
25 review program as defined in the Managed Care Reform and  
26 Patient Rights Act.



1 (Source: P.A. 96-857, eff. 7-1-10; 97-574, eff. 8-26-11;  
2 revised 11-18-11.)

3 Section 385. The Public Utilities Act is amended by  
4 changing Sections 2-203, 3-101, 8-104, 13-517, and 16-111.5 as  
5 follows:

6 (220 ILCS 5/2-203)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 2-203. Public Utility Fund base maintenance  
9 contribution. Each electric utility as defined in Section  
10 16-102 of this Act providing service to more than 12,500  
11 customers in this State on January 1, 1995 shall contribute  
12 annually a pro rata share of a total amount of \$5,500,000 based  
13 upon the number of kilowatt-hours delivered to retail customers  
14 within this State by each such electric utility in the 12  
15 months preceding the year of contribution. On or before May 1  
16 of each year, the Illinois Commerce Commission shall determine  
17 and notify the Illinois Department of Revenue of the pro rata  
18 share owed by each electric utility based upon information  
19 supplied annually to the Commission. On or before June 1 of  
20 each year, the Department of Revenue shall send written  
21 notification to each electric utility of the amount of pro rata  
22 share they owe. These contributions shall be remitted to the  
23 Department of Revenue no earlier than ~~that~~ July 1 and no later  
24 than July 31 of each year the contribution is due on a return

1 prescribed and furnished by the Department of Revenue showing  
2 such information as the Department of Revenue may reasonably  
3 require. The Department of Revenue shall place the funds  
4 remitted under this Section in the Public Utility Fund in the  
5 State treasury. The funds received pursuant to this Section  
6 shall be subject to appropriation by the General Assembly. If  
7 an electric utility does not remit its pro rata share to the  
8 Department of Revenue, the Department of Revenue must inform  
9 the Illinois Commerce Commission of such failure. The Illinois  
10 Commerce Commission may then revoke the certification of that  
11 electric utility. This Section is repealed on January 1, 2014.

12 (Source: P.A. 95-1027, eff. 6-1-09; 96-250, eff. 8-11-09;  
13 revised 11-18-11.)

14 (220 ILCS 5/3-101) (from Ch. 111 2/3, par. 3-101)

15 Sec. 3-101. Definitions. Unless otherwise specified, the  
16 terms set forth in Sections 3-102 through 3-126 ~~3-123~~ are used  
17 in this Act as therein defined.

18 (Source: P.A. 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; revised  
19 10-28-11.)

20 (220 ILCS 5/8-104)

21 Sec. 8-104. Natural gas energy efficiency programs.

22 (a) It is the policy of the State that natural gas  
23 utilities and the Department of Commerce and Economic  
24 Opportunity are required to use cost-effective energy

1 efficiency to reduce direct and indirect costs to consumers. It  
2 serves the public interest to allow natural gas utilities to  
3 recover costs for reasonably and prudently incurred expenses  
4 for cost-effective energy efficiency measures.

5 (b) For purposes of this Section, "energy efficiency" means  
6 measures that reduce the amount of energy required to achieve a  
7 given end use and "cost-effective" means that the measures  
8 satisfy the total resource cost test which, for purposes of  
9 this Section, means a standard that is met if, for an  
10 investment in energy efficiency, the benefit-cost ratio is  
11 greater than one. The benefit-cost ratio is the ratio of the  
12 net present value of the total benefits of the measures to the  
13 net present value of the total costs as calculated over the  
14 lifetime of the measures. The total resource cost test compares  
15 the sum of avoided natural gas utility costs, representing the  
16 benefits that accrue to the system and the participant in the  
17 delivery of those efficiency measures, as well as other  
18 quantifiable societal benefits, including avoided electric  
19 utility costs, to the sum of all incremental costs of end use  
20 measures (including both utility and participant  
21 contributions), plus costs to administer, deliver, and  
22 evaluate each demand-side measure, to quantify the net savings  
23 obtained by substituting demand-side measures for supply  
24 resources. In calculating avoided costs, reasonable estimates  
25 shall be included for financial costs likely to be imposed by  
26 future regulation of emissions of greenhouse gases. The

1 low-income programs described in item (4) of subsection (f) of  
2 this Section shall not be required to meet the total resource  
3 cost test.

4 (c) Natural gas utilities shall implement cost-effective  
5 energy efficiency measures to meet at least the following  
6 natural gas savings requirements, which shall be based upon the  
7 total amount of gas delivered to retail customers, other than  
8 the customers described in subsection (m) of this Section,  
9 during calendar year 2009 multiplied by the applicable  
10 percentage. Natural gas utilities may comply with this Section  
11 by meeting the annual incremental savings goal in the  
12 applicable year or by showing that total savings associated  
13 with measures implemented after May 31, 2011 were equal to the  
14 sum of each annual incremental savings requirement from May 31,  
15 2011 through the end of the applicable year:

16 (1) 0.2% by May 31, 2012;

17 (2) an additional 0.4% by May 31, 2013, increasing  
18 total savings to .6%;

19 (3) an additional 0.6% by May 31, 2014, increasing  
20 total savings to 1.2%;

21 (4) an additional 0.8% by May 31, 2015, increasing  
22 total savings to 2.0%;

23 (5) an additional 1% by May 31, 2016, increasing total  
24 savings to 3.0%;

25 (6) an additional 1.2% by May 31, 2017, increasing  
26 total savings to 4.2%;

1           (7) an additional 1.4% by May 31, 2018, increasing  
2           total savings to 5.6%;

3           (8) an additional 1.5% by May 31, 2019, increasing  
4           total savings to 7.1%; and

5           (9) an additional 1.5% in each 12-month period  
6           thereafter.

7           (d) Notwithstanding the requirements of subsection (c) of  
8           this Section, a natural gas utility shall limit the amount of  
9           energy efficiency implemented in any 3-year reporting period  
10          established by subsection (f) of Section 8-104 of this Act, by  
11          an amount necessary to limit the estimated average increase in  
12          the amounts paid by retail customers in connection with natural  
13          gas service to no more than 2% in the applicable 3-year  
14          reporting period. The energy savings requirements in  
15          subsection (c) of this Section may be reduced by the Commission  
16          for the subject plan, if the utility demonstrates by  
17          substantial evidence that it is highly unlikely that the  
18          requirements could be achieved without exceeding the  
19          applicable spending limits in any 3-year reporting period. No  
20          later than September 1, 2013, the Commission shall review the  
21          limitation on the amount of energy efficiency measures  
22          implemented pursuant to this Section and report to the General  
23          Assembly, in the report required by subsection (k) of this  
24          Section, its findings as to whether that limitation unduly  
25          constrains the procurement of energy efficiency measures.

26          (e) Natural gas utilities shall be responsible for

1 overseeing the design, development, and filing of their  
2 efficiency plans with the Commission. The utility shall utilize  
3 75% of the available funding associated with energy efficiency  
4 programs approved by the Commission, and may outsource various  
5 aspects of program development and implementation. The  
6 remaining 25% of available funding shall be used by the  
7 Department of Commerce and Economic Opportunity to implement  
8 energy efficiency measures that achieve no less than 20% of the  
9 requirements of subsection (c) of this Section. Such measures  
10 shall be designed in conjunction with the utility and approved  
11 by the Commission. The Department may outsource development and  
12 implementation of energy efficiency measures. A minimum of 10%  
13 of the entire portfolio of cost-effective energy efficiency  
14 measures shall be procured from local government, municipal  
15 corporations, school districts, and community college  
16 districts. Five percent of the entire portfolio of  
17 cost-effective energy efficiency measures may be granted to  
18 local government and municipal corporations for market  
19 transformation initiatives. The Department shall coordinate  
20 the implementation of these measures and shall integrate  
21 delivery of natural gas efficiency programs with electric  
22 efficiency programs delivered pursuant to Section 8-103 of this  
23 Act, unless the Department can show that integration is not  
24 feasible.

25 The apportionment of the dollars to cover the costs to  
26 implement the Department's share of the portfolio of energy

1 efficiency measures shall be made to the Department once the  
2 Department has executed grants or contracts for energy  
3 efficiency measures and provided supporting documentation for  
4 those grants and the contracts to the utility.

5 The details of the measures implemented by the Department  
6 shall be submitted by the Department to the Commission in  
7 connection with the utility's filing regarding the energy  
8 efficiency measures that the utility implements.

9 A utility providing approved energy efficiency measures in  
10 this State shall be permitted to recover costs of those  
11 measures through an automatic adjustment clause tariff filed  
12 with and approved by the Commission. The tariff shall be  
13 established outside the context of a general rate case and  
14 shall be applicable to the utility's customers other than the  
15 customers described in subsection (m) of this Section. Each  
16 year the Commission shall initiate a review to reconcile any  
17 amounts collected with the actual costs and to determine the  
18 required adjustment to the annual tariff factor to match annual  
19 expenditures.

20 Each utility shall include, in its recovery of costs, the  
21 costs estimated for both the utility's and the Department's  
22 implementation of energy efficiency measures. Costs collected  
23 by the utility for measures implemented by the Department shall  
24 be submitted to the Department pursuant to Section 605-323 of  
25 the Civil Administrative Code of Illinois and shall be used by  
26 the Department solely for the purpose of implementing these

1 measures. A utility shall not be required to advance any moneys  
2 to the Department but only to forward such funds as it has  
3 collected. The Department shall report to the Commission on an  
4 annual basis regarding the costs actually incurred by the  
5 Department in the implementation of the measures. Any changes  
6 to the costs of energy efficiency measures as a result of plan  
7 modifications shall be appropriately reflected in amounts  
8 recovered by the utility and turned over to the Department.

9 The portfolio of measures, administered by both the  
10 utilities and the Department, shall, in combination, be  
11 designed to achieve the annual energy savings requirements set  
12 forth in subsection (c) of this Section, as modified by  
13 subsection (d) of this Section.

14 The utility and the Department shall agree upon a  
15 reasonable portfolio of measures and determine the measurable  
16 corresponding percentage of the savings goals associated with  
17 measures implemented by the Department.

18 No utility shall be assessed a penalty under subsection (f)  
19 of this Section for failure to make a timely filing if that  
20 failure is the result of a lack of agreement with the  
21 Department with respect to the allocation of responsibilities  
22 or related costs or target assignments. In that case, the  
23 Department and the utility shall file their respective plans  
24 with the Commission and the Commission shall determine an  
25 appropriate division of measures and programs that meets the  
26 requirements of this Section.



1           If the Department is unable to meet performance  
2 requirements for the portion of the portfolio implemented by  
3 the Department, then the utility and the Department shall  
4 jointly submit a modified filing to the Commission explaining  
5 the performance shortfall and recommending an appropriate  
6 course going forward, including any program modifications that  
7 may be appropriate in light of the evaluations conducted under  
8 item (8) of subsection (f) of this Section. In this case, the  
9 utility obligation to collect the Department's costs and turn  
10 over those funds to the Department under this subsection (e)  
11 shall continue only if the Commission approves the  
12 modifications to the plan proposed by the Department.

13           (f) No later than October 1, 2010, each gas utility shall  
14 file an energy efficiency plan with the Commission to meet the  
15 energy efficiency standards through May 31, 2014. Every 3 years  
16 thereafter, each utility shall file, no later than October 1,  
17 an energy efficiency plan with the Commission. If a utility  
18 does not file such a plan by October 1 of the applicable year,  
19 then it shall face a penalty of \$100,000 per day until the plan  
20 is filed. Each utility's plan shall set forth the utility's  
21 proposals to meet the utility's portion of the energy  
22 efficiency standards identified in subsection (c) of this  
23 Section, as modified by subsection (d) of this Section, taking  
24 into account the unique circumstances of the utility's service  
25 territory. The Commission shall seek public comment on the  
26 utility's plan and shall issue an order approving or

1 disapproving each plan. If the Commission disapproves a plan,  
2 the Commission shall, within 30 days, describe in detail the  
3 reasons for the disapproval and describe a path by which the  
4 utility may file a revised draft of the plan to address the  
5 Commission's concerns satisfactorily. If the utility does not  
6 refile with the Commission within 60 days after the  
7 disapproval, the utility shall be subject to penalties at a  
8 rate of \$100,000 per day until the plan is filed. This process  
9 shall continue, and penalties shall accrue, until the utility  
10 has successfully filed a portfolio of energy efficiency  
11 measures. Penalties shall be deposited into the Energy  
12 Efficiency Trust Fund and the cost of any such penalties may  
13 not be recovered from ratepayers. In submitting proposed energy  
14 efficiency plans and funding levels to meet the savings goals  
15 adopted by this Act the utility shall:

16 (1) Demonstrate that its proposed energy efficiency  
17 measures will achieve the requirements that are identified  
18 in subsection (c) of this Section, as modified by  
19 subsection (d) of this Section.

20 (2) Present specific proposals to implement new  
21 building and appliance standards that have been placed into  
22 effect.

23 (3) Present estimates of the total amount paid for gas  
24 service expressed on a per therm basis associated with the  
25 proposed portfolio of measures designed to meet the  
26 requirements that are identified in subsection (c) of this

1 Section, as modified by subsection (d) of this Section.

2 (4) Coordinate with the Department to present a  
3 portfolio of energy efficiency measures proportionate to  
4 the share of total annual utility revenues in Illinois from  
5 households at or below 150% of the poverty level. Such  
6 programs shall be targeted to households with incomes at or  
7 below 80% of area median income.

8 (5) Demonstrate that its overall portfolio of energy  
9 efficiency measures, not including programs covered by  
10 item (4) of this subsection (f), are cost-effective using  
11 the total resource cost test and represent a diverse cross  
12 section of opportunities for customers of all rate classes  
13 to participate in the programs.

14 (6) Demonstrate that a gas utility affiliated with an  
15 electric utility that is required to comply with Section  
16 8-103 of this Act has integrated gas and electric  
17 efficiency measures into a single program that reduces  
18 program or participant costs and appropriately allocates  
19 costs to gas and electric ratepayers. The Department shall  
20 integrate all gas and electric programs it delivers in any  
21 such utilities' service territories, unless the Department  
22 can show that integration is not feasible or appropriate.

23 (7) Include a proposed cost recovery tariff mechanism  
24 to fund the proposed energy efficiency measures and to  
25 ensure the recovery of the prudently and reasonably  
26 incurred costs of Commission-approved programs.

1           (8) Provide for quarterly status reports tracking  
2           implementation of and expenditures for the utility's  
3           portfolio of measures and the Department's portfolio of  
4           measures, an annual independent review, and a full  
5           independent evaluation of the 3-year results of the  
6           performance and the cost-effectiveness of the utility's  
7           and Department's portfolios of measures and broader net  
8           program impacts and, to the extent practical, for  
9           adjustment of the measures on a going forward basis as a  
10          result of the evaluations. The resources dedicated to  
11          evaluation shall not exceed 3% of portfolio resources in  
12          any given 3-year period.

13          (g) No more than 3% of expenditures on energy efficiency  
14          measures may be allocated for demonstration of breakthrough  
15          equipment and devices.

16          (h) Illinois natural gas utilities that are affiliated by  
17          virtue of a common parent company may, at the utilities'  
18          request, be considered a single natural gas utility for  
19          purposes of complying with this Section.

20          (i) If, after 3 years, a gas utility fails to meet the  
21          efficiency standard specified in subsection (c) of this Section  
22          as modified by subsection (d), then it shall make a  
23          contribution to the Low-Income Home Energy Assistance Program.  
24          The total liability for failure to meet the goal shall be  
25          assessed as follows:

26                 (1) a large gas utility shall pay \$600,000;

1 (2) a medium gas utility shall pay \$400,000; and

2 (3) a small gas utility shall pay \$200,000.

3 For purposes of this Section, (i) a "large gas utility" is  
4 a gas utility that on December 31, 2008, served more than  
5 1,500,000 gas customers in Illinois; (ii) a "medium gas  
6 utility" is a gas utility that on December 31, 2008, served  
7 fewer than 1,500,000, but more than 500,000 gas customers in  
8 Illinois; and (iii) a "small gas utility" is a gas utility that  
9 on December 31, 2008, served fewer than 500,000 and more than  
10 100,000 gas customers in Illinois. The costs of this  
11 contribution may not be recovered from ratepayers.

12 If a gas utility fails to meet the efficiency standard  
13 specified in subsection (c) of this Section, as modified by  
14 subsection (d) of this Section, in any 2 consecutive 3-year  
15 planning periods, then the responsibility for implementing the  
16 utility's energy efficiency measures shall be transferred to an  
17 independent program administrator selected by the Commission.  
18 Reasonable and prudent costs incurred by the independent  
19 program administrator to meet the efficiency standard  
20 specified in subsection (c) of this Section, as modified by  
21 subsection (d) of this Section, may be recovered from the  
22 customers of the affected gas utilities, other than customers  
23 described in subsection (m) of this Section. The utility shall  
24 provide the independent program administrator with all  
25 information and assistance necessary to perform the program  
26 administrator's duties including but not limited to customer,

1 account, and energy usage data, and shall allow the program  
2 administrator to include inserts in customer bills. The utility  
3 may recover reasonable costs associated with any such  
4 assistance.

5 (j) No utility shall be deemed to have failed to meet the  
6 energy efficiency standards to the extent any such failure is  
7 due to a failure of the Department.

8 (k) Not later than January 1, 2012, the Commission shall  
9 develop and solicit public comment on a plan to foster  
10 statewide coordination and consistency between statutorily  
11 mandated natural gas and electric energy efficiency programs to  
12 reduce program or participant costs or to improve program  
13 performance. Not later than September 1, 2013, the Commission  
14 shall issue a report to the General Assembly containing its  
15 findings and recommendations.

16 (l) This Section does not apply to a gas utility that on  
17 January 1, 2009, provided gas service to fewer than 100,000  
18 customers in Illinois.

19 (m) Subsections (a) through (k) of this Section do not  
20 apply to customers of a natural gas utility that have a North  
21 American Industry Classification System code number that is  
22 22111 or any such code number beginning with the digits 31, 32,  
23 or 33 and (i) annual usage in the aggregate of 4 million therms  
24 or more within the service territory of the affected gas  
25 utility or with aggregate usage of 8 million therms or more in  
26 this State and complying with the provisions of item (l) of

1 this subsection (m); or (ii) using natural gas as feedstock and  
2 meeting the usage requirements described in item (i) of this  
3 subsection (m), to the extent such annual feedstock usage is  
4 greater than ~~that~~ 60% of the customer's total annual usage of  
5 natural gas.

6 (1) Customers described in this subsection (m) of this  
7 Section shall apply, on a form approved on or before  
8 October 1, 2009 by the Department, to the Department to be  
9 designated as a self-directing customer ("SDC") or as an  
10 exempt customer using natural gas as a feedstock from which  
11 other products are made, including, but not limited to,  
12 feedstock for a hydrogen plant, on or before the 1st day of  
13 February, 2010. Thereafter, application may be made not  
14 less than 6 months before the filing date of the gas  
15 utility energy efficiency plan described in subsection (f)  
16 of this Section; however, a new customer that commences  
17 taking service from a natural gas utility after February 1,  
18 2010 may apply to become a SDC or exempt customer up to 30  
19 days after beginning service. Such application shall  
20 contain the following:

21 (A) the customer's certification that, at the time  
22 of its application, it qualifies to be a SDC or exempt  
23 customer described in this subsection (m) of this  
24 Section;

25 (B) in the case of a SDC, the customer's  
26 certification that it has established or will

1 establish by the beginning of the utility's 3-year  
2 planning period commencing subsequent to the  
3 application, and will maintain for accounting  
4 purposes, an energy efficiency reserve account and  
5 that the customer will accrue funds in said account to  
6 be held for the purpose of funding, in whole or in  
7 part, energy efficiency measures of the customer's  
8 choosing, which may include, but are not limited to,  
9 projects involving combined heat and power systems  
10 that use the same energy source both for the generation  
11 of electrical or mechanical power and the production of  
12 steam or another form of useful thermal energy or the  
13 use of combustible gas produced from biomass, or both;

14 (C) in the case of a SDC, the customer's  
15 certification that annual funding levels for the  
16 energy efficiency reserve account will be equal to 2%  
17 of the customer's cost of natural gas, composed of the  
18 customer's commodity cost and the delivery service  
19 charges paid to the gas utility, or \$150,000, whichever  
20 is less;

21 (D) in the case of a SDC, the customer's  
22 certification that the required reserve account  
23 balance will be capped at 3 years' worth of accruals  
24 and that the customer may, at its option, make further  
25 deposits to the account to the extent such deposit  
26 would increase the reserve account balance above the



1 designated cap level;

2 (E) in the case of a SDC, the customer's  
3 certification that by October 1 of each year, beginning  
4 no sooner than October 1, 2012, the customer will  
5 report to the Department information, for the 12-month  
6 period ending May 31 of the same year, on all deposits  
7 and reductions, if any, to the reserve account during  
8 the reporting year, and to the extent deposits to the  
9 reserve account in any year are in an amount less than  
10 \$150,000, the basis for such reduced deposits; reserve  
11 account balances by month; a description of energy  
12 efficiency measures undertaken by the customer and  
13 paid for in whole or in part with funds from the  
14 reserve account; an estimate of the energy saved, or to  
15 be saved, by the measure; and that the report shall  
16 include a verification by an officer or plant manager  
17 of the customer or by a registered professional  
18 engineer or certified energy efficiency trade  
19 professional that the funds withdrawn from the reserve  
20 account were used for the energy efficiency measures;

21 (F) in the case of an exempt customer, the  
22 customer's certification of the level of gas usage as  
23 feedstock in the customer's operation in a typical year  
24 and that it will provide information establishing this  
25 level, upon request of the Department;

26 (G) in the case of either an exempt customer or a

1 SDC, the customer's certification that it has provided  
2 the gas utility or utilities serving the customer with  
3 a copy of the application as filed with the Department;

4 (H) in the case of either an exempt customer or a  
5 SDC, certification of the natural gas utility or  
6 utilities serving the customer in Illinois including  
7 the natural gas utility accounts that are the subject  
8 of the application; and

9 (I) in the case of either an exempt customer or a  
10 SDC, a verification signed by a plant manager or an  
11 authorized corporate officer attesting to the  
12 truthfulness and accuracy of the information contained  
13 in the application.

14 (2) The Department shall review the application to  
15 determine that it contains the information described in  
16 provisions (A) through (I) of item (1) of this subsection  
17 (m), as applicable. The review shall be completed within 30  
18 days after the date the application is filed with the  
19 Department. Absent a determination by the Department  
20 within the 30-day period, the applicant shall be considered  
21 to be a SDC or exempt customer, as applicable, for all  
22 subsequent 3-year planning periods, as of the date of  
23 filing the application described in this subsection (m). If  
24 the Department determines that the application does not  
25 contain the applicable information described in provisions  
26 (A) through (I) of item (1) of this subsection (m), it

1 shall notify the customer, in writing, of its determination  
2 that the application does not contain the required  
3 information and identify the information that is missing,  
4 and the customer shall provide the missing information  
5 within 15 working days after the date of receipt of the  
6 Department's notification.

7 (3) The Department shall have the right to audit the  
8 information provided in the customer's application and  
9 annual reports to ensure continued compliance with the  
10 requirements of this subsection. Based on the audit, if the  
11 Department determines the customer is no longer in  
12 compliance with the requirements of items (A) through (I)  
13 of item (1) of this subsection (m), as applicable, the  
14 Department shall notify the customer in writing of the  
15 noncompliance. The customer shall have 30 days to establish  
16 its compliance, and failing to do so, may have its status  
17 as a SDC or exempt customer revoked by the Department. The  
18 Department shall treat all information provided by any  
19 customer seeking SDC status or exemption from the  
20 provisions of this Section as strictly confidential.

21 (4) Upon request, or on its own motion, the Commission  
22 may open an investigation, no more than once every 3 years  
23 and not before October 1, 2014, to evaluate the  
24 effectiveness of the self-directing program described in  
25 this subsection (m).

26 (n) The applicability of this Section to customers

1 described in subsection (m) of this Section is conditioned on  
2 the existence of the SDC program. In no event will any  
3 provision of this Section apply to such customers after January  
4 1, 2020.

5 (Source: P.A. 96-33, eff. 7-10-09; revised 11-18-11.)

6 (220 ILCS 5/13-517)

7 (Section scheduled to be repealed on July 1, 2013)

8 Sec. 13-517. Provision of advanced telecommunications  
9 services.

10 (a) Every Incumbent Local Exchange Carrier  
11 (telecommunications carrier that offers or provides a  
12 noncompetitive telecommunications service) shall offer or  
13 provide advanced telecommunications services to not less than  
14 80% of its customers by January 1, 2005.

15 (b) The Commission is authorized to grant a full or partial  
16 waiver of the requirements of this Section upon verified  
17 petition of any Incumbent Local Exchange Carrier ("ILEC") which  
18 demonstrates that full compliance with the requirements of this  
19 Section would be unduly economically burdensome or technically  
20 infeasible or otherwise impractical in exchanges with low  
21 population density. Notice of any such petition must be given  
22 to all potentially affected customers. If no potentially  
23 affected customer requests the opportunity for a hearing on the  
24 waiver petition, the Commission may, in its discretion, allow  
25 the waiver request to take effect ~~affect~~ without hearing. The

1 Commission shall grant such petition to the extent that, and  
2 for such duration as, the Commission determines that such  
3 waiver:

4 (1) is necessary:

5 (A) to avoid a significant adverse economic impact  
6 on users of telecommunications services generally;

7 (B) to avoid imposing a requirement that is unduly  
8 economically burdensome;

9 (C) to avoid imposing a requirement that is  
10 technically infeasible; or

11 (D) to avoid imposing a requirement that is  
12 otherwise impractical to implement in exchanges with  
13 low population density; and

14 (2) is consistent with the public interest,  
15 convenience, and necessity.

16 The Commission shall act upon any petition filed under this  
17 subsection within 180 days after receiving such petition. The  
18 Commission may by rule establish standards for granting any  
19 waiver of the requirements of this Section. The Commission may,  
20 upon complaint or on its own motion, hold a hearing to  
21 reconsider its grant of a waiver in whole or in part. In the  
22 event that the Commission, following hearing, determines that  
23 the affected ILEC no longer meets the requirements of item (2)  
24 of this subsection, the Commission shall by order rescind such  
25 waiver, in whole or in part. In the event and to the degree the  
26 Commission rescinds such waiver, the Commission shall

1 establish an implementation schedule for compliance with the  
2 requirements of this Section.

3 (c) As used in this Section, "advanced telecommunications  
4 services" means services capable of supporting, in at least one  
5 direction, a speed in excess of 200 kilobits per second (kbps)  
6 to the network demarcation point at the subscriber's premises.  
7 (Source: P.A. 92-22, eff. 6-30-01; revised 11-18-11.)

8 (220 ILCS 5/16-111.5)

9 Sec. 16-111.5. Provisions relating to procurement.

10 (a) An electric utility that on December 31, 2005 served at  
11 least 100,000 customers in Illinois shall procure power and  
12 energy for its eligible retail customers in accordance with the  
13 applicable provisions set forth in Section 1-75 of the Illinois  
14 Power Agency Act and this Section. A small multi-jurisdictional  
15 electric utility that on December 31, 2005 served less than  
16 100,000 customers in Illinois may elect to procure power and  
17 energy for all or a portion of its eligible Illinois retail  
18 customers in accordance with the applicable provisions set  
19 forth in this Section and Section 1-75 of the Illinois Power  
20 Agency Act. This Section shall not apply to a small  
21 multi-jurisdictional utility until such time as a small  
22 multi-jurisdictional utility requests the Illinois Power  
23 Agency to prepare a procurement plan for its eligible retail  
24 customers. "Eligible retail customers" for the purposes of this  
25 Section means those retail customers that purchase power and

1 energy from the electric utility under fixed-price bundled  
2 service tariffs, other than those retail customers whose  
3 service is declared or deemed competitive under Section 16-113  
4 and those other customer groups specified in this Section,  
5 including self-generating customers, customers electing hourly  
6 pricing, or those customers who are otherwise ineligible for  
7 fixed-price bundled tariff service. Those customers that are  
8 excluded from the definition of "eligible retail customers"  
9 shall not be included in the procurement plan load  
10 requirements, and the utility shall procure any supply  
11 requirements, including capacity, ancillary services, and  
12 hourly priced energy, in the applicable markets as needed to  
13 serve those customers, provided that the utility may include in  
14 its procurement plan load requirements for the load that is  
15 associated with those retail customers whose service has been  
16 declared or deemed competitive pursuant to Section 16-113 of  
17 this Act to the extent that those customers are purchasing  
18 power and energy during one of the transition periods  
19 identified in subsection (b) of Section 16-113 of this Act.

20 (b) A procurement plan shall be prepared for each electric  
21 utility consistent with the applicable requirements of the  
22 Illinois Power Agency Act and this Section. For purposes of  
23 this Section, Illinois electric utilities that are affiliated  
24 by virtue of a common parent company are considered to be a  
25 single electric utility. Small multi-jurisdictional utilities  
26 may request a procurement plan for a portion of or all of its

1 Illinois load. Each procurement plan shall analyze the  
2 projected balance of supply and demand for eligible retail  
3 customers over a 5-year period with the first planning year  
4 beginning on June 1 of the year following the year in which the  
5 plan is filed. The plan shall specifically identify the  
6 wholesale products to be procured following plan approval, and  
7 shall follow all the requirements set forth in the Public  
8 Utilities Act and all applicable State and federal laws,  
9 statutes, rules, or regulations, as well as Commission orders.  
10 Nothing in this Section precludes consideration of contracts  
11 longer than 5 years and related forecast data. Unless specified  
12 otherwise in this Section, in the procurement plan or in the  
13 implementing tariff, any procurement occurring in accordance  
14 with this plan shall be competitively bid through a request for  
15 proposals process. Approval and implementation of the  
16 procurement plan shall be subject to review and approval by the  
17 Commission according to the provisions set forth in this  
18 Section. A procurement plan shall include each of the following  
19 components:

20 (1) Hourly load analysis. This analysis shall include:

21 (i) multi-year historical analysis of hourly  
22 loads;

23 (ii) switching trends and competitive retail  
24 market analysis;

25 (iii) known or projected changes to future loads;

26 and



1 (iv) growth forecasts by customer class.

2 (2) Analysis of the impact of any demand side and  
3 renewable energy initiatives. This analysis shall include:

4 (i) the impact of demand response programs and  
5 energy efficiency programs, both current and  
6 projected; for small multi-jurisdictional utilities,  
7 the impact of demand response and energy efficiency  
8 programs approved pursuant to Section 8-408 of this  
9 Act, both current and projected; and

10 (ii) supply side needs that are projected to be  
11 offset by purchases of renewable energy resources, if  
12 any.

13 (3) A plan for meeting the expected load requirements  
14 that will not be met through preexisting contracts. This  
15 plan shall include:

16 (i) definitions of the different Illinois retail  
17 customer classes for which supply is being purchased;

18 (ii) the proposed mix of demand-response products  
19 for which contracts will be executed during the next  
20 year. For small multi-jurisdictional electric  
21 utilities that on December 31, 2005 served fewer than  
22 100,000 customers in Illinois, these shall be defined  
23 as demand-response products offered in an energy  
24 efficiency plan approved pursuant to Section 8-408 of  
25 this Act. The cost-effective demand-response measures  
26 shall be procured whenever the cost is lower than

1           procuring comparable capacity products, provided that  
2           such products shall:

3                   (A) be procured by a demand-response provider  
4                   from eligible retail customers;

5                   (B) at least satisfy the demand-response  
6                   requirements of the regional transmission  
7                   organization market in which the utility's service  
8                   territory is located, including, but not limited  
9                   to, any applicable capacity or dispatch  
10                  requirements;

11                  (C) provide for customers' participation in  
12                  the stream of benefits produced by the  
13                  demand-response products;

14                  (D) provide for reimbursement by the  
15                  demand-response provider of the utility for any  
16                  costs incurred as a result of the failure of the  
17                  supplier of such products to perform its  
18                  obligations thereunder; and

19                  (E) meet the same credit requirements as apply  
20                  to suppliers of capacity, in the applicable  
21                  regional transmission organization market;

22                   (iii) monthly forecasted system supply  
23                   requirements, including expected minimum, maximum, and  
24                   average values for the planning period;

25                   (iv) the proposed mix and selection of standard  
26                   wholesale products for which contracts will be

1           executed during the next year, separately or in  
2           combination, to meet that portion of its load  
3           requirements not met through pre-existing contracts,  
4           including but not limited to monthly 5 x 16 peak period  
5           block energy, monthly off-peak wrap energy, monthly 7 x  
6           24 energy, annual 5 x 16 energy, annual off-peak wrap  
7           energy, annual 7 x 24 energy, monthly capacity, annual  
8           capacity, peak load capacity obligations, capacity  
9           purchase plan, and ancillary services;

10           (v) proposed term structures for each wholesale  
11           product type included in the proposed procurement plan  
12           portfolio of products; and

13           (vi) an assessment of the price risk, load  
14           uncertainty, and other factors that are associated  
15           with the proposed procurement plan; this assessment,  
16           to the extent possible, shall include an analysis of  
17           the following factors: contract terms, time frames for  
18           securing products or services, fuel costs, weather  
19           patterns, transmission costs, market conditions, and  
20           the governmental regulatory environment; the proposed  
21           procurement plan shall also identify alternatives for  
22           those portfolio measures that are identified as having  
23           significant price risk.

24           (4) Proposed procedures for balancing loads. The  
25           procurement plan shall include, for load requirements  
26           included in the procurement plan, the process for (i)

1 hourly balancing of supply and demand and (ii) the criteria  
2 for portfolio re-balancing in the event of significant  
3 shifts in load.

4 (c) The procurement process set forth in Section 1-75 of  
5 the Illinois Power Agency Act and subsection (e) of this  
6 Section shall be administered by a procurement administrator  
7 and monitored by a procurement monitor.

8 (1) The procurement administrator shall:

9 (i) design the final procurement process in  
10 accordance with Section 1-75 of the Illinois Power  
11 Agency Act and subsection (e) of this Section following  
12 Commission approval of the procurement plan;

13 (ii) develop benchmarks in accordance with  
14 subsection (e)(3) to be used to evaluate bids; these  
15 benchmarks shall be submitted to the Commission for  
16 review and approval on a confidential basis prior to  
17 the procurement event;

18 (iii) serve as the interface between the electric  
19 utility and suppliers;

20 (iv) manage the bidder pre-qualification and  
21 registration process;

22 (v) obtain the electric utilities' agreement to  
23 the final form of all supply contracts and credit  
24 collateral agreements;

25 (vi) administer the request for proposals process;

26 (vii) have the discretion to negotiate to

1 determine whether bidders are willing to lower the  
2 price of bids that meet the benchmarks approved by the  
3 Commission; any post-bid negotiations with bidders  
4 shall be limited to price only and shall be completed  
5 within 24 hours after opening the sealed bids and shall  
6 be conducted in a fair and unbiased manner; in  
7 conducting the negotiations, there shall be no  
8 disclosure of any information derived from proposals  
9 submitted by competing bidders; if information is  
10 disclosed to any bidder, it shall be provided to all  
11 competing bidders;

12 (viii) maintain confidentiality of supplier and  
13 bidding information in a manner consistent with all  
14 applicable laws, rules, regulations, and tariffs;

15 (ix) submit a confidential report to the  
16 Commission recommending acceptance or rejection of  
17 bids;

18 (x) notify the utility of contract counterparties  
19 and contract specifics; and

20 (xi) administer related contingency procurement  
21 events.

22 (2) The procurement monitor, who shall be retained by  
23 the Commission, shall:

24 (i) monitor interactions among the procurement  
25 administrator, suppliers, and utility;

26 (ii) monitor and report to the Commission on the

1 progress of the procurement process;

2 (iii) provide an independent confidential report  
3 to the Commission regarding the results of the  
4 procurement event;

5 (iv) assess compliance with the procurement plans  
6 approved by the Commission for each utility that on  
7 December 31, 2005 provided electric service to a least  
8 100,000 customers in Illinois and for each small  
9 multi-jurisdictional utility that on December 31, 2005  
10 served less than 100,000 customers in Illinois;

11 (v) preserve the confidentiality of supplier and  
12 bidding information in a manner consistent with all  
13 applicable laws, rules, regulations, and tariffs;

14 (vi) provide expert advice to the Commission and  
15 consult with the procurement administrator regarding  
16 issues related to procurement process design, rules,  
17 protocols, and policy-related matters; and

18 (vii) consult with the procurement administrator  
19 regarding the development and use of benchmark  
20 criteria, standard form contracts, credit policies,  
21 and bid documents.

22 (d) Except as provided in subsection (j), the planning  
23 process shall be conducted as follows:

24 (1) Beginning in 2008, each Illinois utility procuring  
25 power pursuant to this Section shall annually provide a  
26 range of load forecasts to the Illinois Power Agency by

1 July 15 of each year, or such other date as may be required  
2 by the Commission or Agency. The load forecasts shall cover  
3 the 5-year procurement planning period for the next  
4 procurement plan and shall include hourly data  
5 representing a high-load, low-load and expected-load  
6 scenario for the load of the eligible retail customers. The  
7 utility shall provide supporting data and assumptions for  
8 each of the scenarios.

9 (2) Beginning in 2008, the Illinois Power Agency shall  
10 prepare a procurement plan by August 15th of each year, or  
11 such other date as may be required by the Commission. The  
12 procurement plan shall identify the portfolio of  
13 demand-response and power and energy products to be  
14 procured. Cost-effective demand-response measures shall be  
15 procured as set forth in item (iii) of subsection (b) of  
16 this Section. Copies of the procurement plan shall be  
17 posted and made publicly available on the Agency's and  
18 Commission's websites, and copies shall also be provided to  
19 each affected electric utility. An affected utility shall  
20 have 30 days following the date of posting to provide  
21 comment to the Agency on the procurement plan. Other  
22 interested entities also may comment on the procurement  
23 plan. All comments submitted to the Agency shall be  
24 specific, supported by data or other detailed analyses,  
25 and, if objecting to all or a portion of the procurement  
26 plan, accompanied by specific alternative wording or

1 proposals. All comments shall be posted on the Agency's and  
2 Commission's websites. During this 30-day comment period,  
3 the Agency shall hold at least one public hearing within  
4 each utility's service area for the purpose of receiving  
5 public comment on the procurement plan. Within 14 days  
6 following the end of the 30-day review period, the Agency  
7 shall revise the procurement plan as necessary based on the  
8 comments received and file the procurement plan with the  
9 Commission and post the procurement plan on the websites.

10 (3) Within 5 days after the filing of the procurement  
11 plan, any person objecting to the procurement plan shall  
12 file an objection with the Commission. Within 10 days after  
13 the filing, the Commission shall determine whether a  
14 hearing is necessary. The Commission shall enter its order  
15 confirming or modifying the procurement plan within 90 days  
16 after the filing of the procurement plan by the Illinois  
17 Power Agency.

18 (4) The Commission shall approve the procurement plan,  
19 including expressly the forecast used in the procurement  
20 plan, if the Commission determines that it will ensure  
21 adequate, reliable, affordable, efficient, and  
22 environmentally sustainable electric service at the lowest  
23 total cost over time, taking into account any benefits of  
24 price stability.

25 (e) The procurement process shall include each of the  
26 following components:



1           (1) Solicitation, pre-qualification, and registration  
2           of bidders. The procurement administrator shall  
3           disseminate information to potential bidders to promote a  
4           procurement event, notify potential bidders that the  
5           procurement administrator may enter into a post-bid price  
6           negotiation with bidders that meet the applicable  
7           benchmarks, provide supply requirements, and otherwise  
8           explain the competitive procurement process. In addition  
9           to such other publication as the procurement administrator  
10          determines is appropriate, this information shall be  
11          posted on the Illinois Power Agency's and the Commission's  
12          websites. The procurement administrator shall also  
13          administer the prequalification process, including  
14          evaluation of credit worthiness, compliance with  
15          procurement rules, and agreement to the standard form  
16          contract developed pursuant to paragraph (2) of this  
17          subsection (e). The procurement administrator shall then  
18          identify and register bidders to participate in the  
19          procurement event.

20          (2) Standard contract forms and credit terms and  
21          instruments. The procurement administrator, in  
22          consultation with the utilities, the Commission, and other  
23          interested parties and subject to Commission oversight,  
24          shall develop and provide standard contract forms for the  
25          supplier contracts that meet generally accepted industry  
26          practices. Standard credit terms and instruments that meet

1 generally accepted industry practices shall be similarly  
2 developed. The procurement administrator shall make  
3 available to the Commission all written comments it  
4 receives on the contract forms, credit terms, or  
5 instruments. If the procurement administrator cannot reach  
6 agreement with the applicable electric utility as to the  
7 contract terms and conditions, the procurement  
8 administrator must notify the Commission of any disputed  
9 terms and the Commission shall resolve the dispute. The  
10 terms of the contracts shall not be subject to negotiation  
11 by winning bidders, and the bidders must agree to the terms  
12 of the contract in advance so that winning bids are  
13 selected solely on the basis of price.

14 (3) Establishment of a market-based price benchmark.  
15 As part of the development of the procurement process, the  
16 procurement administrator, in consultation with the  
17 Commission staff, Agency staff, and the procurement  
18 monitor, shall establish benchmarks for evaluating the  
19 final prices in the contracts for each of the products that  
20 will be procured through the procurement process. The  
21 benchmarks shall be based on price data for similar  
22 products for the same delivery period and same delivery  
23 hub, or other delivery hubs after adjusting for that  
24 difference. The price benchmarks may also be adjusted to  
25 take into account differences between the information  
26 reflected in the underlying data sources and the specific

1 products and procurement process being used to procure  
2 power for the Illinois utilities. The benchmarks shall be  
3 confidential but shall be provided to, and will be subject  
4 to Commission review and approval, prior to a procurement  
5 event.

6 (4) Request for proposals competitive procurement  
7 process. The procurement administrator shall design and  
8 issue a request for proposals to supply electricity in  
9 accordance with each utility's procurement plan, as  
10 approved by the Commission. The request for proposals shall  
11 set forth a procedure for sealed, binding commitment  
12 bidding with pay-as-bid settlement, and provision for  
13 selection of bids on the basis of price.

14 (5) A plan for implementing contingencies in the event  
15 of supplier default or failure of the procurement process  
16 to fully meet the expected load requirement due to  
17 insufficient supplier participation, Commission rejection  
18 of results, or any other cause.

19 (i) Event of supplier default: In the event of  
20 supplier default, the utility shall review the  
21 contract of the defaulting supplier to determine if the  
22 amount of supply is 200 megawatts or greater, and if  
23 there are more than 60 days remaining of the contract  
24 term. If both of these conditions are met, and the  
25 default results in termination of the contract, the  
26 utility shall immediately notify the Illinois Power

1 Agency that a request for proposals must be issued to  
2 procure replacement power, and the procurement  
3 administrator shall run an additional procurement  
4 event. If the contracted supply of the defaulting  
5 supplier is less than 200 megawatts or there are less  
6 than 60 days remaining of the contract term, the  
7 utility shall procure power and energy from the  
8 applicable regional transmission organization market,  
9 including ancillary services, capacity, and day-ahead  
10 or real time energy, or both, for the duration of the  
11 contract term to replace the contracted supply;  
12 provided, however, that if a needed product is not  
13 available through the regional transmission  
14 organization market it shall be purchased from the  
15 wholesale market.

16 (ii) Failure of the procurement process to fully  
17 meet the expected load requirement: If the procurement  
18 process fails to fully meet the expected load  
19 requirement due to insufficient supplier participation  
20 or due to a Commission rejection of the procurement  
21 results, the procurement administrator, the  
22 procurement monitor, and the Commission staff shall  
23 meet within 10 days to analyze potential causes of low  
24 supplier interest or causes for the Commission  
25 decision. If changes are identified that would likely  
26 result in increased supplier participation, or that

1 would address concerns causing the Commission to  
2 reject the results of the prior procurement event, the  
3 procurement administrator may implement those changes  
4 and rerun the request for proposals process according  
5 to a schedule determined by those parties and  
6 consistent with Section 1-75 of the Illinois Power  
7 Agency Act and this subsection. In any event, a new  
8 request for proposals process shall be implemented by  
9 the procurement administrator within 90 days after the  
10 determination that the procurement process has failed  
11 to fully meet the expected load requirement.

12 (iii) In all cases where there is insufficient  
13 supply provided under contracts awarded through the  
14 procurement process to fully meet the electric  
15 utility's load requirement, the utility shall meet the  
16 load requirement by procuring power and energy from the  
17 applicable regional transmission organization market,  
18 including ancillary services, capacity, and day-ahead  
19 or real time energy or both; provided, however, that if  
20 a needed product is not available through the regional  
21 transmission organization market it shall be purchased  
22 from the wholesale market.

23 (6) The procurement process described in this  
24 subsection is exempt from the requirements of the Illinois  
25 Procurement Code, pursuant to Section 20-10 of that Code.

26 (f) Within 2 business days after opening the sealed bids,

1 the procurement administrator shall submit a confidential  
2 report to the Commission. The report shall contain the results  
3 of the bidding for each of the products along with the  
4 procurement administrator's recommendation for the acceptance  
5 and rejection of bids based on the price benchmark criteria and  
6 other factors observed in the process. The procurement monitor  
7 also shall submit a confidential report to the Commission  
8 within 2 business days after opening the sealed bids. The  
9 report shall contain the procurement monitor's assessment of  
10 bidder behavior in the process as well as an assessment of the  
11 procurement administrator's compliance with the procurement  
12 process and rules. The Commission shall review the confidential  
13 reports submitted by the procurement administrator and  
14 procurement monitor, and shall accept or reject the  
15 recommendations of the procurement administrator within 2  
16 business days after receipt of the reports.

17 (g) Within 3 business days after the Commission decision  
18 approving the results of a procurement event, the utility shall  
19 enter into binding contractual arrangements with the winning  
20 suppliers using the standard form contracts; except that the  
21 utility shall not be required either directly or indirectly to  
22 execute the contracts if a tariff that is consistent with  
23 subsection (1) of this Section has not been approved and placed  
24 into effect for that utility.

25 (h) The names of the successful bidders and the load  
26 weighted average of the winning bid prices for each contract

1 type and for each contract term shall be made available to the  
2 public at the time of Commission approval of a procurement  
3 event. The Commission, the procurement monitor, the  
4 procurement administrator, the Illinois Power Agency, and all  
5 participants in the procurement process shall maintain the  
6 confidentiality of all other supplier and bidding information  
7 in a manner consistent with all applicable laws, rules,  
8 regulations, and tariffs. Confidential information, including  
9 the confidential reports submitted by the procurement  
10 administrator and procurement monitor pursuant to subsection  
11 (f) of this Section, shall not be made publicly available and  
12 shall not be discoverable by any party in any proceeding,  
13 absent a compelling demonstration of need, nor shall those  
14 reports be admissible in any proceeding other than one for law  
15 enforcement purposes.

16 (i) Within 2 business days after a Commission decision  
17 approving the results of a procurement event or such other date  
18 as may be required by the Commission from time to time, the  
19 utility shall file for informational purposes with the  
20 Commission its actual or estimated retail supply charges, as  
21 applicable, by customer supply group reflecting the costs  
22 associated with the procurement and computed in accordance with  
23 the tariffs filed pursuant to subsection (l) of this Section  
24 and approved by the Commission.

25 (j) Within 60 days following the effective date of this  
26 amendatory Act, each electric utility that on December 31, 2005

1 provided electric service to at least 100,000 customers in  
2 Illinois shall prepare and file with the Commission an initial  
3 procurement plan, which shall conform in all material respects  
4 to the requirements of the procurement plan set forth in  
5 subsection (b); provided, however, that the Illinois Power  
6 Agency Act shall not apply to the initial procurement plan  
7 prepared pursuant to this subsection. The initial procurement  
8 plan shall identify the portfolio of power and energy products  
9 to be procured and delivered for the period June 2008 through  
10 May 2009, and shall identify the proposed procurement  
11 administrator, who shall have the same experience and expertise  
12 as is required of a procurement administrator hired pursuant to  
13 Section 1-75 of the Illinois Power Agency Act. Copies of the  
14 procurement plan shall be posted and made publicly available on  
15 the Commission's website. The initial procurement plan may  
16 include contracts for renewable resources that extend beyond  
17 May 2009.

18 (i) Within 14 days following filing of the initial  
19 procurement plan, any person may file a detailed objection  
20 with the Commission contesting the procurement plan  
21 submitted by the electric utility. All objections to the  
22 electric utility's plan shall be specific, supported by  
23 data or other detailed analyses. The electric utility may  
24 file a response to any objections to its procurement plan  
25 within 7 days after the date objections are due to be  
26 filed. Within 7 days after the date the utility's response



1 is due, the Commission shall determine whether a hearing is  
2 necessary. If it determines that a hearing is necessary, it  
3 shall require the hearing to be completed and issue an  
4 order on the procurement plan within 60 days after the  
5 filing of the procurement plan by the electric utility.

6 (ii) The order shall approve or modify the procurement  
7 plan, approve an independent procurement administrator,  
8 and approve or modify the electric utility's tariffs that  
9 are proposed with the initial procurement plan. The  
10 Commission shall approve the procurement plan if the  
11 Commission determines that it will ensure adequate,  
12 reliable, affordable, efficient, and environmentally  
13 sustainable electric service at the lowest total cost over  
14 time, taking into account any benefits of price stability.

15 (k) In order to promote price stability for residential and  
16 small commercial customers during the transition to  
17 competition in Illinois, and notwithstanding any other  
18 provision of this Act, each electric utility subject to this  
19 Section shall enter into one or more multi-year financial swap  
20 contracts that become effective on the effective date of this  
21 amendatory Act. These contracts may be executed with generators  
22 and power marketers, including affiliated interests of the  
23 electric utility. These contracts shall be for a term of no  
24 more than 5 years and shall, for each respective utility or for  
25 any Illinois electric utilities that are affiliated by virtue  
26 of a common parent company and that are thereby considered a

1 single electric utility for purposes of this subsection (k),  
2 not exceed in the aggregate 3,000 megawatts for any hour of the  
3 year. The contracts shall be financial contracts and not energy  
4 sales contracts. The contracts shall be executed as  
5 transactions under a negotiated master agreement based on the  
6 form of master agreement for financial swap contracts sponsored  
7 by the International Swaps and Derivatives Association, Inc.  
8 and shall be considered pre-existing contracts in the  
9 utilities' procurement plans for residential and small  
10 commercial customers. Costs incurred pursuant to a contract  
11 authorized by this subsection (k) shall be deemed prudently  
12 incurred and reasonable in amount and the electric utility  
13 shall be entitled to full cost recovery pursuant to the tariffs  
14 filed with the Commission.

15 (k-5) In order to promote price stability for residential  
16 and small commercial customers during the infrastructure  
17 investment program described in subsection (b) of Section  
18 16-108.5 of this Act, and notwithstanding any other provision  
19 of this Act or the Illinois Power Agency Act, for each electric  
20 utility that serves more than one million retail customers in  
21 Illinois, the Illinois Power Agency shall conduct a procurement  
22 event within 120 days after October 26, 2011 (the effective  
23 date of Public Act 97-616) ~~this amendatory Act of the 97th~~  
24 ~~General Assembly~~ and may procure contracts for energy and  
25 renewable energy credits for the period June 1, 2013 through  
26 December 31, 2017 that satisfy the requirements of this

1 subsection (k-5), including the benchmarks described in this  
2 subsection. These contracts shall be entered into as the result  
3 of a competitive procurement event, and, to the extent that any  
4 provisions of this Section or the Illinois Power Agency Act do  
5 not conflict with this subsection (k-5), such provisions shall  
6 apply to the procurement event. The energy contracts shall be  
7 for 24 hour by 7 day supply over a term that runs from the first  
8 delivery year through December 31, 2017. For a utility that  
9 serves over 2 million customers, the energy contracts shall be  
10 multi-year with pricing escalating at 2.5% per annum. The  
11 energy contracts may be designed as financial swaps or may  
12 require physical delivery.

13 Within 30 days of October 26, 2011 (the effective date of  
14 Public Act 97-616) ~~this amendatory Act of the 97th General~~  
15 ~~Assembly~~, each such utility shall submit to the Agency updated  
16 load forecasts for the period June 1, 2013 through December 31,  
17 2017. The megawatt volume of the contracts shall be based on  
18 the updated load forecasts of the minimum monthly on-peak or  
19 off-peak average load requirements shown in the forecasts,  
20 taking into account any existing energy contracts in effect as  
21 well as the expected migration of the utility's customers to  
22 alternative retail electric suppliers. The renewable energy  
23 credit volume shall be based on the number of credits that  
24 would satisfy the requirements of subsection (c) of Section  
25 1-75 of the Illinois Power Agency Act, subject to the rate  
26 impact caps and other provisions of subsection (c) of Section

1 1-75 of the Illinois Power Agency Act. The evaluation of  
2 contract bids in the competitive procurement events for energy  
3 and for renewable energy credits shall incorporate price  
4 benchmarks set collaboratively by the Agency, the procurement  
5 administrator, the staff of the Commission, and the procurement  
6 monitor. If the contracts are swap contracts, then they shall  
7 be executed as transactions under a negotiated master agreement  
8 based on the form of master agreement for financial swap  
9 contracts sponsored by the International Swaps and Derivatives  
10 Association, Inc. Costs incurred pursuant to a contract  
11 authorized by this subsection (k-5) shall be deemed prudently  
12 incurred and reasonable in amount and the electric utility  
13 shall be entitled to full cost recovery pursuant to the tariffs  
14 filed with the Commission.

15 The cost of administering the procurement event described  
16 in this subsection (k-5) shall be paid by the winning supplier  
17 or suppliers to the procurement administrator through a  
18 supplier fee. In the event that there is no winning supplier  
19 for a particular utility, such utility will pay the procurement  
20 administrator for the costs associated with the procurement  
21 event, and those costs shall not be a recoverable expense.  
22 Nothing in this subsection (k-5) is intended to alter the  
23 recovery of costs for any other procurement event.

24 (1) An electric utility shall recover its costs incurred  
25 under this Section, including, but not limited to, the costs of  
26 procuring power and energy demand-response resources under

1 this Section. The utility shall file with the initial  
2 procurement plan its proposed tariffs through which its costs  
3 of procuring power that are incurred pursuant to a  
4 Commission-approved procurement plan and those other costs  
5 identified in this subsection (1), will be recovered. The  
6 tariffs shall include a formula rate or charge designed to pass  
7 through both the costs incurred by the utility in procuring a  
8 supply of electric power and energy for the applicable customer  
9 classes with no mark-up or return on the price paid by the  
10 utility for that supply, plus any just and reasonable costs  
11 that the utility incurs in arranging and providing for the  
12 supply of electric power and energy. The formula rate or charge  
13 shall also contain provisions that ensure that its application  
14 does not result in over or under recovery due to changes in  
15 customer usage and demand patterns, and that provide for the  
16 correction, on at least an annual basis, of any accounting  
17 errors that may occur. A utility shall recover through the  
18 tariff all reasonable costs incurred to implement or comply  
19 with any procurement plan that is developed and put into effect  
20 pursuant to Section 1-75 of the Illinois Power Agency Act and  
21 this Section, including any fees assessed by the Illinois Power  
22 Agency, costs associated with load balancing, and contingency  
23 plan costs. The electric utility shall also recover its full  
24 costs of procuring electric supply for which it contracted  
25 before the effective date of this Section in conjunction with  
26 the provision of full requirements service under fixed-price

1 bundled service tariffs subsequent to December 31, 2006. All  
2 such costs shall be deemed to have been prudently incurred. The  
3 pass-through tariffs that are filed and approved pursuant to  
4 this Section shall not be subject to review under, or in any  
5 way limited by, Section 16-111(i) of this Act.

6 (m) The Commission has the authority to adopt rules to  
7 carry out the provisions of this Section. For the public  
8 interest, safety, and welfare, the Commission also has  
9 authority to adopt rules to carry out the provisions of this  
10 Section on an emergency basis immediately following the  
11 effective date of this amendatory Act.

12 (n) Notwithstanding any other provision of this Act, any  
13 affiliated electric utilities that submit a single procurement  
14 plan covering their combined needs may procure for those  
15 combined needs in conjunction with that plan, and may enter  
16 jointly into power supply contracts, purchases, and other  
17 procurement arrangements, and allocate capacity and energy and  
18 cost responsibility therefor among themselves in proportion to  
19 their requirements.

20 (o) On or before June 1 of each year, the Commission shall  
21 hold an informal hearing for the purpose of receiving comments  
22 on the prior year's procurement process and any recommendations  
23 for change.

24 (p) An electric utility subject to this Section may propose  
25 to invest, lease, own, or operate an electric generation  
26 facility as part of its procurement plan, provided the utility

1 demonstrates that such facility is the least-cost option to  
2 provide electric service to eligible retail customers. If the  
3 facility is shown to be the least-cost option and is included  
4 in a procurement plan prepared in accordance with Section 1-75  
5 of the Illinois Power Agency Act and this Section, then the  
6 electric utility shall make a filing pursuant to Section 8-406  
7 of this Act, and may request of the Commission any statutory  
8 relief required thereunder. If the Commission grants all of the  
9 necessary approvals for the proposed facility, such supply  
10 shall thereafter be considered as a pre-existing contract under  
11 subsection (b) of this Section. The Commission shall in any  
12 order approving a proposal under this subsection specify how  
13 the utility will recover the prudently incurred costs of  
14 investing in, leasing, owning, or operating such generation  
15 facility through just and reasonable rates charged to eligible  
16 retail customers. Cost recovery for facilities included in the  
17 utility's procurement plan pursuant to this subsection shall  
18 not be subject to review under or in any way limited by the  
19 provisions of Section 16-111(i) of this Act. Nothing in this  
20 Section is intended to prohibit a utility from filing for a  
21 fuel adjustment clause as is otherwise permitted under Section  
22 9-220 of this Act.

23 (Source: P.A. 97-325, eff. 8-12-11; 97-616, eff. 10-26-11;  
24 revised 11-10-11.)

25 Section 390. The Child Care Act of 1969 is amended by

1 changing Sections 2.06 and 7 as follows:

2 (225 ILCS 10/2.06) (from Ch. 23, par. 2212.06)

3 Sec. 2.06. "Child care institution" means a child care  
4 facility where more than 7 children are received and maintained  
5 for the purpose of providing them with care or training or  
6 both. The term "child care institution" includes residential  
7 schools, primarily serving ambulatory handicapped children,  
8 and those operating a full calendar year, but does not include:

9 (a) Any State-operated institution for child care  
10 established by legislative action;

11 (b) Any juvenile detention or shelter care home established  
12 and operated by any county or child protection district  
13 established under the "Child Protection Act";

14 (c) Any institution, home, place or facility operating  
15 under a license pursuant to the Nursing Home Care Act, the  
16 Specialized Mental Health Rehabilitation Act, or the ID/DD  
17 Community Care Act;

18 (d) Any bona fide boarding school in which children are  
19 primarily taught branches of education corresponding to those  
20 taught in public schools, grades one through 12, or taught in  
21 public elementary schools, high schools, or both elementary and  
22 high schools, and which operates on a regular academic school  
23 year basis; or

24 (e) Any facility licensed as a "group home" as defined in  
25 this Act.



1 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
2 eff. 1-1-12; revised 10-4-11.)

3 (225 ILCS 10/7) (from Ch. 23, par. 2217)

4 Sec. 7. (a) The Department must prescribe and publish  
5 minimum standards for licensing that apply to the various types  
6 of facilities for child care defined in this Act and that are  
7 equally applicable to like institutions under the control of  
8 the Department and to foster family homes used by and under the  
9 direct supervision of the Department. The Department shall seek  
10 the advice and assistance of persons representative of the  
11 various types of child care facilities in establishing such  
12 standards. The standards prescribed and published under this  
13 Act take effect as provided in the Illinois Administrative  
14 Procedure Act, and are restricted to regulations pertaining to  
15 the following matters and to any rules and regulations required  
16 or permitted by any other Section of this Act:

17 (1) The operation and conduct of the facility and  
18 responsibility it assumes for child care;

19 (2) The character, suitability and qualifications of  
20 the applicant and other persons directly responsible for  
21 the care and welfare of children served. All child day care  
22 center licensees and employees who are required to report  
23 child abuse or neglect under the Abused and Neglected Child  
24 Reporting Act shall be required to attend training on  
25 recognizing child abuse and neglect, as prescribed by

1 Department rules;

2 (3) The general financial ability and competence of the  
3 applicant to provide necessary care for children and to  
4 maintain prescribed standards;

5 (4) The number of individuals or staff required to  
6 insure adequate supervision and care of the children  
7 received. The standards shall provide that each child care  
8 institution, maternity center, day care center, group  
9 home, day care home, and group day care home shall have on  
10 its premises during its hours of operation at least one  
11 staff member certified in first aid, in the Heimlich  
12 maneuver and in cardiopulmonary resuscitation by the  
13 American Red Cross or other organization approved by rule  
14 of the Department. Child welfare agencies shall not be  
15 subject to such a staffing requirement. The Department may  
16 offer, or arrange for the offering, on a periodic basis in  
17 each community in this State in cooperation with the  
18 American Red Cross, the American Heart Association or other  
19 appropriate organization, voluntary programs to train  
20 operators of foster family homes and day care homes in  
21 first aid and cardiopulmonary resuscitation;

22 (5) The appropriateness, safety, cleanliness and  
23 general adequacy of the premises, including maintenance of  
24 adequate fire prevention and health standards conforming  
25 to State laws and municipal codes to provide for the  
26 physical comfort, care and well-being of children

1 received;

2 (6) Provisions for food, clothing, educational  
3 opportunities, program, equipment and individual supplies  
4 to assure the healthy physical, mental and spiritual  
5 development of children served;

6 (7) Provisions to safeguard the legal rights of  
7 children served;

8 (8) Maintenance of records pertaining to the  
9 admission, progress, health and discharge of children,  
10 including, for day care centers and day care homes, records  
11 indicating each child has been immunized as required by  
12 State regulations. The Department shall require proof that  
13 children enrolled in a facility have been immunized against  
14 Haemophilus Influenzae B (HIB);

15 (9) Filing of reports with the Department;

16 (10) Discipline of children;

17 (11) Protection and fostering of the particular  
18 religious faith of the children served;

19 (12) Provisions prohibiting firearms on day care  
20 center premises except in the possession of peace officers;

21 (13) Provisions prohibiting handguns on day care home  
22 premises except in the possession of peace officers or  
23 other adults who must possess a handgun as a condition of  
24 employment and who reside on the premises of a day care  
25 home;

26 (14) Provisions requiring that any firearm permitted

1 on day care home premises, except handguns in the  
2 possession of peace officers, shall be kept in a  
3 disassembled state, without ammunition, in locked storage,  
4 inaccessible to children and that ammunition permitted on  
5 day care home premises shall be kept in locked storage  
6 separate from that of disassembled firearms, inaccessible  
7 to children;

8 (15) Provisions requiring notification of parents or  
9 guardians enrolling children at a day care home of the  
10 presence in the day care home of any firearms and  
11 ammunition and of the arrangements for the separate, locked  
12 storage of such firearms and ammunition; and

13 (16) Provisions requiring all licensed child care  
14 facility employees who care for newborns and infants to  
15 complete training every 3 years on the nature of sudden  
16 unexpected infant death (SUID), sudden infant death  
17 syndrome (SIDS), and the safe sleep recommendations of the  
18 American Academy of Pediatrics.

19 (b) If, in a facility for general child care, there are  
20 children diagnosed as mentally ill, intellectually disabled or  
21 physically handicapped, who are determined to be in need of  
22 special mental treatment or of nursing care, or both mental  
23 treatment and nursing care, the Department shall seek the  
24 advice and recommendation of the Department of Human Services,  
25 the Department of Public Health, or both Departments regarding  
26 the residential treatment and nursing care provided by the

1 institution.

2 (c) The Department shall investigate any person applying to  
3 be licensed as a foster parent to determine whether there is  
4 any evidence of current drug or alcohol abuse in the  
5 prospective foster family. The Department shall not license a  
6 person as a foster parent if drug or alcohol abuse has been  
7 identified in the foster family or if a reasonable suspicion of  
8 such abuse exists, except that the Department may grant a  
9 foster parent license to an applicant identified with an  
10 alcohol or drug problem if the applicant has successfully  
11 participated in an alcohol or drug treatment program, self-help  
12 group, or other suitable activities.

13 (d) The Department, in applying standards prescribed and  
14 published, as herein provided, shall offer consultation  
15 through employed staff or other qualified persons to assist  
16 applicants and licensees in meeting and maintaining minimum  
17 requirements for a license and to help them otherwise to  
18 achieve programs of excellence related to the care of children  
19 served. Such consultation shall include providing information  
20 concerning education and training in early childhood  
21 development to providers of day care home services. The  
22 Department may provide or arrange for such education and  
23 training for those providers who request such assistance.

24 (e) The Department shall distribute copies of licensing  
25 standards to all licensees and applicants for a license. Each  
26 licensee or holder of a permit shall distribute copies of the

1 appropriate licensing standards and any other information  
2 required by the Department to child care facilities under its  
3 supervision. Each licensee or holder of a permit shall maintain  
4 appropriate documentation of the distribution of the  
5 standards. Such documentation shall be part of the records of  
6 the facility and subject to inspection by authorized  
7 representatives of the Department.

8 (f) The Department shall prepare summaries of day care  
9 licensing standards. Each licensee or holder of a permit for a  
10 day care facility shall distribute a copy of the appropriate  
11 summary and any other information required by the Department,  
12 to the legal guardian of each child cared for in that facility  
13 at the time when the child is enrolled or initially placed in  
14 the facility. The licensee or holder of a permit for a day care  
15 facility shall secure appropriate documentation of the  
16 distribution of the summary and brochure. Such documentation  
17 shall be a part of the records of the facility and subject to  
18 inspection by an authorized representative of the Department.

19 (g) The Department shall distribute to each licensee and  
20 holder of a permit copies of the licensing or permit standards  
21 applicable to such person's facility. Each licensee or holder  
22 of a permit shall make available by posting at all times in a  
23 common or otherwise accessible area a complete and current set  
24 of licensing standards in order that all employees of the  
25 facility may have unrestricted access to such standards. All  
26 employees of the facility shall have reviewed the standards and

1 any subsequent changes. Each licensee or holder of a permit  
2 shall maintain appropriate documentation of the current review  
3 of licensing standards by all employees. Such records shall be  
4 part of the records of the facility and subject to inspection  
5 by authorized representatives of the Department.

6 (h) Any standards involving physical examinations,  
7 immunization, or medical treatment shall include appropriate  
8 exemptions for children whose parents object thereto on the  
9 grounds that they conflict with the tenets and practices of a  
10 recognized church or religious organization, of which the  
11 parent is an adherent or member, and for children who should  
12 not be subjected to immunization for clinical reasons.

13 (i) The Department, in cooperation with the Department of  
14 Public Health, shall work to increase immunization awareness  
15 and participation among parents of children enrolled in day  
16 care centers and day care homes by publishing on the  
17 Department's website information about the benefits of  
18 immunization against vaccine preventable diseases, including  
19 influenza and pertussis. The information for vaccine  
20 preventable diseases shall include the incidence and severity  
21 of the diseases, the availability of vaccines, and the  
22 importance of immunizing children and persons who frequently  
23 have close contact with children. The website content shall be  
24 reviewed annually in collaboration with the Department of  
25 Public Health to reflect the most current recommendations of  
26 the Advisory Committee on Immunization Practices (ACIP). The

1 Department shall work with day care centers and day care homes  
2 licensed under this Act to ensure that the information is  
3 annually distributed to parents in August or September.

4 (Source: P.A. 96-391, eff. 8-13-09; 97-83, eff. 1-1-12; 97-227,  
5 eff. 1-1-12; 97-494, eff. 8-22-11; revised 10-4-11.)

6 Section 395. The Illinois Dental Practice Act is amended by  
7 changing Section 23 as follows:

8 (225 ILCS 25/23) (from Ch. 111, par. 2323)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 23. Refusal, revocation or suspension of dental  
11 licenses. The Department may refuse to issue or renew, or may  
12 revoke, suspend, place on probation, reprimand or take other  
13 disciplinary action as the Department may deem proper,  
14 including fines not to exceed \$10,000 per violation, with  
15 regard to any license for any one or any combination of the  
16 following causes:

17 1. Fraud in procuring the license.

18 2. Habitual intoxication or addiction to the use of  
19 drugs.

20 3. Willful or repeated violations of the rules of the  
21 Department of Public Health or Department of Nuclear  
22 Safety.

23 4. Acceptance of a fee for service as a witness,  
24 without the knowledge of the court, in addition to the fee



1 allowed by the court.

2 5. Division of fees or agreeing to split or divide the  
3 fees received for dental services with any person for  
4 bringing or referring a patient, except in regard to  
5 referral services as provided for under Section 45, or  
6 assisting in the care or treatment of a patient, without  
7 the knowledge of the patient or his legal representative.  
8 Nothing in this item 5 affects any bona fide independent  
9 contractor or employment arrangements among health care  
10 professionals, health facilities, health care providers,  
11 or other entities, except as otherwise prohibited by law.  
12 Any employment arrangements may include provisions for  
13 compensation, health insurance, pension, or other  
14 employment benefits for the provision of services within  
15 the scope of the licensee's practice under this Act.  
16 Nothing in this item 5 shall be construed to require an  
17 employment arrangement to receive professional fees for  
18 services rendered.

19 6. Employing, procuring, inducing, aiding or abetting  
20 a person not licensed or registered as a dentist to engage  
21 in the practice of dentistry. The person practiced upon is  
22 not an accomplice, employer, procurer, inducer, aider, or  
23 abetter within the meaning of this Act.

24 7. Making any misrepresentations or false promises,  
25 directly or indirectly, to influence, persuade or induce  
26 dental patronage.

1           8. Professional connection or association with or  
2           lending his name to another for the illegal practice of  
3           dentistry by another, or professional connection or  
4           association with any person, firm or corporation holding  
5           himself, herself, themselves, or itself out in any manner  
6           contrary to this Act.

7           9. Obtaining or seeking to obtain practice, money, or  
8           any other things of value by false or fraudulent  
9           representations, but not limited to, engaging in such  
10          fraudulent practice to defraud the medical assistance  
11          program of the Department of Healthcare and Family Services  
12          (formerly Department of Public Aid).

13          10. Practicing under a name other than his or her own.

14          11. Engaging in dishonorable, unethical, or  
15          unprofessional conduct of a character likely to deceive,  
16          defraud, or harm the public.

17          12. Conviction in this or another State of any crime  
18          which is a felony under the laws of this State or  
19          conviction of a felony in a federal court, conviction of a  
20          misdemeanor, an essential element of which is dishonesty,  
21          or conviction of any crime which is directly related to the  
22          practice of dentistry or dental hygiene.

23          13. Permitting a dental hygienist, dental assistant or  
24          other person under his or her supervision to perform any  
25          operation not authorized by this Act.

26          14. Permitting more than 4 dental hygienists to be

1 employed under his supervision at any one time.

2 15. A violation of any provision of this Act or any  
3 rules promulgated under this Act.

4 16. Taking impressions for or using the services of any  
5 person, firm or corporation violating this Act.

6 17. Violating any provision of Section 45 relating to  
7 advertising.

8 18. Discipline by another U.S. jurisdiction or foreign  
9 nation, if at least one of the grounds for the discipline  
10 is the same or substantially equivalent to those set forth  
11 within this Act.

12 19. Willfully failing to report an instance of  
13 suspected child abuse or neglect as required by the Abused  
14 and Neglected Child Reporting Act.

15 20. Gross or repeated malpractice resulting in injury  
16 or death of a patient.

17 21. The use or prescription for use of narcotics or  
18 controlled substances or designated products as listed in  
19 the Illinois Controlled Substances Act, in any way other  
20 than for therapeutic purposes.

21 22. Willfully making or filing false records or reports  
22 in his practice as a dentist, including, but not limited  
23 to, false records to support claims against the dental  
24 assistance program of the Department of Healthcare and  
25 Family Services (formerly Illinois Department of Public  
26 Aid).

1           23. Professional incompetence as manifested by poor  
2 standards of care.

3           24. Physical or mental illness, including, but not  
4 limited to, deterioration through the aging process, or  
5 loss of motor skills which results in a dentist's inability  
6 to practice dentistry with reasonable judgment, skill or  
7 safety. In enforcing this paragraph, the Department may  
8 compel a person licensed to practice under this Act to  
9 submit to a mental or physical examination pursuant to the  
10 terms and conditions of Section 23b.

11           25. Repeated irregularities in billing a third party  
12 for services rendered to a patient. For purposes of this  
13 paragraph 25, "irregularities in billing" shall include:

14                   (a) Reporting excessive charges for the purpose of  
15 obtaining a total payment in excess of that usually  
16 received by the dentist for the services rendered.

17                   (b) Reporting charges for services not rendered.

18                   (c) Incorrectly reporting services rendered for  
19 the purpose of obtaining payment not earned.

20           26. Continuing the active practice of dentistry while  
21 knowingly having any infectious, communicable, or  
22 contagious disease proscribed by rule or regulation of the  
23 Department.

24           27. Being named as a perpetrator in an indicated report  
25 by the Department of Children and Family Services pursuant  
26 to the Abused and Neglected Child Reporting Act, and upon

1 proof by clear and convincing evidence that the licensee  
2 has caused a child to be an abused child or neglected child  
3 as defined in the Abused and Neglected Child Reporting Act.

4 28. Violating the Health Care Worker Self-Referral  
5 Act.

6 29. Abandonment of a patient.

7 30. Mental incompetency as declared by a court of  
8 competent jurisdiction.

9 31. A finding by the Department that the licensee,  
10 after having his or her license placed on probationary  
11 status, has violated the terms of probation.

12 All proceedings to suspend, revoke, place on probationary  
13 status, or take any other disciplinary action as the Department  
14 may deem proper, with regard to a license on any of the  
15 foregoing grounds, must be commenced within 3 years after  
16 receipt by the Department of a complaint alleging the  
17 commission of or notice of the conviction order for any of the  
18 acts described herein. Except for fraud in procuring a license,  
19 no action shall be commenced more than 5 years after the date  
20 of the incident or act alleged to have violated this Section.  
21 The time during which the holder of the license was outside the  
22 State of Illinois shall not be included within any period of  
23 time limiting the commencement of disciplinary action by the  
24 Department.

25 The Department may refuse to issue or may suspend the  
26 license of any person who fails to file a return, or to pay the

1 tax, penalty or interest shown in a filed return, or to pay any  
2 final assessment of tax, penalty or interest, as required by  
3 any tax Act administered by the Illinois Department of Revenue,  
4 until such time as the requirements of any such tax Act are  
5 satisfied.

6 (Source: P.A. 96-1482, eff. 11-29-10; 97-102, eff. 7-14-11;  
7 revised 9-15-11.)

8 Section 400. The Health Care Worker Background Check Act is  
9 amended by changing Section 15 as follows:

10 (225 ILCS 46/15)

11 Sec. 15. Definitions. In this Act:

12 "Applicant" means an individual seeking employment with a  
13 health care employer who has received a bona fide conditional  
14 offer of employment.

15 "Conditional offer of employment" means a bona fide offer  
16 of employment by a health care employer to an applicant, which  
17 is contingent upon the receipt of a report from the Department  
18 of Public Health indicating that the applicant does not have a  
19 record of conviction of any of the criminal offenses enumerated  
20 in Section 25.

21 "Direct care" means the provision of nursing care or  
22 assistance with feeding, dressing, movement, bathing,  
23 toileting, or other personal needs, including home services as  
24 defined in the Home Health, Home Services, and Home Nursing

1 Agency Licensing Act. The entity responsible for inspecting and  
2 licensing, certifying, or registering the health care employer  
3 may, by administrative rule, prescribe guidelines for  
4 interpreting this definition with regard to the health care  
5 employers that it licenses.

6 "Disqualifying offenses" means those offenses set forth in  
7 Section 25 of this Act.

8 "Employee" means any individual hired, employed, or  
9 retained to which this Act applies.

10 "Fingerprint-based criminal history records check" means a  
11 livescan fingerprint-based criminal history records check  
12 submitted as a fee applicant inquiry in the form and manner  
13 prescribed by the Department of State Police.

14 "Health care employer" means:

15 (1) the owner or licensee of any of the following:

16 (i) a community living facility, as defined in the  
17 Community Living Facilities Act;

18 (ii) a life care facility, as defined in the Life  
19 Care Facilities Act;

20 (iii) a long-term care facility;

21 (iv) a home health agency, home services agency, or  
22 home nursing agency as defined in the Home Health, Home  
23 Services, and Home Nursing Agency Licensing Act;

24 (v) a hospice care program or volunteer hospice  
25 program, as defined in the Hospice Program Licensing  
26 Act;

1           (vi) a hospital, as defined in the Hospital  
2           Licensing Act;

3           (vii) (blank);

4           (viii) a nurse agency, as defined in the Nurse  
5           Agency Licensing Act;

6           (ix) a respite care provider, as defined in the  
7           Respite Program Act;

8           (ix-a) an establishment licensed under the  
9           Assisted Living and Shared Housing Act;

10          (x) a supportive living program, as defined in the  
11          Illinois Public Aid Code;

12          (xi) early childhood intervention programs as  
13          described in 59 Ill. Adm. Code 121;

14          (xii) the University of Illinois Hospital,  
15          Chicago;

16          (xiii) programs funded by the Department on Aging  
17          through the Community Care Program;

18          (xiv) programs certified to participate in the  
19          Supportive Living Program authorized pursuant to  
20          Section 5-5.01a of the Illinois Public Aid Code;

21          (xv) programs listed by the Emergency Medical  
22          Services (EMS) Systems Act as Freestanding Emergency  
23          Centers;

24          (xvi) locations licensed under the Alternative  
25          Health Care Delivery Act;

26          (2) a day training program certified by the Department



1 of Human Services;

2 (3) a community integrated living arrangement operated  
3 by a community mental health and developmental service  
4 agency, as defined in the Community-Integrated Living  
5 Arrangements Licensing and Certification Act; or

6 (4) the State Long Term Care Ombudsman Program,  
7 including any regional long term care ombudsman programs  
8 under Section 4.04 of the Illinois Act on the Aging, only  
9 for the purpose of securing background checks.

10 "Initiate" means obtaining from a student, applicant, or  
11 employee his or her social security number, demographics, a  
12 disclosure statement, and an authorization for the Department  
13 of Public Health or its designee to request a fingerprint-based  
14 criminal history records check; transmitting this information  
15 electronically to the Department of Public Health; conducting  
16 Internet searches on certain web sites, including without  
17 limitation the Illinois Sex Offender Registry, the Department  
18 of Corrections' Sex Offender Search Engine, the Department of  
19 Corrections' Inmate Search Engine, the Department of  
20 Corrections Wanted Fugitives Search Engine, the National Sex  
21 Offender Public Registry, and the website of the Health and  
22 Human Services Office of Inspector General to determine if the  
23 applicant has been adjudicated a sex offender, has been a  
24 prison inmate, or has committed Medicare or Medicaid fraud, or  
25 conducting similar searches as defined by rule; and having the  
26 student, applicant, or employee's fingerprints collected and

1 transmitted electronically to the Department of State Police.

2 "Livescan vendor" means an entity whose equipment has been  
3 certified by the Department of State Police to collect an  
4 individual's demographics and inkless fingerprints and, in a  
5 manner prescribed by the Department of State Police and the  
6 Department of Public Health, electronically transmit the  
7 fingerprints and required data to the Department of State  
8 Police and a daily file of required data to the Department of  
9 Public Health. The Department of Public Health shall negotiate  
10 a contract with one or more vendors that effectively  
11 demonstrate that the vendor has 2 or more years of experience  
12 transmitting fingerprints electronically to the Department of  
13 State Police and that the vendor can successfully transmit the  
14 required data in a manner prescribed by the Department of  
15 Public Health. Vendor authorization may be further defined by  
16 administrative rule.

17 "Long-term care facility" means a facility licensed by the  
18 State or certified under federal law as a long-term care  
19 facility, including without limitation facilities licensed  
20 under the Nursing Home Care Act, the Specialized Mental Health  
21 Rehabilitation Act, or the ID/DD Community Care Act, a  
22 supportive living facility, an assisted living establishment,  
23 or a shared housing establishment or registered as a board and  
24 care home.

25 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
26 eff. 1-1-12; revised 10-4-11.)

1 Section 405. The Nurse Practice Act is amended by changing  
2 Sections 50-10, 65-10, and 75-15 as follows:

3 (225 ILCS 65/50-10) (was 225 ILCS 65/5-10)

4 (Section scheduled to be repealed on January 1, 2018)

5 Sec. 50-10. Definitions. Each of the following terms, when  
6 used in this Act, shall have the meaning ascribed to it in this  
7 Section, except where the context clearly indicates otherwise:

8 "Academic year" means the customary annual schedule of  
9 courses at a college, university, or approved school,  
10 customarily regarded as the school year as distinguished from  
11 the calendar year.

12 "Advanced practice nurse" or "APN" means a person who has  
13 met the qualifications for a (i) certified nurse midwife (CNM);  
14 (ii) certified nurse practitioner (CNP); (iii) certified  
15 registered nurse anesthetist (CRNA); or (iv) clinical nurse  
16 specialist (CNS) and has been licensed by the Department. All  
17 advanced practice nurses licensed and practicing in the State  
18 of Illinois shall use the title APN and may use specialty  
19 ~~speciality~~ credentials after their name.

20 "Approved program of professional nursing education" and  
21 "approved program of practical nursing education" are programs  
22 of professional or practical nursing, respectively, approved  
23 by the Department under the provisions of this Act.

24 "Board" means the Board of Nursing appointed by the

1 Secretary.

2 "Collaboration" means a process involving 2 or more health  
3 care professionals working together, each contributing one's  
4 respective area of expertise to provide more comprehensive  
5 patient care.

6 "Consultation" means the process whereby an advanced  
7 practice nurse seeks the advice or opinion of another health  
8 care professional.

9 "Credentialed" means the process of assessing and  
10 validating the qualifications of a health care professional.

11 "Current nursing practice update course" means a planned  
12 nursing education curriculum approved by the Department  
13 consisting of activities that have educational objectives,  
14 instructional methods, content or subject matter, clinical  
15 practice, and evaluation methods, related to basic review and  
16 updating content and specifically planned for those nurses  
17 previously licensed in the United States or its territories and  
18 preparing for reentry into nursing practice.

19 "Dentist" means a person licensed to practice dentistry  
20 under the Illinois Dental Practice Act.

21 "Department" means the Department of Financial and  
22 Professional Regulation.

23 "Impaired nurse" means a nurse licensed under this Act who  
24 is unable to practice with reasonable skill and safety because  
25 of a physical or mental disability as evidenced by a written  
26 determination or written consent based on clinical evidence,

1 including loss of motor skills, abuse of drugs or alcohol, or a  
2 psychiatric disorder, of sufficient degree to diminish his or  
3 her ability to deliver competent patient care.

4 "License-pending advanced practice nurse" means a  
5 registered professional nurse who has completed all  
6 requirements for licensure as an advanced practice nurse except  
7 the certification examination and has applied to take the next  
8 available certification exam and received a temporary license  
9 from the Department.

10 "License-pending registered nurse" means a person who has  
11 passed the Department-approved registered nurse licensure exam  
12 and has applied for a license from the Department. A  
13 license-pending registered nurse shall use the title "RN lic  
14 pend" on all documentation related to nursing practice.

15 "Physician" means a person licensed to practice medicine in  
16 all its branches under the Medical Practice Act of 1987.

17 "Podiatrist" means a person licensed to practice podiatry  
18 under the Podiatric Medical Practice Act of 1987.

19 "Practical nurse" or "licensed practical nurse" means a  
20 person who is licensed as a practical nurse under this Act and  
21 practices practical nursing as defined in this Act. Only a  
22 practical nurse licensed under this Act is entitled to use the  
23 title "licensed practical nurse" and the abbreviation  
24 "L.P.N.".

25 "Practical nursing" means the performance of nursing acts  
26 requiring the basic nursing knowledge, judgement, and skill

1 acquired by means of completion of an approved practical  
2 nursing education program. Practical nursing includes  
3 assisting in the nursing process as delegated by a registered  
4 professional nurse or an advanced practice nurse. The practical  
5 nurse may work under the direction of a licensed physician,  
6 dentist, podiatrist, or other health care professional  
7 determined by the Department.

8 "Privileged" means the authorization granted by the  
9 governing body of a healthcare facility, agency, or  
10 organization to provide specific patient care services within  
11 well-defined limits, based on qualifications reviewed in the  
12 credentialing process.

13 "Registered Nurse" or "Registered Professional Nurse"  
14 means a person who is licensed as a professional nurse under  
15 this Act and practices nursing as defined in this Act. Only a  
16 registered nurse licensed under this Act is entitled to use the  
17 titles "registered nurse" and "registered professional nurse"  
18 and the abbreviation, "R.N.".

19 "Registered professional nursing practice" is a scientific  
20 process founded on a professional body of knowledge; it is a  
21 learned profession based on the understanding of the human  
22 condition across the life span and environment and includes all  
23 nursing specialties ~~specialities~~ and means the performance of  
24 any nursing act based upon professional knowledge, judgment,  
25 and skills acquired by means of completion of an approved  
26 professional nursing education program. A registered

1 professional nurse provides holistic nursing care through the  
2 nursing process to individuals, groups, families, or  
3 communities, that includes but is not limited to: (1) the  
4 assessment of healthcare needs, nursing diagnosis, planning,  
5 implementation, and nursing evaluation; (2) the promotion,  
6 maintenance, and restoration of health; (3) counseling,  
7 patient education, health education, and patient advocacy; (4)  
8 the administration of medications and treatments as prescribed  
9 by a physician licensed to practice medicine in all of its  
10 branches, a licensed dentist, a licensed podiatrist, or a  
11 licensed optometrist or as prescribed by a physician assistant  
12 in accordance with written guidelines required under the  
13 Physician Assistant Practice Act of 1987 or by an advanced  
14 practice nurse in accordance with Article 65 of this Act; (5)  
15 the coordination and management of the nursing plan of care;  
16 (6) the delegation to and supervision of individuals who assist  
17 the registered professional nurse implementing the plan of  
18 care; and (7) teaching nursing students. The foregoing shall  
19 not be deemed to include those acts of medical diagnosis or  
20 prescription of therapeutic or corrective measures.

21 "Professional assistance program for nurses" means a  
22 professional assistance program that meets criteria  
23 established by the Board of Nursing and approved by the  
24 Secretary, which provides a non-disciplinary treatment  
25 approach for nurses licensed under this Act whose ability to  
26 practice is compromised by alcohol or chemical substance

1 addiction.

2 "Secretary" means the Secretary of Financial and  
3 Professional Regulation.

4 "Unencumbered license" means a license issued in good  
5 standing.

6 "Written collaborative agreement" means a written  
7 agreement between an advanced practice nurse and a  
8 collaborating physician, dentist, or podiatrist pursuant to  
9 Section 65-35.

10 (Source: P.A. 95-639, eff. 10-5-07; revised 11-18-11.)

11 (225 ILCS 65/65-10) (was 225 ILCS 65/15-13)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 65-10. APN license pending status.

14 (a) A graduate of an advanced practice nursing program may  
15 practice in the State of Illinois in the role of certified  
16 clinical nurse specialist, certified nurse midwife, certified  
17 nurse practitioner, or certified registered nurse anesthetist  
18 for not longer than 6 months provided he or she submits all of  
19 the following:

20 (1) An application for licensure as an advanced  
21 practice nurse in Illinois and all fees established by  
22 rule.

23 (2) Proof of an application to take the national  
24 certification examination in the specialty.

25 (3) Proof of completion of a graduate advanced practice



1 education program that allows the applicant to be eligible  
2 for national certification in a clinical advanced practice  
3 nursing specialty ~~speciality~~ and that allows the applicant  
4 to be eligible for licensure in Illinois in the area of his  
5 or her specialty.

6 (4) Proof that he or she is licensed in Illinois as a  
7 registered professional nurse.

8 (b) License pending status shall preclude delegation of  
9 prescriptive authority.

10 (c) A graduate practicing in accordance with this Section  
11 must use the title "license pending certified clinical nurse  
12 specialist", "license pending certified nurse midwife",  
13 "license pending certified nurse practitioner", or "license  
14 pending certified registered nurse anesthetist", whichever is  
15 applicable.

16 (Source: P.A. 95-639, eff. 10-5-07; revised 11-18-11.)

17 (225 ILCS 65/75-15) (was 225 ILCS 65/17-15)

18 (Section scheduled to be repealed on January 1, 2018)

19 Sec. 75-15. Center for Nursing Advisory Board.

20 (a) There is created the Center for Nursing Advisory Board,  
21 which shall consist of 11 members appointed by the Governor,  
22 with 6 members of the Advisory Board being nurses  
23 representative of various nursing specialty areas. The other 5  
24 members may include representatives of associations, health  
25 care providers, nursing educators, and consumers. The Advisory

1 Board shall be chaired by the Nursing Act Coordinator, who  
2 shall be a voting member of the Advisory Board.

3 (b) The membership of the Advisory Board shall reasonably  
4 reflect representation from the geographic areas in this State.

5 (c) Members of the Advisory Board appointed by the Governor  
6 shall serve for terms of 4 years, with no member serving more  
7 than 10 successive years, except that, initially, 4 members  
8 shall be appointed to the Advisory Board for terms that expire  
9 on June 30, 2009, 4 members shall be appointed to the Advisory  
10 Board for terms that expire on June 30, 2008, and 3 members  
11 shall be appointed to the Advisory Board for terms that expire  
12 on June 30, 2007. A member shall serve until his or her  
13 successor is appointed and has qualified. Vacancies shall be  
14 filled in the same manner as original appointments, and any  
15 member so appointed shall serve during the remainder of the  
16 term for which the vacancy occurred.

17 (d) A quorum of the Advisory Board shall consist of a  
18 majority of Advisory Board members currently serving. A  
19 majority vote of the quorum is required for Advisory Board  
20 decisions. A vacancy in the membership of the Advisory Board  
21 shall not impair the right of a quorum to exercise all of the  
22 rights and perform all of the duties of the Advisory Board.

23 (e) The Governor may remove any appointed member of the  
24 Advisory Board for misconduct, incapacity, or neglect of duty  
25 and shall be the sole judge of the sufficiency of the cause for  
26 removal.

1 (f) Members of the Advisory Board are immune from suit in  
2 any action based upon any activities performed in good faith as  
3 members of the Advisory Board.

4 (g) ~~(e)~~ Members of the Advisory Board shall not receive  
5 compensation, but shall be reimbursed for actual traveling,  
6 incidentals, and expenses necessarily incurred in carrying out  
7 their duties as members of the Advisory Board, as approved by  
8 the Department.

9 (Source: P.A. 94-1020, eff. 7-11-06; 95-639, eff. 10-5-07;  
10 revised 11-18-11.)

11 Section 410. The Nursing Home Administrators Licensing and  
12 Disciplinary Act is amended by changing Section 4 as follows:

13 (225 ILCS 70/4) (from Ch. 111, par. 3654)

14 (Section scheduled to be repealed on January 1, 2018)

15 Sec. 4. Definitions. For purposes of this Act, the  
16 following definitions shall have the following meanings,  
17 except where the context requires otherwise:

18 (1) "Act" means the Nursing Home Administrators  
19 Licensing and Disciplinary Act.

20 (2) "Department" means the Department of Financial and  
21 Professional Regulation.

22 (3) "Secretary" means the Secretary of Financial and  
23 Professional Regulation.

24 (4) "Board" means the Nursing Home Administrators

1           Licensing and Disciplinary Board appointed by the  
2           Governor.

3           (5) "Nursing home administrator" means the individual  
4           licensed under this Act and directly responsible for  
5           planning, organizing, directing and supervising the  
6           operation of a nursing home, or who in fact performs such  
7           functions, whether or not such functions are delegated to  
8           one or more other persons.

9           (6) "Nursing home" or "facility" means any entity that  
10          is required to be licensed by the Department of Public  
11          Health under the Nursing Home Care Act, as amended, other  
12          than a sheltered care home as defined thereunder, and  
13          includes private homes, institutions, buildings,  
14          residences, or other places, whether operated for profit or  
15          not, irrespective of the names attributed to them, county  
16          homes for the infirm and chronically ill operated pursuant  
17          to the County Nursing Home Act, as amended, and any similar  
18          institutions operated by a political subdivision of the  
19          State of Illinois that provide, though their ownership or  
20          management, maintenance, personal care, and nursing for 3  
21          or more persons, not related to the owner by blood or  
22          marriage, or any similar facilities in which maintenance is  
23          provided to 3 or more persons who by reason of illness of  
24          physical infirmity require personal care and nursing. The  
25          term also means any facility licensed under the ID/DD  
26          Community Care Act or the Specialized Mental Health

1 Rehabilitation Act.

2 (7) "Maintenance" means food, shelter and laundry.

3 (8) "Personal care" means assistance with meals,  
4 dressing, movement, bathing, or other personal needs, or  
5 general supervision of the physical and mental well-being  
6 of an individual who because of age, physical, or mental  
7 disability, emotion or behavior disorder, or an  
8 intellectual disability is incapable of managing his or her  
9 person, whether or not a guardian has been appointed for  
10 such individual. For the purposes of this Act, this  
11 definition does not include the professional services of a  
12 nurse.

13 (9) "Nursing" means professional nursing or practical  
14 nursing, as those terms are defined in the Nurse Practice  
15 Act, for sick or infirm persons who are under the care and  
16 supervision of licensed physicians or dentists.

17 (10) "Disciplinary action" means revocation,  
18 suspension, probation, supervision, reprimand, required  
19 education, fines or any other action taken by the  
20 Department against a person holding a license.

21 (11) "Impaired" means the inability to practice with  
22 reasonable skill and safety due to physical or mental  
23 disabilities as evidenced by a written determination or  
24 written consent based on clinical evidence including  
25 deterioration through the aging process or loss of motor  
26 skill, or abuse of drugs or alcohol, of sufficient degree

1 to diminish a person's ability to administer a nursing  
2 home.

3 (12) "Address of record" means the designated address  
4 recorded by the Department in the applicant's or licensee's  
5 application file or license file maintained by the  
6 Department's licensure maintenance unit. It is the duty of  
7 the applicant or licensee to inform the Department of any  
8 change of address, and such changes must be made either  
9 through the Department's website or by contacting the  
10 Department's licensure maintenance unit.

11 (Source: P.A. 96-328, eff. 8-11-09; 96-339, eff. 7-1-10; 97-38,  
12 eff. 6-28-11; 97-227, eff. 1-1-12; revised 10-4-11.)

13 Section 415. The Pharmacy Practice Act is amended by  
14 changing Section 3 as follows:

15 (225 ILCS 85/3)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 3. Definitions. For the purpose of this Act, except  
18 where otherwise limited therein:

19 (a) "Pharmacy" or "drugstore" means and includes every  
20 store, shop, pharmacy department, or other place where  
21 pharmacist care is provided by a pharmacist (1) where drugs,  
22 medicines, or poisons are dispensed, sold or offered for sale  
23 at retail, or displayed for sale at retail; or (2) where  
24 prescriptions of physicians, dentists, advanced practice

1 nurses, physician assistants, veterinarians, podiatrists, or  
2 optometrists, within the limits of their licenses, are  
3 compounded, filled, or dispensed; or (3) which has upon it or  
4 displayed within it, or affixed to or used in connection with  
5 it, a sign bearing the word or words "Pharmacist", "Druggist",  
6 "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore",  
7 "Medicine Store", "Prescriptions", "Drugs", "Dispensary",  
8 "Medicines", or any word or words of similar or like import,  
9 either in the English language or any other language; or (4)  
10 where the characteristic prescription sign (Rx) or similar  
11 design is exhibited; or (5) any store, or shop, or other place  
12 with respect to which any of the above words, objects, signs or  
13 designs are used in any advertisement.

14 (b) "Drugs" means and includes (1) articles recognized in  
15 the official United States Pharmacopoeia/National Formulary  
16 (USP/NF), or any supplement thereto and being intended for and  
17 having for their main use the diagnosis, cure, mitigation,  
18 treatment or prevention of disease in man or other animals, as  
19 approved by the United States Food and Drug Administration, but  
20 does not include devices or their components, parts, or  
21 accessories; and (2) all other articles intended for and having  
22 for their main use the diagnosis, cure, mitigation, treatment  
23 or prevention of disease in man or other animals, as approved  
24 by the United States Food and Drug Administration, but does not  
25 include devices or their components, parts, or accessories; and  
26 (3) articles (other than food) having for their main use and

1 intended to affect the structure or any function of the body of  
2 man or other animals; and (4) articles having for their main  
3 use and intended for use as a component or any articles  
4 specified in clause (1), (2) or (3); but does not include  
5 devices or their components, parts or accessories.

6 (c) "Medicines" means and includes all drugs intended for  
7 human or veterinary use approved by the United States Food and  
8 Drug Administration.

9 (d) "Practice of pharmacy" means (1) the interpretation and  
10 the provision of assistance in the monitoring, evaluation, and  
11 implementation of prescription drug orders; (2) the dispensing  
12 of prescription drug orders; (3) participation in drug and  
13 device selection; (4) drug administration limited to the  
14 administration of oral, topical, injectable, and inhalation as  
15 follows: in the context of patient education on the proper use  
16 or delivery of medications; vaccination of patients 14 years of  
17 age and older pursuant to a valid prescription or standing  
18 order, by a physician licensed to practice medicine in all its  
19 branches, upon completion of appropriate training, including  
20 how to address contraindications and adverse reactions set  
21 forth by rule, with notification to the patient's physician and  
22 appropriate record retention, or pursuant to hospital pharmacy  
23 and therapeutics committee policies and procedures; (5) drug  
24 regimen review; (6) drug or drug-related research; (7) the  
25 provision of patient counseling; (8) the practice of  
26 telepharmacy; (9) the provision of those acts or services



1 necessary to provide pharmacist care; (10) medication therapy  
2 management; and (11) the responsibility for compounding and  
3 labeling of drugs and devices (except labeling by a  
4 manufacturer, repackager, or distributor of non-prescription  
5 drugs and commercially packaged legend drugs and devices),  
6 proper and safe storage of drugs and devices, and maintenance  
7 of required records. A pharmacist who performs any of the acts  
8 defined as the practice of pharmacy in this State must be  
9 actively licensed as a pharmacist under this Act.

10 (e) "Prescription" means and includes any written, oral,  
11 facsimile, or electronically transmitted order for drugs or  
12 medical devices, issued by a physician licensed to practice  
13 medicine in all its branches, dentist, veterinarian, or  
14 podiatrist, or optometrist, within the limits of their  
15 licenses, by a physician assistant in accordance with  
16 subsection (f) of Section 4, or by an advanced practice nurse  
17 in accordance with subsection (g) of Section 4, containing the  
18 following: (1) name of the patient; (2) date when prescription  
19 was issued; (3) name and strength of drug or description of the  
20 medical device prescribed; and (4) quantity; (5) directions for  
21 use; (6) prescriber's name, address, and signature; and (7) DEA  
22 number where required, for controlled substances. The  
23 prescription may, but is not required to, list the illness,  
24 disease, or condition for which the drug or device is being  
25 prescribed. DEA numbers shall not be required on inpatient drug  
26 orders.

1           (f) "Person" means and includes a natural person,  
2 copartnership, association, corporation, government entity, or  
3 any other legal entity.

4           (g) "Department" means the Department of Financial and  
5 Professional Regulation.

6           (h) "Board of Pharmacy" or "Board" means the State Board of  
7 Pharmacy of the Department of Financial and Professional  
8 Regulation.

9           (i) "Secretary" means the Secretary of Financial and  
10 Professional Regulation.

11           (j) "Drug product selection" means the interchange for a  
12 prescribed pharmaceutical product in accordance with Section  
13 25 of this Act and Section 3.14 of the Illinois Food, Drug and  
14 Cosmetic Act.

15           (k) "Inpatient drug order" means an order issued by an  
16 authorized prescriber for a resident or patient of a facility  
17 licensed under the Nursing Home Care Act, the ID/DD Community  
18 Care Act, the Specialized Mental Health Rehabilitation Act, or  
19 the Hospital Licensing Act, or "An Act in relation to the  
20 founding and operation of the University of Illinois Hospital  
21 and the conduct of University of Illinois health care  
22 programs", approved July 3, 1931, as amended, or a facility  
23 which is operated by the Department of Human Services (as  
24 successor to the Department of Mental Health and Developmental  
25 Disabilities) or the Department of Corrections.

26           (k-5) "Pharmacist" means an individual health care

1 professional and provider currently licensed by this State to  
2 engage in the practice of pharmacy.

3 (l) "Pharmacist in charge" means the licensed pharmacist  
4 whose name appears on a pharmacy license and who is responsible  
5 for all aspects of the operation related to the practice of  
6 pharmacy.

7 (m) "Dispense" or "dispensing" means the interpretation,  
8 evaluation, and implementation of a prescription drug order,  
9 including the preparation and delivery of a drug or device to a  
10 patient or patient's agent in a suitable container  
11 appropriately labeled for subsequent administration to or use  
12 by a patient in accordance with applicable State and federal  
13 laws and regulations. "Dispense" or "dispensing" does not mean  
14 the physical delivery to a patient or a patient's  
15 representative in a home or institution by a designee of a  
16 pharmacist or by common carrier. "Dispense" or "dispensing"  
17 also does not mean the physical delivery of a drug or medical  
18 device to a patient or patient's representative by a  
19 pharmacist's designee within a pharmacy or drugstore while the  
20 pharmacist is on duty and the pharmacy is open.

21 (n) "Nonresident pharmacy" means a pharmacy that is located  
22 in a state, commonwealth, or territory of the United States,  
23 other than Illinois, that delivers, dispenses, or distributes,  
24 through the United States Postal Service, commercially  
25 acceptable parcel delivery service, or other common carrier, to  
26 Illinois residents, any substance which requires a

1 prescription.

2 (o) "Compounding" means the preparation and mixing of  
3 components, excluding flavorings, (1) as the result of a  
4 prescriber's prescription drug order or initiative based on the  
5 prescriber-patient-pharmacist relationship in the course of  
6 professional practice or (2) for the purpose of, or incident  
7 to, research, teaching, or chemical analysis and not for sale  
8 or dispensing. "Compounding" includes the preparation of drugs  
9 or devices in anticipation of receiving prescription drug  
10 orders based on routine, regularly observed dispensing  
11 patterns. Commercially available products may be compounded  
12 for dispensing to individual patients only if all of the  
13 following conditions are met: (i) the commercial product is not  
14 reasonably available from normal distribution channels in a  
15 timely manner to meet the patient's needs and (ii) the  
16 prescribing practitioner has requested that the drug be  
17 compounded.

18 (p) (Blank).

19 (q) (Blank).

20 (r) "Patient counseling" means the communication between a  
21 pharmacist or a student pharmacist under the supervision of a  
22 pharmacist and a patient or the patient's representative about  
23 the patient's medication or device for the purpose of  
24 optimizing proper use of prescription medications or devices.  
25 "Patient counseling" may include without limitation (1)  
26 obtaining a medication history; (2) acquiring a patient's

1 allergies and health conditions; (3) facilitation of the  
2 patient's understanding of the intended use of the medication;  
3 (4) proper directions for use; (5) significant potential  
4 adverse events; (6) potential food-drug interactions; and (7)  
5 the need to be compliant with the medication therapy. A  
6 pharmacy technician may only participate in the following  
7 aspects of patient counseling under the supervision of a  
8 pharmacist: (1) obtaining medication history; (2) providing  
9 the offer for counseling by a pharmacist or student pharmacist;  
10 and (3) acquiring a patient's allergies and health conditions.

11 (s) "Patient profiles" or "patient drug therapy record"  
12 means the obtaining, recording, and maintenance of patient  
13 prescription information, including prescriptions for  
14 controlled substances, and personal information.

15 (t) (Blank).

16 (u) "Medical device" means an instrument, apparatus,  
17 implement, machine, contrivance, implant, in vitro reagent, or  
18 other similar or related article, including any component part  
19 or accessory, required under federal law to bear the label  
20 "Caution: Federal law requires dispensing by or on the order of  
21 a physician". A seller of goods and services who, only for the  
22 purpose of retail sales, compounds, sells, rents, or leases  
23 medical devices shall not, by reasons thereof, be required to  
24 be a licensed pharmacy.

25 (v) "Unique identifier" means an electronic signature,  
26 handwritten signature or initials, thumb print, or other

1 acceptable biometric or electronic identification process as  
2 approved by the Department.

3 (w) "Current usual and customary retail price" means the  
4 price that a pharmacy charges to a non-third-party payor.

5 (x) "Automated pharmacy system" means a mechanical system  
6 located within the confines of the pharmacy or remote location  
7 that performs operations or activities, other than compounding  
8 or administration, relative to storage, packaging, dispensing,  
9 or distribution of medication, and which collects, controls,  
10 and maintains all transaction information.

11 (y) "Drug regimen review" means and includes the evaluation  
12 of prescription drug orders and patient records for (1) known  
13 allergies; (2) drug or potential therapy contraindications;  
14 (3) reasonable dose, duration of use, and route of  
15 administration, taking into consideration factors such as age,  
16 gender, and contraindications; (4) reasonable directions for  
17 use; (5) potential or actual adverse drug reactions; (6)  
18 drug-drug interactions; (7) drug-food interactions; (8)  
19 drug-disease contraindications; (9) therapeutic duplication;  
20 (10) patient laboratory values when authorized and available;  
21 (11) proper utilization (including over or under utilization)  
22 and optimum therapeutic outcomes; and (12) abuse and misuse.

23 (z) "Electronic transmission prescription" means any  
24 prescription order for which a facsimile or electronic image of  
25 the order is electronically transmitted from a licensed  
26 prescriber to a pharmacy. "Electronic transmission

1 prescription" includes both data and image prescriptions.

2 (aa) "Medication therapy management services" means a  
3 distinct service or group of services offered by licensed  
4 pharmacists, physicians licensed to practice medicine in all  
5 its branches, advanced practice nurses authorized in a written  
6 agreement with a physician licensed to practice medicine in all  
7 its branches, or physician assistants authorized in guidelines  
8 by a supervising physician that optimize therapeutic outcomes  
9 for individual patients through improved medication use. In a  
10 retail or other non-hospital pharmacy, medication therapy  
11 management services shall consist of the evaluation of  
12 prescription drug orders and patient medication records to  
13 resolve conflicts with the following:

- 14 (1) known allergies;
- 15 (2) drug or potential therapy contraindications;
- 16 (3) reasonable dose, duration of use, and route of  
17 administration, taking into consideration factors such as  
18 age, gender, and contraindications;
- 19 (4) reasonable directions for use;
- 20 (5) potential or actual adverse drug reactions;
- 21 (6) drug-drug interactions;
- 22 (7) drug-food interactions;
- 23 (8) drug-disease contraindications;
- 24 (9) identification of therapeutic duplication;
- 25 (10) patient laboratory values when authorized and  
26 available;

1           (11) proper utilization (including over or under  
2           utilization) and optimum therapeutic outcomes; and

3           (12) drug abuse and misuse.

4           "Medication therapy management services" includes the  
5           following:

6           (1) documenting the services delivered and  
7           communicating the information provided to patients'  
8           prescribers within an appropriate time frame, not to exceed  
9           48 hours;

10          (2) providing patient counseling designed to enhance a  
11          patient's understanding and the appropriate use of his or  
12          her medications; and

13          (3) providing information, support services, and  
14          resources designed to enhance a patient's adherence with  
15          his or her prescribed therapeutic regimens.

16          "Medication therapy management services" may also include  
17          patient care functions authorized by a physician licensed to  
18          practice medicine in all its branches for his or her identified  
19          patient or groups of patients under specified conditions or  
20          limitations in a standing order from the physician.

21          "Medication therapy management services" in a licensed  
22          hospital may also include the following:

23          (1) reviewing assessments of the patient's health  
24          status; and

25          (2) following protocols of a hospital pharmacy and  
26          therapeutics committee with respect to the fulfillment of



1 medication orders.

2 (bb) "Pharmacist care" means the provision by a pharmacist  
3 of medication therapy management services, with or without the  
4 dispensing of drugs or devices, intended to achieve outcomes  
5 that improve patient health, quality of life, and comfort and  
6 enhance patient safety.

7 (cc) "Protected health information" means individually  
8 identifiable health information that, except as otherwise  
9 provided, is:

10 (1) transmitted by electronic media;

11 (2) maintained in any medium set forth in the  
12 definition of "electronic media" in the federal Health  
13 Insurance Portability and Accountability Act; or

14 (3) transmitted or maintained in any other form or  
15 medium.

16 "Protected health information" does not include individually  
17 identifiable health information found in:

18 (1) education records covered by the federal Family  
19 Educational Right and Privacy Act; or

20 (2) employment records held by a licensee in its role  
21 as an employer.

22 (dd) "Standing order" means a specific order for a patient  
23 or group of patients issued by a physician licensed to practice  
24 medicine in all its branches in Illinois.

25 (ee) "Address of record" means the address recorded by the  
26 Department in the applicant's or licensee's application file or

1 license file, as maintained by the Department's licensure  
2 maintenance unit.

3 (ff) "Home pharmacy" means the location of a pharmacy's  
4 primary operations.

5 (Source: P.A. 96-339, eff. 7-1-10; 96-673, eff. 1-1-10;  
6 96-1000, eff. 7-2-10; 96-1353, eff. 7-28-10; 97-38, eff.  
7 6-28-11; 97-227, eff. 1-1-12; revised 10-4-11.)

8 Section 420. The Podiatric Medical Practice Act of 1987 is  
9 amended by changing Sections 20.5, 24, and 24.2 as follows:

10 (225 ILCS 100/20.5)

11 (Section scheduled to be repealed on January 1, 2018)

12 Sec. 20.5. Delegation of authority to advanced practice  
13 nurses.

14 (a) A podiatrist in active clinical practice may  
15 collaborate with an advanced practice nurse in accordance with  
16 the requirements of the Nurse Practice Act. Collaboration shall  
17 be for the purpose of providing podiatric consultation and no  
18 employment relationship shall be required. A written  
19 collaborative agreement shall conform to the requirements of  
20 Section 65-35 of the Nurse Practice Act. The written  
21 collaborative agreement shall be for services the  
22 collaborating podiatrist generally provides to his or her  
23 patients in the normal course of clinical podiatric practice,  
24 except as set forth in item (3) of this subsection (a). A

1 written collaborative agreement and podiatric collaboration  
2 and consultation shall be adequate with respect to advanced  
3 practice nurses if all of the following apply:

4 (1) The agreement is written to promote the exercise of  
5 professional judgment by the advanced practice nurse  
6 commensurate with his or her education and experience. The  
7 agreement need not describe the exact steps that an  
8 advanced practice nurse must take with respect to each  
9 specific condition, disease, or symptom, but must specify  
10 which procedures require a podiatrist's presence as the  
11 procedures are being performed.

12 (2) Practice guidelines and orders are developed and  
13 approved jointly by the advanced practice nurse and  
14 collaborating podiatrist, as needed, based on the practice  
15 of the practitioners. Such guidelines and orders and the  
16 patient services provided thereunder are periodically  
17 reviewed by the collaborating podiatrist.

18 (3) The advance practice nurse provides services that  
19 the collaborating podiatrist generally provides to his or  
20 her patients in the normal course of clinical practice.  
21 With respect to the provision of anesthesia services by a  
22 certified registered nurse anesthetist, the collaborating  
23 podiatrist must have training and experience in the  
24 delivery of anesthesia consistent with Department rules.

25 (4) The collaborating podiatrist and the advanced  
26 practice nurse consult at least once a month to provide

1 collaboration and consultation.

2 (5) Methods of communication are available with the  
3 collaborating podiatrist in person or through  
4 telecommunications for consultation, collaboration, and  
5 referral as needed to address patient care needs.

6 (6) With respect to the provision of anesthesia  
7 services by a certified registered nurse anesthetist, an  
8 anesthesiologist, physician, or podiatrist shall  
9 participate through discussion of and agreement with the  
10 anesthesia plan and shall remain physically present and be  
11 available on the premises during the delivery of anesthesia  
12 services for diagnosis, consultation, and treatment of  
13 emergency medical conditions. The anesthesiologist or  
14 operating podiatrist must agree with the anesthesia plan  
15 prior to the delivery of services.

16 (7) The agreement contains provisions detailing notice  
17 for termination or change of status involving a written  
18 collaborative agreement, except when such notice is given  
19 for just cause.

20 (b) The collaborating podiatrist shall have access to the  
21 records of all patients attended to by an advanced practice  
22 nurse.

23 (c) Nothing in this Section shall be construed to limit the  
24 delegation of tasks or duties by a podiatrist to a licensed  
25 practical nurse, a registered professional nurse, or other  
26 appropriately trained persons.

1 (d) A podiatrist shall not be liable for the acts or  
2 omissions of an advanced practice nurse solely on the basis of  
3 having signed guidelines or a collaborative agreement, an  
4 order, a standing order, a standing delegation order, or other  
5 order or guideline authorizing an advanced practice nurse to  
6 perform acts, unless the podiatrist has reason to believe the  
7 advanced practice nurse lacked the competency to perform the  
8 act or acts or commits willful or wanton misconduct.

9 (e) ~~(f)~~ A podiatrist, may, but is not required to delegate  
10 prescriptive authority to an advanced practice nurse as part of  
11 a written collaborative agreement and the delegation of  
12 prescriptive authority shall conform to the requirements of  
13 Section 65-40 of the Nurse Practice Act.

14 (Source: P.A. 96-618, eff. 1-1-10; 97-358, eff. 8-12-11;  
15 revised 11-18-11.)

16 (225 ILCS 100/24) (from Ch. 111, par. 4824)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 24. Grounds for disciplinary action. The Department  
19 may refuse to issue, may refuse to renew, may refuse to  
20 restore, may suspend, or may revoke any license, or may place  
21 on probation, reprimand or take other disciplinary or  
22 non-disciplinary action as the Department may deem proper,  
23 including fines not to exceed \$10,000 for each violation upon  
24 anyone licensed under this Act for any of the following  
25 reasons:

1           (1) Making a material misstatement in furnishing  
2 information to the Department.

3           (2) Violations of this Act, or of the rules or  
4 regulations promulgated hereunder.

5           (3) Conviction of or entry of a plea of guilty or nolo  
6 contendere to any crime that is a felony under the laws of  
7 the United States or any state or territory of the United  
8 States that is a misdemeanor, of which an essential element  
9 is dishonesty, or of any crime that is directly related to  
10 the practice of the profession.

11           (4) Making any misrepresentation for the purpose of  
12 obtaining licenses, or violating any provision of this Act  
13 or the rules promulgated thereunder pertaining to  
14 advertising.

15           (5) Professional incompetence.

16           (6) Gross or repeated malpractice or negligence.

17           (7) Aiding or assisting another person in violating any  
18 provision of this Act or rules.

19           (8) Failing, within 30 days, to provide information in  
20 response to a written request made by the Department.

21           (9) Engaging in dishonorable, unethical or  
22 unprofessional conduct of a character likely to deceive,  
23 defraud or harm the public.

24           (10) Habitual or excessive use of alcohol, narcotics,  
25 stimulants or other chemical agent or drug that results in  
26 the inability to practice podiatric medicine with

1 reasonable judgment, skill or safety.

2 (11) Discipline by another United States jurisdiction  
3 if at least one of the grounds for the discipline is the  
4 same or substantially equivalent to those set forth in this  
5 Section.

6 (12) Violation of the prohibition against fee  
7 splitting in Section 24.2 of this Act. ~~Nothing in this~~  
8 ~~paragraph (12) affects any bona fide independent~~  
9 ~~contractor or employment arrangements among health care~~  
10 ~~professionals, health facilities, health care providers,~~  
11 ~~or other entities, except as otherwise prohibited by law.~~  
12 ~~Any employment arrangements may include provisions for~~  
13 ~~compensation, health insurance, pension, or other~~  
14 ~~employment benefits for the provision of services within~~  
15 ~~the scope of the licensee's practice under this Act.~~  
16 ~~Nothing in this paragraph (12) shall be construed to~~  
17 ~~require an employment arrangement to receive professional~~  
18 ~~fees for services rendered.~~

19 (13) A finding by the Podiatric Medical Licensing Board  
20 that the licensee, after having his or her license placed  
21 on probationary status, has violated the terms of  
22 probation.

23 (14) Abandonment of a patient.

24 (15) Willfully making or filing false records or  
25 reports in his or her practice, including but not limited  
26 to false records filed with state agencies or departments.

1           (16) Willfully failing to report an instance of  
2           suspected child abuse or neglect as required by the Abused  
3           and Neglected Child Report Act.

4           (17) Physical illness, mental illness, or other  
5           impairment, including but not limited to, deterioration  
6           through the aging process, or loss of motor skill that  
7           results in the inability to practice the profession with  
8           reasonable judgment, skill or safety.

9           (18) Solicitation of professional services other than  
10          permitted advertising.

11          (19) The determination by a circuit court that a  
12          licensed podiatric physician is subject to involuntary  
13          admission or judicial admission as provided in the Mental  
14          Health and Developmental Disabilities Code operates as an  
15          automatic suspension. Such suspension will end only upon a  
16          finding by a court that the patient is no longer subject to  
17          involuntary admission or judicial admission and issues an  
18          order so finding and discharging the patient; and upon the  
19          recommendation of the Podiatric Medical Licensing Board to  
20          the Secretary that the licensee be allowed to resume his or  
21          her practice.

22          (20) Holding oneself out to treat human ailments under  
23          any name other than his or her own, or the impersonation of  
24          any other physician.

25          (21) Revocation or suspension or other action taken  
26          with respect to a podiatric medical license in another



1 jurisdiction that would constitute disciplinary action  
2 under this Act.

3 (22) Promotion of the sale of drugs, devices,  
4 appliances or goods provided for a patient in such manner  
5 as to exploit the patient for financial gain of the  
6 podiatric physician.

7 (23) Gross, willful, and continued overcharging for  
8 professional services including filing false statements  
9 for collection of fees for those services, including, but  
10 not limited to, filing false statement for collection of  
11 monies for services not rendered from the medical  
12 assistance program of the Department of Healthcare and  
13 Family Services (formerly Department of Public Aid) under  
14 the Illinois Public Aid Code or other private or public  
15 third party payor.

16 (24) Being named as a perpetrator in an indicated  
17 report by the Department of Children and Family Services  
18 under the Abused and Neglected Child Reporting Act, and  
19 upon proof by clear and convincing evidence that the  
20 licensee has caused a child to be an abused child or  
21 neglected child as defined in the Abused and Neglected  
22 Child Reporting Act.

23 (25) Willfully making or filing false records or  
24 reports in the practice of podiatric medicine, including,  
25 but not limited to, false records to support claims against  
26 the medical assistance program of the Department of

1 Healthcare and Family Services (formerly Department of  
2 Public Aid) under the Illinois Public Aid Code.

3 (26) (Blank).

4 (27) Immoral conduct in the commission of any act  
5 including, sexual abuse, sexual misconduct, or sexual  
6 exploitation, related to the licensee's practice.

7 (28) Violation of the Health Care Worker Self-Referral  
8 Act.

9 (29) Failure to report to the Department any adverse  
10 final action taken against him or her by another licensing  
11 jurisdiction (another state or a territory of the United  
12 States or a foreign state or country) by a peer review  
13 body, by any health care institution, by a professional  
14 society or association related to practice under this Act,  
15 by a governmental agency, by a law enforcement agency, or  
16 by a court for acts or conduct similar to acts or conduct  
17 that would constitute grounds for action as defined in this  
18 Section.

19 The Department may refuse to issue or may suspend the  
20 license of any person who fails to file a return, or to pay the  
21 tax, penalty or interest shown in a filed return, or to pay any  
22 final assessment of tax, penalty or interest, as required by  
23 any tax Act administered by the Illinois Department of Revenue,  
24 until such time as the requirements of any such tax Act are  
25 satisfied.

26 Upon receipt of a written communication from the Secretary

1 of Human Services, the Director of Healthcare and Family  
2 Services (formerly Director of Public Aid), or the Director of  
3 Public Health that continuation of practice of a person  
4 licensed under this Act constitutes an immediate danger to the  
5 public, the Secretary may immediately suspend the license of  
6 such person without a hearing. In instances in which the  
7 Secretary immediately suspends a license under this Section, a  
8 hearing upon such person's license must be convened by the  
9 Board within 15 days after such suspension and completed  
10 without appreciable delay, such hearing held to determine  
11 whether to recommend to the Secretary that the person's license  
12 be revoked, suspended, placed on probationary status or  
13 reinstated, or such person be subject to other disciplinary  
14 action. In such hearing, the written communication and any  
15 other evidence submitted therewith may be introduced as  
16 evidence against such person; provided, however, the person or  
17 his counsel shall have the opportunity to discredit or impeach  
18 such evidence and submit evidence rebutting the same.

19 Except for fraud in procuring a license, all proceedings to  
20 suspend, revoke, place on probationary status, or take any  
21 other disciplinary action as the Department may deem proper,  
22 with regard to a license on any of the foregoing grounds, must  
23 be commenced within 5 years after receipt by the Department of  
24 a complaint alleging the commission of or notice of the  
25 conviction order for any of the acts described in this Section.  
26 Except for the grounds set forth in items (8), (9), (26), and

1 (29) of this Section, no action shall be commenced more than 10  
2 years after the date of the incident or act alleged to have  
3 been a violation of this Section. In the event of the  
4 settlement of any claim or cause of action in favor of the  
5 claimant or the reduction to final judgment of any civil action  
6 in favor of the plaintiff, such claim, cause of action, or  
7 civil action being grounded on the allegation that a person  
8 licensed under this Act was negligent in providing care, the  
9 Department shall have an additional period of 2 years from the  
10 date of notification to the Department under Section 26 of this  
11 Act of such settlement or final judgment in which to  
12 investigate and commence formal disciplinary proceedings under  
13 Section 24 of this Act, except as otherwise provided by law.  
14 The time during which the holder of the license was outside the  
15 State of Illinois shall not be included within any period of  
16 time limiting the commencement of disciplinary action by the  
17 Department.

18 In enforcing this Section, the Department or Board upon a  
19 showing of a possible violation may compel an individual  
20 licensed to practice under this Act, or who has applied for  
21 licensure under this Act, to submit to a mental or physical  
22 examination, or both, as required by and at the expense of the  
23 Department. The Department or Board may order the examining  
24 physician to present testimony concerning the mental or  
25 physical examination of the licensee or applicant. No  
26 information shall be excluded by reason of any common law or

1 statutory privilege relating to communications between the  
2 licensee or applicant and the examining physician. The  
3 examining physicians shall be specifically designated by the  
4 Board or Department. The individual to be examined may have, at  
5 his or her own expense, another physician of his or her choice  
6 present during all aspects of this examination. Failure of an  
7 individual to submit to a mental or physical examination, when  
8 directed, shall be grounds for suspension of his or her license  
9 until the individual submits to the examination if the  
10 Department finds, after notice and hearing, that the refusal to  
11 submit to the examination was without reasonable cause.

12 If the Department or Board finds an individual unable to  
13 practice because of the reasons set forth in this Section, the  
14 Department or Board may require that individual to submit to  
15 care, counseling, or treatment by physicians approved or  
16 designated by the Department or Board, as a condition, term, or  
17 restriction for continued, reinstated, or renewed licensure to  
18 practice; or, in lieu of care, counseling, or treatment, the  
19 Department may file, or the Board may recommend to the  
20 Department to file, a complaint to immediately suspend, revoke,  
21 or otherwise discipline the license of the individual. An  
22 individual whose license was granted, continued, reinstated,  
23 renewed, disciplined or supervised subject to such terms,  
24 conditions, or restrictions, and who fails to comply with such  
25 terms, conditions, or restrictions, shall be referred to the  
26 Secretary for a determination as to whether the individual

1 shall have his or her license suspended immediately, pending a  
2 hearing by the Department.

3 In instances in which the Secretary immediately suspends a  
4 person's license under this Section, a hearing on that person's  
5 license must be convened by the Department within 30 days after  
6 the suspension and completed without appreciable delay. The  
7 Department and Board shall have the authority to review the  
8 subject individual's record of treatment and counseling  
9 regarding the impairment to the extent permitted by applicable  
10 federal statutes and regulations safeguarding the  
11 confidentiality of medical records.

12 An individual licensed under this Act and affected under  
13 this Section shall be afforded an opportunity to demonstrate to  
14 the Department or Board that he or she can resume practice in  
15 compliance with acceptable and prevailing standards under the  
16 provisions of his or her license.

17 (Source: P.A. 95-235, eff. 8-17-07; 95-331, eff. 8-21-07;  
18 96-1158, eff. 1-1-11; 96-1482, eff. 11-29-10; revised 1-3-11.)

19 (225 ILCS 100/24.2)

20 (Section scheduled to be repealed on January 1, 2018)

21 Sec. 24.2. Prohibition against fee splitting.

22 (a) A licensee under this Act may not directly or  
23 indirectly divide, share, or split any professional fee or  
24 other form of compensation for professional services with  
25 anyone in exchange for a referral or otherwise, other than as

1 provided in this Section 24.2.

2 (b) Nothing contained in this Section abrogates the right  
3 of 2 or more licensed health care workers as defined in the  
4 Health Care Worker Self-Referral Act to each receive adequate  
5 compensation for concurrently rendering services to a patient  
6 and to divide the fee for such service, whether or not the  
7 worker is employed, provided that the patient has full  
8 knowledge of the division and the division is made in  
9 proportion to the actual services personally performed and  
10 responsibility assumed by each licensee consistent with his or  
11 her license, except as prohibited by law.

12 (c) Nothing contained in this Section prohibits a licensee  
13 under this Act from practicing podiatry through or within any  
14 form of legal entity authorized to conduct business in this  
15 State or from pooling, sharing, dividing, or apportioning the  
16 professional fees and other revenues in accordance with the  
17 agreements and policies of the entity provided:

18 (1) each owner of the entity is licensed under this  
19 Act; or

20 (2) the entity is organized under the Professional  
21 Services Corporation Act, the Professional Association  
22 Act, or the Limited Liability Company Act; or

23 (3) the entity is allowed by Illinois law to provide  
24 podiatry services or employ podiatrists such as a licensed  
25 hospital or hospital affiliate or licensed ambulatory  
26 surgical treatment center owned in full or in part by

1 Illinois-licensed physicians; or

2 (4) the entity is a combination or joint venture of the  
3 entities authorized under this subsection (c).

4 (d) Nothing contained in this Section prohibits a licensee  
5 under this Act from paying a fair market value fee to any  
6 person or entity whose purpose is to perform billing,  
7 administrative preparation, or collection services based upon  
8 a percentage of professional service fees billed or collected,  
9 a flat fee, or any other arrangement that directly or  
10 indirectly divides professional fees, for the administrative  
11 preparation of the licensee's claims or the collection of the  
12 licensee's charges for professional services, provided that:

13 (1) the licensee or the licensee's practice under  
14 subsection (c) of this Section at all times controls the  
15 amount of fees charged and collected; and

16 (2) all charges collected are paid directly to the  
17 licensee or the licensee's practice or are deposited  
18 directly into an account in the name of and under the sole  
19 control of the licensee or the licensee's practice or  
20 deposited into a "Trust Account" by a licensed collection  
21 agency in accordance with the requirements of Section 8(c)  
22 of the Illinois Collection Agency Act.

23 (e) Nothing contained in this Section prohibits the  
24 granting of a security interest in the accounts receivable or  
25 fees of a licensee under this Act or the licensee's practice  
26 for bona fide advances made to the licensee or licensee's



1 practice provided the licensee retains control and  
2 responsibility for the collection of the accounts receivable  
3 and fees.

4 (f) Excluding payments that may be made to the owners of or  
5 licensees in the licensee's practice under subsection (c) of  
6 this Section, a licensee under this Act may not divide, share  
7 or split a professional service fee with, or otherwise directly  
8 or indirectly pay a percentage of the licensee's professional  
9 service fees, revenues or profits to anyone for: (i) the  
10 marketing or management of the licensee's practice, (ii)  
11 including the licensee or the licensee's practice on any  
12 preferred provider list, (iii) allowing the licensee to  
13 participate in any network of health care providers, (iv)  
14 negotiating fees, charges or terms of service or payment on  
15 behalf of the licensee, or (v) including the licensee in a  
16 program whereby patients or beneficiaries are provided an  
17 incentive to use the services of the licensee.

18 (g) Nothing contained in this Section prohibits the payment  
19 of rent or other remunerations paid to an individual,  
20 partnership, or corporation by a licensee for the lease,  
21 rental, or use of space, owned or controlled by the individual,  
22 partnership, corporation, or association.

23 (h) Nothing contained in this Section prohibits the  
24 payment, at no more than fair market value, to an individual,  
25 partnership, or corporation by a licensee for the use of staff,  
26 administrative services, franchise agreements, marketing

1 required by franchise agreements, or equipment owned or  
2 controlled by the individual, partnership, or corporation, or  
3 the receipt thereof by a licensee.

4 (i) Nothing in this Section affects any bona fide  
5 independent contractor or employment arrangements among health  
6 care professionals, health facilities, health care providers,  
7 or other entities, except as otherwise prohibited by law. Any  
8 employment arrangements may include provisions for  
9 compensation, health insurance, pension, or other employment  
10 benefits for the provision of services within the scope of the  
11 licensee's practice under this Act. Nothing in this Section  
12 shall be construed to require an employment arrangement to  
13 receive professional fees for services rendered.

14 (Source: P.A. 96-1158, eff. 1-1-11; incorporates P.A. 96-1482,  
15 eff. 11-29-11; revised 1-3-11.)

16 Section 425. The Boxing and Full-contact Martial Arts Act  
17 is amended by changing Section 13 as follows:

18 (225 ILCS 105/13) (from Ch. 111, par. 5013)

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

20 Sec. 13. Tickets; tax. Tickets to professional or amateur  
21 contests, or a combination of both, shall be printed in such  
22 form as the Department shall prescribe. A certified inventory  
23 of all tickets printed for any professional or amateur contest,  
24 or a combination of both, shall be mailed to the Department by

1 the promoter not less than 7 days before the contest. The total  
2 number of tickets printed shall not exceed the total seating  
3 capacity of the premises in which the professional or amateur  
4 contest, or a combination of both, is to be held. No tickets of  
5 admission to any professional or amateur contest, or a  
6 combination of both, shall be sold except those declared on an  
7 official ticket inventory as described in this Section.

8 ~~(a)~~ A promoter who conducts a professional or a combination  
9 of a professional and amateur contest under this Act shall,  
10 within 24 hours after such a contest:

11 (1) furnish to the Department a written report verified  
12 by the promoter or his authorized designee showing the  
13 number of tickets sold for such a contest or the actual  
14 ticket stubs of tickets sold and the amount of the gross  
15 proceeds thereof; and

16 (2) pay to the Department a tax of 5% of gross receipts  
17 from the sale of admission tickets, not to exceed \$52,500,  
18 to be collected by the Department and placed in the  
19 Athletics Supervision and Regulation Fund, a special fund  
20 created in the State Treasury to be administered by the  
21 Department.

22 Moneys in the Athletics Supervision and Regulation Fund  
23 shall be used by the Department, subject to appropriation, for  
24 expenses incurred in administering this Act. Moneys in the Fund  
25 may be transferred to the Professions Indirect Cost Fund, as  
26 authorized under Section 2105-300 of the Department of

1 Professional Regulation Law.

2 In addition to the payment of any other taxes and money due  
3 under this Section ~~subsection (a)~~, every promoter of a  
4 professional or a combination of a professional and amateur  
5 contest shall pay to the Department 3% of the first \$500,000  
6 and 4% thereafter, which shall not exceed \$35,000 in total from  
7 the total gross receipts from the sale, lease, or other  
8 exploitation of broadcasting, including, but not limited to,  
9 Internet, cable, television, and motion picture rights for that  
10 professional or professional and amateur combination contest  
11 or exhibition without any deductions for commissions,  
12 brokerage fees, distribution fees, advertising, professional  
13 contestants' purses, or any other expenses or charges. These  
14 fees shall be paid to the Department within 72 hours after the  
15 broadcast of the contest and placed in the Athletics  
16 Supervision and Regulation Fund.

17 (Source: P.A. 97-119, eff. 7-14-11; revised 11-18-11.)

18 Section 430. The Wholesale Drug Distribution Licensing Act  
19 is amended by changing Section 55 as follows:

20 (225 ILCS 120/55) (from Ch. 111, par. 8301-55)

21 (Section scheduled to be repealed on January 1, 2013)

22 Sec. 55. Discipline; grounds.

23 (a) The Department may refuse to issue, restore, or renew,  
24 or may revoke, suspend, place on probation, reprimand or take

1 other disciplinary action as the Department may deem proper for  
2 any of the following reasons:

3 (1) Violation of this Act or its rules.

4 (2) Aiding or assisting another person in violating any  
5 provision of this Act or its rules.

6 (3) Failing, within 60 days, to respond to a written  
7 requirement made by the Department for information.

8 (4) Engaging in dishonorable, unethical, or  
9 unprofessional conduct of a character likely to deceive,  
10 defraud, or harm the public. This includes violations of  
11 "good faith" as defined by the Illinois Controlled  
12 Substances Act and applies to all prescription drugs.

13 (5) Discipline by another U.S. jurisdiction or foreign  
14 nation, if at least one of the grounds for the discipline  
15 is the same or substantially equivalent to those set forth  
16 in this Act.

17 (6) Selling or engaging in the sale of drug samples  
18 provided at no cost by drug manufacturers.

19 (7) Conviction of or entry of a plea of guilty or nolo  
20 contendere by the applicant or licensee, or any officer,  
21 director, manager or shareholder who owns more than 5% of  
22 stock, to any crime under the laws of the United States or  
23 any state or territory of the United States that is a  
24 felony or a misdemeanor, of which an essential element is  
25 dishonesty, or any crime that is directly related to the  
26 practice of this profession .

1           (8) Habitual or excessive use or addiction to alcohol,  
2           narcotics, stimulants, or any other chemical agent or drug  
3           that results in the inability to function with reasonable  
4           judgment, skill, or safety.

5           (b) The Department may refuse to issue, restore, or renew,  
6           or may revoke, suspend, place on probation, reprimand or take  
7           other disciplinary action as the Department may deem proper  
8           ~~property~~ including fines not to exceed \$10,000 per offense for  
9           any of the following reasons:

10           (1) Material misstatement in furnishing information to  
11           the Department.

12           (2) Making any misrepresentation for the purpose of  
13           obtaining a license.

14           (3) A finding by the Department that the licensee,  
15           after having his or her license placed on probationary  
16           status, has violated the terms of probation.

17           (4) A finding that licensure or registration has been  
18           applied for or obtained by fraudulent means.

19           (5) Willfully making or filing false records or  
20           reports.

21           (6) A finding of a substantial discrepancy in a  
22           Department audit of a prescription drug, including a  
23           controlled substance as that term is defined in this Act or  
24           in the Illinois Controlled Substances Act.

25           (c) The Department may refuse to issue or may suspend the  
26           license or registration of any person who fails to file a

1 return, or to pay the tax, penalty or interest shown in a filed  
2 return, or to pay any final assessment of tax, penalty or  
3 interest, as required by any tax Act administered by the  
4 Illinois Department of Revenue, until the time the requirements  
5 of the tax Act are satisfied.

6 (d) The Department shall revoke the license or certificate  
7 of registration issued under this Act or any prior Act of this  
8 State of any person who has been convicted a second time of  
9 committing any felony under the Illinois Controlled Substances  
10 Act or the Methamphetamine Control and Community Protection Act  
11 or who has been convicted a second time of committing a Class 1  
12 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid  
13 Code. A person whose license or certificate of registration  
14 issued under this Act or any prior Act of this State is revoked  
15 under this subsection (c) shall be prohibited from engaging in  
16 the practice of pharmacy in this State.

17 (Source: P.A. 94-556, eff. 9-11-05; 95-689, eff. 10-29-07;  
18 revised 11-18-11.)

19 Section 435. The Registered Surgical Assistant and  
20 Registered Surgical Technologist Title Protection Act is  
21 amended by changing Section 50 as follows:

22 (225 ILCS 130/50)

23 (Section scheduled to be repealed on January 1, 2014)

24 Sec. 50. Registration requirements; surgical technologist.

1 A person shall qualify for registration as a surgical  
2 technologist if he or she has applied in writing on the  
3 prescribed form, has paid the required fees, and meets all of  
4 the following requirements:

5 (1) Is at least 18 years of age.

6 (2) Has not violated a provision of Section 95 of this  
7 Act. In addition the Department may take into consideration  
8 any felony conviction of the applicant, but a conviction  
9 shall not operate as an absolute bar to registration.

10 (3) Has completed a surgical technologist program  
11 approved by the Department.

12 (4) Has successfully completed the surgical  
13 technologist national certification examination provided  
14 by the Liaison Council on Certification for the Surgical  
15 Technologist or its successor agency.

16 (5) (Blank).

17 (6) Is currently certified by the Liaison Council on  
18 Certification for the Surgical Technologist or its  
19 successor agency and has met the requirements set forth for  
20 certification.

21 (Source: P.A. 93-280, eff. 7-1-04; revised 11-18-11.)

22 Section 440. The Genetic Counselor Licensing Act is amended  
23 by changing Section 95 as follows:

24 (225 ILCS 135/95)



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

2 Sec. 95. Grounds for discipline.

3 (a) The Department may refuse to issue, renew, or may  
4 revoke, suspend, place on probation, reprimand, or take other  
5 disciplinary action as the Department deems appropriate,  
6 including the issuance of fines not to exceed \$1,000 for each  
7 violation, with regard to any license for any one or more of  
8 the following:

9 (1) Material misstatement in furnishing information to  
10 the Department or to any other State agency.

11 (2) Violations or negligent or intentional disregard  
12 of this Act, or any of its rules.

13 (3) Conviction of any crime under the laws of the  
14 United States or any state or territory thereof that is a  
15 felony, a misdemeanor, an essential element of which is  
16 dishonesty, or a crime that is directly related to the  
17 practice of the profession.

18 (4) Making any misrepresentation for the purpose of  
19 obtaining a license, or violating any provision of this Act  
20 or its rules.

21 (5) Gross negligence in the rendering of genetic  
22 counseling services.

23 (6) Failure to provide genetic testing results and any  
24 requested information to a referring physician licensed to  
25 practice medicine in all its branches, advanced practice  
26 nurse, or physician assistant.

1           (7) Aiding or assisting another person in violating any  
2 provision of this Act or any rules.

3           (8) Failing to provide information within 60 days in  
4 response to a written request made by the Department.

5           (9) Engaging in dishonorable, unethical, or  
6 unprofessional conduct of a character likely to deceive,  
7 defraud, or harm the public and violating the rules of  
8 professional conduct adopted by the Department.

9           (10) Failing to maintain the confidentiality of any  
10 information received from a client, unless otherwise  
11 authorized or required by law.

12           (10.5) Failure to maintain client records of services  
13 provided and provide copies to clients upon request.

14           (11) Exploiting a client for personal advantage,  
15 profit, or interest.

16           (12) Habitual or excessive use or addiction to alcohol,  
17 narcotics, stimulants, or any other chemical agent or drug  
18 which results in inability to practice with reasonable  
19 skill, judgment, or safety.

20           (13) Discipline by another jurisdiction, if at least  
21 one of the grounds for the discipline is the same or  
22 substantially equivalent to those set forth in this  
23 Section.

24           (14) Directly or indirectly giving to or receiving from  
25 any person, firm, corporation, partnership, or association  
26 any fee, commission, rebate, or other form of compensation

1 for any professional service not actually rendered.  
2 Nothing in this paragraph (14) affects any bona fide  
3 independent contractor or employment arrangements among  
4 health care professionals, health facilities, health care  
5 providers, or other entities, except as otherwise  
6 prohibited by law. Any employment arrangements may include  
7 provisions for compensation, health insurance, pension, or  
8 other employment benefits for the provision of services  
9 within the scope of the licensee's practice under this Act.  
10 Nothing in this paragraph (14) shall be construed to  
11 require an employment arrangement to receive professional  
12 fees for services rendered.

13 (15) A finding by the Department that the licensee,  
14 after having the license placed on probationary status has  
15 violated the terms of probation.

16 (16) Failing to refer a client to other health care  
17 professionals when the licensee is unable or unwilling to  
18 adequately support or serve the client.

19 (17) Willfully filing false reports relating to a  
20 licensee's practice, including but not limited to false  
21 records filed with federal or State agencies or  
22 departments.

23 (18) Willfully failing to report an instance of  
24 suspected child abuse or neglect as required by the Abused  
25 and Neglected Child Reporting Act.

26 (19) Being named as a perpetrator in an indicated

1 report by the Department of Children and Family Services  
2 pursuant to the Abused and Neglected Child Reporting Act,  
3 and upon proof by clear and convincing evidence that the  
4 licensee has caused a child to be an abused child or  
5 neglected child as defined in the Abused and Neglected  
6 Child Reporting Act.

7 (20) Physical or mental disability, including  
8 deterioration through the aging process or loss of  
9 abilities and skills which results in the inability to  
10 practice the profession with reasonable judgment, skill,  
11 or safety.

12 (21) Solicitation of professional services by using  
13 false or misleading advertising.

14 (22) Failure to file a return, or to pay the tax,  
15 penalty of interest shown in a filed return, or to pay any  
16 final assessment of tax, penalty or interest, as required  
17 by any tax Act administered by the Illinois Department of  
18 Revenue or any successor agency or the Internal Revenue  
19 Service or any successor agency.

20 (23) A finding that licensure has been applied for or  
21 obtained by fraudulent means.

22 (24) Practicing or attempting to practice under a name  
23 other than the full name as shown on the license or any  
24 other legally authorized name.

25 (25) Gross overcharging for professional services,  
26 including filing statements for collection of fees or

1 monies for which services are not rendered.

2 (26) Providing genetic counseling services to  
3 individuals, couples, groups, or families without a  
4 referral from either a physician licensed to practice  
5 medicine in all its branches, an advanced practice nurse  
6 who has a collaborative agreement with a collaborating  
7 physician that authorizes the advanced practice nurse to  
8 make referrals to a genetic counselor, or a physician  
9 assistant who has been delegated authority to make  
10 referrals to genetic counselors.

11 (b) The Department shall deny, without hearing, any  
12 application or renewal for a license under this Act to any  
13 person who has defaulted on an educational loan guaranteed by  
14 the Illinois State Assistance Commission; however, the  
15 Department may issue a license or renewal if the person in  
16 default has established a satisfactory repayment record as  
17 determined by the Illinois Student Assistance Commission.

18 (c) The determination by a court that a licensee is subject  
19 to involuntary admission or judicial admission as provided in  
20 the Mental Health and Developmental Disabilities Code will  
21 result in an automatic suspension of his or her license. The  
22 suspension will end upon a finding by a court that the licensee  
23 is no longer subject to involuntary admission or judicial  
24 admission, the issuance of an order so finding and discharging  
25 the patient, and the determination of the Director that the  
26 licensee be allowed to resume professional practice.

1 (Source: P.A. 96-1313, eff. 7-27-10; 96-1482, eff. 11-29-10;  
2 revised 12-17-10.)

3 Section 445. The Pyrotechnic Distributor and Operator  
4 Licensing Act is amended by changing Section 95 as follows:

5 (225 ILCS 227/95)

6 Sec. 95. Display Reports. A lead pyrotechnic operator  
7 shall file an Illinois Display Report, which shall include the  
8 names and signatures of all lead pyrotechnic operators and  
9 assistants participating in the pyrotechnic display or  
10 pyrotechnic service and the name, department, and signature of  
11 the fire protection jurisdiction, with the Office within 30  
12 days following any pyrotechnic display or pyrotechnic service.  
13 The fire protection jurisdiction shall sign the Illinois  
14 ~~Illinois~~ Display Report if the information therein is true and  
15 correct.

16 (Source: P.A. 96-708, eff. 8-25-09; 97-164, eff. 1-1-12;  
17 revised 11-18-11.)

18 Section 450. The Illinois Professional Land Surveyor Act of  
19 1989 is amended by changing Section 5 as follows:

20 (225 ILCS 330/5) (from Ch. 111, par. 3255)

21 (Section scheduled to be repealed on January 1, 2020)

22 Sec. 5. Practice of land surveying defined. Any person who

1 practices in Illinois as a professional land surveyor who  
2 renders, offers to render, or holds himself or herself out as  
3 able to render, or perform any service, the adequate  
4 performance of which involves the special knowledge of the art  
5 and application of the principles of the accurate and precise  
6 measurement of length, angle, elevation or volume,  
7 mathematics, the related physical and applied sciences, and the  
8 relevant requirements of law, all of which are acquired by  
9 education, training, experience, and examination. Any one or  
10 combination of the following practices constitutes the  
11 practice of land surveying:

12 (a) Establishing or reestablishing, locating,  
13 defining, and making or monumenting land boundaries or  
14 title or real property lines and the platting of lands and  
15 subdivisions;

16 (b) Establishing the area or volume of any portion of  
17 the earth's surface, subsurface, or airspace with respect  
18 to boundary lines, determining the configuration or  
19 contours of any portion of the earth's surface, subsurface,  
20 or airspace or the location of fixed objects thereon,  
21 except as performed by photogrammetric methods or except  
22 when the level of accuracy required is less than the level  
23 of accuracy required by the National Society of  
24 Professional Surveyors Model Standards and Practice;

25 (c) Preparing descriptions for the determination of  
26 title or real property rights to any portion or volume of

1 the earth's surface, subsurface, or airspace involving the  
2 lengths and direction of boundary lines, areas, parts of  
3 platted parcels or the contours of the earth's surface,  
4 subsurface, or airspace;

5 (d) Labeling, designating, naming, or otherwise  
6 identifying legal lines or land title lines of the United  
7 States Rectangular System or any subdivision thereof on any  
8 plat, map, exhibit, photograph, photographic composite, or  
9 mosaic or photogrammetric map of any portion of the earth's  
10 surface for the purpose of recording the same in the Office  
11 of Recorder in any county;

12 (e) Any act or combination of acts that would be viewed  
13 as offering professional land surveying services  
14 including:

15 (1) setting monuments which have the appearance of  
16 or for the express purpose of marking land boundaries,  
17 either directly or as an accessory;

18 (2) providing any sketch, map, plat, report,  
19 monument record, or other document which indicates  
20 land boundaries and monuments, or accessory monuments  
21 thereto, except that if the sketch, map, plat, report,  
22 monument record, or other document is a copy of an  
23 original prepared by a Professional Land Surveyor, and  
24 if proper reference to that fact be made on that  
25 document;

26 (3) performing topographic surveys, with the



1           exception of a licensed professional engineer  
2           knowledgeable in topographical surveys that performs a  
3           topographical survey specific to his or her design  
4           project. A licensed professional engineer may not,  
5           however, offer topographic surveying services that are  
6           independent of his or her specific design project; or

7           (4)     locating,     relocating,     establishing,  
8           re-establishing, retracing, laying out, or staking of  
9           the location, alignment, or elevation of any proposed  
10          improvements whose location is dependent upon property  
11          lines;

12          (f) Determining the horizontal or vertical position or  
13          state plane coordinates for any monument or reference point  
14          that marks a title or real property line, boundary, or  
15          corner, or to set, reset, or replace any monument or  
16          reference point on any title or real property;

17          (g) Creating, preparing, or modifying electronic or  
18          computerized data or maps, including land information  
19          systems and geographic information systems, relative to  
20          the performance of activities in items (a), (b), (d), (e),  
21          (f), and (h) of this Section, except where electronic means  
22          or computerized data is otherwise utilized to integrate,  
23          display, represent, or assess the created, prepared, or  
24          modified data;

25          (h) Establishing or adjusting any control network or  
26          any geodetic control network or cadastral data as it

1           pertains to items (a) through (g) of this Section together  
2           with the assignment of measured values to any United States  
3           Rectangular System corners, title or real property corner  
4           monuments or geodetic monuments;

5           (i) Preparing and attesting to the accuracy of a map or  
6           plat showing the land boundaries or lines and marks and  
7           monuments of the boundaries or of a map or plat showing the  
8           boundaries of surface, subsurface, or air rights;

9           (j) Executing and issuing certificates, endorsements,  
10          reports, or plats that portray the horizontal or vertical  
11          relationship between existing physical objects or  
12          structures and one or more corners, datums, or boundaries  
13          of any portion of the earth's surface, subsurface, or  
14          airspace;

15          (k) Acting in direct supervision and control of land  
16          surveying activities or acting as a manager in any place of  
17          business that solicits, performs, or practices land  
18          surveying;

19          (l) Offering or soliciting to perform any of the  
20          services set forth in this Section.†

21          In the performance of any of the foregoing functions, a  
22          licensee shall adhere to the standards of professional conduct  
23          enumerated in 68 Ill. Adm. Code 1270.57. Nothing contained in  
24          this Section imposes upon a person licensed under this Act the  
25          responsibility for the performance of any of the foregoing  
26          functions unless such person specifically contracts to perform

1 such functions.

2 (Source: P.A. 96-626, eff. 8-24-09; 96-1000, eff. 7-2-10;  
3 97-333, eff. 8-12-11; revised 11-18-11.)

4 Section 455. The Real Estate License Act of 2000 is amended  
5 by changing Section 20-20 as follows:

6 (225 ILCS 454/20-20)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 20-20. Grounds for discipline.

9 (a) The Department may refuse to issue or renew a license,  
10 may place on probation, suspend, or revoke any license,  
11 reprimand, or take any other disciplinary or non-disciplinary  
12 action as the Department may deem proper or impose a fine not  
13 to exceed \$25,000 upon any licensee under this Act or against a  
14 licensee in handling his or her own property, whether held by  
15 deed, option, or otherwise, for any one or any combination of  
16 the following causes:

17 (1) Fraud or misrepresentation in applying for, or  
18 procuring, a license under this Act or in connection with  
19 applying for renewal of a license under this Act.

20 (2) The conviction of, plea of guilty or plea of nolo  
21 contendere ~~contendere~~ to a felony or misdemeanor, an  
22 essential element of which is dishonesty or fraud or  
23 larceny, embezzlement, or obtaining money, property, or  
24 credit by false pretenses or by means of a confidence game,

1 in this State, or any other jurisdiction.

2 (3) Inability to practice the profession with  
3 reasonable judgment, skill, or safety as a result of a  
4 physical illness, including, but not limited to,  
5 deterioration through the aging process or loss of motor  
6 skill, or a mental illness or disability.

7 (4) Practice under this Act as a licensee in a retail  
8 sales establishment from an office, desk, or space that is  
9 not separated from the main retail business by a separate  
10 and distinct area within the establishment.

11 (5) Disciplinary action of another state or  
12 jurisdiction against the license or other authorization to  
13 practice as a managing broker, broker, salesperson, or  
14 leasing agent if at least one of the grounds for that  
15 discipline is the same as or the equivalent of one of the  
16 grounds for discipline set forth in this Act. A certified  
17 copy of the record of the action by the other state or  
18 jurisdiction shall be prima facie evidence thereof.

19 (6) Engaging in the practice of real estate brokerage  
20 without a license or after the licensee's license was  
21 expired or while the license was inoperative.

22 (7) Cheating on or attempting to subvert the Real  
23 Estate License Exam or continuing education exam.

24 (8) Aiding or abetting an applicant to subvert or cheat  
25 on the Real Estate License Exam or continuing education  
26 exam administered pursuant to this Act.

1           (9) Advertising that is inaccurate, misleading, or  
2 contrary to the provisions of the Act.

3           (10) Making any substantial misrepresentation or  
4 untruthful advertising.

5           (11) Making any false promises of a character likely to  
6 influence, persuade, or induce.

7           (12) Pursuing a continued and flagrant course of  
8 misrepresentation or the making of false promises through  
9 licensees, employees, agents, advertising, or otherwise.

10          (13) Any misleading or untruthful advertising, or  
11 using any trade name or insignia of membership in any real  
12 estate organization of which the licensee is not a member.

13          (14) Acting for more than one party in a transaction  
14 without providing written notice to all parties for whom  
15 the licensee acts.

16          (15) Representing or attempting to represent a broker  
17 other than the sponsoring broker.

18          (16) Failure to account for or to remit any moneys or  
19 documents coming into his or her possession that belong to  
20 others.

21          (17) Failure to maintain and deposit in a special  
22 account, separate and apart from personal and other  
23 business accounts, all escrow moneys belonging to others  
24 entrusted to a licensee while acting as a real estate  
25 broker, escrow agent, or temporary custodian of the funds  
26 of others or failure to maintain all escrow moneys on

1 deposit in the account until the transactions are  
2 consummated or terminated, except to the extent that the  
3 moneys, or any part thereof, shall be:

4 (A) disbursed prior to the consummation or  
5 termination (i) in accordance with the written  
6 direction of the principals to the transaction or their  
7 duly authorized agents, (ii) in accordance with  
8 directions providing for the release, payment, or  
9 distribution of escrow moneys contained in any written  
10 contract signed by the principals to the transaction or  
11 their duly authorized agents, or (iii) pursuant to an  
12 order of a court of competent jurisdiction; or

13 (B) deemed abandoned and transferred to the Office  
14 of the State Treasurer to be handled as unclaimed  
15 property pursuant to the Uniform Disposition of  
16 Unclaimed Property Act. Escrow moneys may be deemed  
17 abandoned under this subparagraph (B) only: (i) in the  
18 absence of disbursement under subparagraph (A); (ii)  
19 in the absence of notice of the filing of any claim in  
20 a court of competent jurisdiction; and (iii) if 6  
21 months have elapsed after the receipt of a written  
22 demand for the escrow moneys from one of the principals  
23 to the transaction or the principal's duly authorized  
24 agent.

25 The account shall be noninterest bearing, unless the  
26 character of the deposit is such that payment of interest

1           thereon is otherwise required by law or unless the  
2           principals to the transaction specifically require, in  
3           writing, that the deposit be placed in an interest bearing  
4           account.

5           (18) Failure to make available to the Department all  
6           escrow records and related documents maintained in  
7           connection with the practice of real estate within 24 hours  
8           of a request for those documents by Department personnel.

9           (19) Failing to furnish copies upon request of  
10          documents relating to a real estate transaction to a party  
11          who has executed that document.

12          (20) Failure of a sponsoring broker to timely provide  
13          information, sponsor cards, or termination of licenses to  
14          the Department.

15          (21) Engaging in dishonorable, unethical, or  
16          unprofessional conduct of a character likely to deceive,  
17          defraud, or harm the public.

18          (22) Commingling the money or property of others with  
19          his or her own money or property.

20          (23) Employing any person on a purely temporary or  
21          single deal basis as a means of evading the law regarding  
22          payment of commission to nonlicensees on some contemplated  
23          transactions.

24          (24) Permitting the use of his or her license as a  
25          broker to enable a salesperson or unlicensed person to  
26          operate a real estate business without actual

1 participation therein and control thereof by the broker.

2 (25) Any other conduct, whether of the same or a  
3 different character from that specified in this Section,  
4 that constitutes dishonest dealing.

5 (26) Displaying a "for rent" or "for sale" sign on any  
6 property without the written consent of an owner or his or  
7 her duly authorized agent or advertising by any means that  
8 any property is for sale or for rent without the written  
9 consent of the owner or his or her authorized agent.

10 (27) Failing to provide information requested by the  
11 Department, or otherwise respond to that request, within 30  
12 days of the request.

13 (28) Advertising by means of a blind advertisement,  
14 except as otherwise permitted in Section 10-30 of this Act.

15 (29) Offering guaranteed sales plans, as defined in  
16 clause (A) of this subdivision (29), except to the extent  
17 hereinafter set forth:

18 (A) A "guaranteed sales plan" is any real estate  
19 purchase or sales plan whereby a licensee enters into a  
20 conditional or unconditional written contract with a  
21 seller, prior to entering into a brokerage agreement  
22 with the seller, by the terms of which a licensee  
23 agrees to purchase a property of the seller within a  
24 specified period of time at a specific price in the  
25 event the property is not sold in accordance with the  
26 terms of a brokerage agreement to be entered into



1           between the sponsoring broker and the seller.

2           (B) A licensee offering a guaranteed sales plan  
3 shall provide the details and conditions of the plan in  
4 writing to the party to whom the plan is offered.

5           (C) A licensee offering a guaranteed sales plan  
6 shall provide to the party to whom the plan is offered  
7 evidence of sufficient financial resources to satisfy  
8 the commitment to purchase undertaken by the broker in  
9 the plan.

10          (D) Any licensee offering a guaranteed sales plan  
11 shall undertake to market the property of the seller  
12 subject to the plan in the same manner in which the  
13 broker would market any other property, unless the  
14 agreement with the seller provides otherwise.

15          (E) The licensee cannot purchase seller's property  
16 until the brokerage agreement has ended according to  
17 its terms or is otherwise terminated.

18          (F) Any licensee who fails to perform on a  
19 guaranteed sales plan in strict accordance with its  
20 terms shall be subject to all the penalties provided in  
21 this Act for violations thereof and, in addition, shall  
22 be subject to a civil fine payable to the party injured  
23 by the default in an amount of up to \$25,000.

24          (30) Influencing or attempting to influence, by any  
25 words or acts, a prospective seller, purchaser, occupant,  
26 landlord, or tenant of real estate, in connection with

1 viewing, buying, or leasing real estate, so as to promote  
2 or tend to promote the continuance or maintenance of  
3 racially and religiously segregated housing or so as to  
4 retard, obstruct, or discourage racially integrated  
5 housing on or in any street, block, neighborhood, or  
6 community.

7 (31) Engaging in any act that constitutes a violation  
8 of any provision of Article 3 of the Illinois Human Rights  
9 Act, whether or not a complaint has been filed with or  
10 adjudicated by the Human Rights Commission.

11 (32) Inducing any party to a contract of sale or lease  
12 or brokerage agreement to break the contract of sale or  
13 lease or brokerage agreement for the purpose of  
14 substituting, in lieu thereof, a new contract for sale or  
15 lease or brokerage agreement with a third party.

16 (33) Negotiating a sale, exchange, or lease of real  
17 estate directly with any person if the licensee knows that  
18 the person has an exclusive brokerage agreement with  
19 another broker, unless specifically authorized by that  
20 broker.

21 (34) When a licensee is also an attorney, acting as the  
22 attorney for either the buyer or the seller in the same  
23 transaction in which the licensee is acting or has acted as  
24 a broker or salesperson.

25 (35) Advertising or offering merchandise or services  
26 as free if any conditions or obligations necessary for

1 receiving the merchandise or services are not disclosed in  
2 the same advertisement or offer. These conditions or  
3 obligations include without limitation the requirement  
4 that the recipient attend a promotional activity or visit a  
5 real estate site. As used in this subdivision (35), "free"  
6 includes terms such as "award", "prize", "no charge", "free  
7 of charge", "without charge", and similar words or phrases  
8 that reasonably lead a person to believe that he or she may  
9 receive or has been selected to receive something of value,  
10 without any conditions or obligations on the part of the  
11 recipient.

12 (36) Disregarding or violating any provision of the  
13 Land Sales Registration Act of 1989, the Illinois Real  
14 Estate Time-Share Act, or the published rules promulgated  
15 by the Department to enforce those Acts.

16 (37) Violating the terms of a disciplinary order issued  
17 by the Department.

18 (38) Paying or failing to disclose compensation in  
19 violation of Article 10 of this Act.

20 (39) Requiring a party to a transaction who is not a  
21 client of the licensee to allow the licensee to retain a  
22 portion of the escrow moneys for payment of the licensee's  
23 commission or expenses as a condition for release of the  
24 escrow moneys to that party.

25 (40) Disregarding or violating any provision of this  
26 Act or the published rules promulgated by the Department to

1 enforce this Act or aiding or abetting any individual,  
2 partnership, registered limited liability partnership,  
3 limited liability company, or corporation in disregarding  
4 any provision of this Act or the published rules  
5 promulgated by the Department to enforce this Act.

6 (41) Failing to provide the minimum services required  
7 by Section 15-75 of this Act when acting under an exclusive  
8 brokerage agreement.

9 (42) Habitual or excessive use or addiction to alcohol,  
10 narcotics, stimulants, or any other chemical agent or drug  
11 that results in a managing broker, broker, salesperson, or  
12 leasing agent's inability to practice with reasonable  
13 skill or safety.

14 (b) The Department may refuse to issue or renew or may  
15 suspend the license of any person who fails to file a return,  
16 pay the tax, penalty or interest shown in a filed return, or  
17 pay any final assessment of tax, penalty, or interest, as  
18 required by any tax Act administered by the Department of  
19 Revenue, until such time as the requirements of that tax Act  
20 are satisfied in accordance with subsection (g) of Section  
21 2105-15 of the Civil Administrative Code of Illinois.

22 (c) The Department shall deny a license or renewal  
23 authorized by this Act to a person who has defaulted on an  
24 educational loan or scholarship provided or guaranteed by the  
25 Illinois Student Assistance Commission or any governmental  
26 agency of this State in accordance with item (5) of subsection

1 (g) of Section 2105-15 of the Civil Administrative Code of  
2 Illinois.

3 (d) In cases where the Department of Healthcare and Family  
4 Services (formerly Department of Public Aid) has previously  
5 determined that a licensee or a potential licensee is more than  
6 30 days delinquent in the payment of child support and has  
7 subsequently certified the delinquency to the Department may  
8 refuse to issue or renew or may revoke or suspend that person's  
9 license or may take other disciplinary action against that  
10 person based solely upon the certification of delinquency made  
11 by the Department of Healthcare and Family Services in  
12 accordance with item (5) of subsection (g) of Section 2105-15  
13 of the Civil Administrative Code of Illinois.

14 (e) In enforcing this Section, the Department or Board upon  
15 a showing of a possible violation may compel an individual  
16 licensed to practice under this Act, or who has applied for  
17 licensure under this Act, to submit to a mental or physical  
18 examination, or both, as required by and at the expense of the  
19 Department. The Department or Board may order the examining  
20 physician to present testimony concerning the mental or  
21 physical examination of the licensee or applicant. No  
22 information shall be excluded by reason of any common law or  
23 statutory privilege relating to communications between the  
24 licensee or applicant and the examining physician. The  
25 examining physicians shall be specifically designated by the  
26 Board or Department. The individual to be examined may have, at

1 his or her own expense, another physician of his or her choice  
2 present during all aspects of this examination. Failure of an  
3 individual to submit to a mental or physical examination, when  
4 directed, shall be grounds for suspension of his or her license  
5 until the individual submits to the examination if the  
6 Department finds, after notice and hearing, that the refusal to  
7 submit to the examination was without reasonable cause.

8 If the Department or Board finds an individual unable to  
9 practice because of the reasons set forth in this Section, the  
10 Department or Board may require that individual to submit to  
11 care, counseling, or treatment by physicians approved or  
12 designated by the Department or Board, as a condition, term, or  
13 restriction for continued, reinstated, or renewed licensure to  
14 practice; or, in lieu of care, counseling, or treatment, the  
15 Department may file, or the Board may recommend to the  
16 Department to file, a complaint to immediately suspend, revoke,  
17 or otherwise discipline the license of the individual. An  
18 individual whose license was granted, continued, reinstated,  
19 renewed, disciplined or supervised subject to such terms,  
20 conditions, or restrictions, and who fails to comply with such  
21 terms, conditions, or restrictions, shall be referred to the  
22 Secretary for a determination as to whether the individual  
23 shall have his or her license suspended immediately, pending a  
24 hearing by the Department.

25 In instances in which the Secretary immediately suspends a  
26 person's license under this Section, a hearing on that person's

1 license must be convened by the Department within 30 days after  
2 the suspension and completed without appreciable delay. The  
3 Department and Board shall have the authority to review the  
4 subject individual's record of treatment and counseling  
5 regarding the impairment to the extent permitted by applicable  
6 federal statutes and regulations safeguarding the  
7 confidentiality of medical records.

8 An individual licensed under this Act and affected under  
9 this Section shall be afforded an opportunity to demonstrate to  
10 the Department or Board that he or she can resume practice in  
11 compliance with acceptable and prevailing standards under the  
12 provisions of his or her license.

13 (Source: P.A. 95-851, eff. 1-1-09; 96-856, eff. 12-31-09;  
14 revised 11-18-11.)

15 Section 460. The Nurse Agency Licensing Act is amended by  
16 changing Section 3 as follows:

17 (225 ILCS 510/3) (from Ch. 111, par. 953)

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

19 (a) "Certified nurse aide" means an individual certified as  
20 defined in Section 3-206 of the Nursing Home Care Act, Section  
21 3-206 of the Specialized Mental Health Rehabilitation Act, or  
22 Section 3-206 of the ID/DD Community Care Act, as now or  
23 hereafter amended.

24 (b) "Department" means the Department of Labor.

1 (c) "Director" means the Director of Labor.

2 (d) "Health care facility" is defined as in Section 3 of  
3 the Illinois Health Facilities Planning Act, as now or  
4 hereafter amended.

5 (e) "Licensee" means any nursing agency which is properly  
6 licensed under this Act.

7 (f) "Nurse" means a registered nurse or a licensed  
8 practical nurse as defined in the Nurse Practice Act.

9 (g) "Nurse agency" means any individual, firm,  
10 corporation, partnership or other legal entity that employs,  
11 assigns or refers nurses or certified nurse aides to a health  
12 care facility for a fee. The term "nurse agency" includes  
13 nurses registries. The term "nurse agency" does not include  
14 services provided by home health agencies licensed and operated  
15 under the Home Health, Home Services, and Home Nursing Agency  
16 Licensing Act or a licensed or certified individual who  
17 provides his or her own services as a regular employee of a  
18 health care facility, nor does it apply to a health care  
19 facility's organizing nonsalaried employees to provide  
20 services only in that facility.

21 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
22 eff. 1-1-12; revised 10-4-11.)

23 Section 465. The Private Employment Agency Act is amended  
24 by changing Sections 4 and 5 as follows:



1 (225 ILCS 515/4) (from Ch. 111, par. 904)

2 Sec. 4. It shall be unlawful for any person to act as an  
3 employment counsellor, or to advertise, or assume to act as an  
4 employment counsellor, without first obtaining a license as  
5 such employment counsellor, from the Department of Labor. It  
6 shall be unlawful for any person to engage in, operate or carry  
7 on the business of an employment agency unless each employee of  
8 such agency, who furnishes information to any person as to  
9 where employees or employment may be obtained or found, is a  
10 licensed employment counsellor. Where the license to conduct an  
11 employment agency is issued to a corporation and any officer of  
12 the corporation performs any function defined as those to be  
13 performed by an employment counsellor, he shall be considered  
14 an employee of the corporation and shall be required to secure  
15 a license as an employment counsellor.

16 Every person who desires to obtain a license, as employment  
17 counsellor, shall apply therefor to the Department of Labor, in  
18 writing, upon application blanks prepared and furnished by the  
19 Department of Labor. Each applicant shall set out in said  
20 application blanks such information as the Department may  
21 require, and said applications shall be accompanied by a permit  
22 fee of \$50 and the affidavits of two persons of business or  
23 professional integrity. Such affiants shall state that they  
24 have known the applicant for a period of two years and that the  
25 applicant is a person of good moral character.

26 The Department shall issue to such person a temporary

1 permit to act as an employment counsellor which permit shall be  
2 valid for 90 days pending examination of such person when:

3 (a) the applicant is employed by an employment agency, and  
4 the application states the name and address of such employment  
5 agency; and

6 (b) the applicant declares under oath his intention that he  
7 will complete the examination for the employment agency  
8 counsellor's license on a date scheduled for such examination  
9 by the Department of Labor within 60 days of the date of  
10 application.

11 Commencing January 1, 1974 the Department shall not issue a  
12 license to act as an employment counsellor ~~counselor~~ to any  
13 person not previously licensed as such employment counsellor  
14 ~~counselor~~ on such date unless he has taken and successfully  
15 completed a written examination based upon this Act. The  
16 Department of Labor shall conduct such examination at such  
17 times and places as it shall determine, but not less than once  
18 each month. The examination shall test the applicant's  
19 knowledge of the employment agency law, pertinent labor laws  
20 and laws against discrimination in employment. Upon successful  
21 completion of the written examination and providing the  
22 requirements of this Section are met, the Department shall  
23 issue a license to act as an employment counsellor and no  
24 additional licensing fee shall be required.

25 In the event of failure to appear for the examination as  
26 scheduled or if the applicant appears and fails to pass, such

1 person shall pay a fee of \$10 for rescheduling at a later date.  
2 No person may be rescheduled for examination more than twice in  
3 any calendar year except in the event that he has failed to  
4 appear for examination and such failure to appear was not  
5 willful but was the result of illness of the applicant or a  
6 member of his immediate family or of some other emergency.

7 The Department of Labor may require such other proof as to  
8 the honesty, truthfulness and integrity of the applicant, as  
9 may be deemed necessary and desirable. If the applicant is  
10 shown to be honest, truthful and of known integrity, and has  
11 successfully completed the written examination required under  
12 this Section, the Department of Labor shall issue a license,  
13 which license shall set out the true name and address of the  
14 applicant, the name of the Employment agency by whom he is  
15 employed, and such additional information as the Department may  
16 prescribe. The license issued shall authorize the person named  
17 therein to act as an employment counsellor. Such license may be  
18 renewed at the end of each year by the payment of a renewal fee  
19 of \$25.

20 The applicant must furnish satisfactory proof to the  
21 Department that he has never been a party to any fraud, has no  
22 jail record, belongs to no subversive societies and is of good  
23 moral character and business integrity.

24 In determining honesty, truthfulness, integrity, moral  
25 character and business integrity under this Section, the  
26 Department may take into consideration any felony conviction of

1 the applicant, but such a conviction shall not operate as a bar  
2 to licensing.

3 The license of the employment counsellor shall be mailed to  
4 the employment agency by which he is employed, and shall be  
5 kept in the office of such agency and produced for inspection  
6 by any agent of the Department of Labor, at any time during  
7 business hours.

8 The Department of Labor, upon its own motion, or upon the  
9 filing of a verified complaint with the department, by any  
10 person, accompanied by such evidence, documentary or  
11 otherwise, as makes out a prima facie case that the licensee is  
12 unworthy to hold a license, shall notify the employment  
13 counsellor in writing that the question of his honesty,  
14 truthfulness, integrity, moral character, business integrity  
15 or felony conviction is to be reopened and determined, de novo.  
16 This notice shall be served by delivering a copy to the  
17 licensed person, or by mailing a copy to him, by registered  
18 mail, at his last known business address. Thereupon, the  
19 Department of Labor shall require further proof of the  
20 licensee's honesty, truthfulness, integrity, moral character  
21 and business integrity, and if the proof is not satisfactory to  
22 the Department of Labor, it shall revoke his license.

23 If any employment counsellor is discharged or terminates  
24 his employment with the agency by which he is employed, such  
25 agency shall immediately deliver, or forward by mail, the  
26 employment counsellor's license, to the Department of Labor,

1 together with the reasons for his discharge, if he was  
2 discharged. Failure to state that the employment counsellor was  
3 discharged will be conclusively presumed to indicate that he  
4 terminated his services voluntarily. Thereafter, it shall be  
5 unlawful for the employment counsellor to exercise any rights  
6 or privileges under such license, unless the Department of  
7 Labor transfers his license to another employment agency.

8 Each employment counsellor shall notify the Department of  
9 Labor of any change in his residence address. Failure to give  
10 such notice shall automatically work a revocation of his  
11 license.

12 The Department may refuse to issue or may suspend the  
13 license of any person who fails to file a return, or to pay the  
14 tax, penalty or interest shown in a filed return, or to pay any  
15 final assessment of tax, penalty or interest, as required by  
16 any tax Act administered by the Illinois Department of Revenue,  
17 until such time as the requirements of any such tax Act are  
18 satisfied.

19 Any person who violates any provisions of this section or  
20 who testifies falsely as to any matter required by the  
21 provisions of this section or of this Act, is guilty of a Class  
22 B misdemeanor.

23 (Source: P.A. 85-1408; revised 11-18-11.)

24 (225 ILCS 515/5) (from Ch. 111, par. 905)

25 Sec. 5. No such licensee shall charge a registration fee

1 without having first obtained a permit to charge such  
2 registration fee from the Department of Labor. Any such  
3 licensee desiring to charge a registration fee shall make  
4 application in writing to the Department of Labor, and shall  
5 set out in the application the type of applicants from whom  
6 they intend to accept a registration fee, the amount of the fee  
7 to be charged, and shall furnish any other information on the  
8 subject that the Department of Labor may deem necessary to  
9 enable it to determine whether the agency's business methods  
10 and past record entitle the agency to a permit.

11 It is the duty of the Department of Labor to make an  
12 investigation, upon receipt of the application, as to the  
13 truthfulness of the application and the necessity of the charge  
14 of a registration fee; and if it is shown that the agency's  
15 method of doing business is of such a nature that a permit to  
16 charge a registration fee is necessary, and that the agency's  
17 record has been reasonable and fair, then the Department of  
18 Labor shall grant a permit to such agency. Such permit shall  
19 remain in force until revoked for cause. No permit shall be  
20 granted until after 10 days from the date of filing of the  
21 application.

22 When a permit is granted, such licensed person may charge a  
23 registration fee not to exceed \$4. In all such cases a complete  
24 record of all such registration fees and references of  
25 applicants shall be kept on file, which record shall, during  
26 all business hours, be open for the inspection of the

1 Department of Labor. It is the duty of such licensee to  
2 communicate in writing with at least 2 of the persons mentioned  
3 as reference by every applicant from whom a registration fee is  
4 accepted. Failure on the part of a licensee to make such  
5 investigation shall be deemed cause to revoke the permit to  
6 charge a registration fee. For such registration fee a receipt  
7 shall be given to the applicant for employees or employment,  
8 and shall state therein the name of such applicant, date and  
9 amount of payment, the character of position or employee  
10 applied for, and the name and address of such agency. If no  
11 position has been furnished by the licensed agency to the  
12 applicant, then the registration fee shall be returned to the  
13 applicant on demand after 30 days and within 6 months from the  
14 date of receipt thereof, less the amount that has been actually  
15 expended by the licensee in checking the references of the  
16 applicant, and an itemized account of such expenditures shall  
17 be presented to the applicant on request at the time of  
18 returning the unused portion of such registration fee.

19 Any such permit granted by the Department of Labor may be  
20 revoked by it upon due notice to the holder of said permit and  
21 due cause shown and hearing thereon.

22 No such licensee shall, as a condition to registering or  
23 obtaining employment for such applicant, require such  
24 applicant to subscribe to any publication or to any postal card  
25 service, or advertisement, or exact any other fees,  
26 compensation or reward, (except that in the case of applicants

1 for positions paying salaries of \$5,000 or more per annum,  
2 where the agency has secured from the Department of Labor a  
3 permit to furnish a letter service in accordance with  
4 regulations of the department governing the furnishing of such  
5 service, a special fee not to exceed \$250, to be credited on  
6 the fee charged for any placement resulting from such letter  
7 service, may be charged for furnishing such letter service)  
8 other than the aforesaid registration fee and a further fee,  
9 called a placement fee, the amount of which shall be agreed  
10 upon between such applicant and such licensee to be payable at  
11 such time as may be agreed upon in writing. The employment  
12 agency shall furnish to each applicant a copy of any contract  
13 or any form he signs with the agency regarding the method of  
14 payment of the placement or employment service fee. Such  
15 contract or form shall contain the name and address of such  
16 agency, and such other information as the Department of Labor  
17 may deem proper. The contract or form or copy thereof furnished  
18 the applicant must state immediately above, below or close to  
19 the place provided for the signature of the applicant that he  
20 has received a copy of the contract or form and his signature  
21 shall acknowledge receipt thereof. The placement or employment  
22 service fee shall not be received by such licensee before the  
23 applicant has accepted a position tendered by the employer. A  
24 copy of each contract or other form to which the applicant  
25 becomes a party with the licensee shall be given to the  
26 applicant by the licensee at the time of executing such



1 contract or document and on any such form on which the word  
2 acceptance appears, and such contract or other form shall have  
3 the definition of acceptance as defined by this Act printed in  
4 not less than 10 point type immediately following the word  
5 acceptance. In the event the position so tendered is not  
6 accepted by or given to such applicant, the licensee shall  
7 refund all fees paid other than the registration fee and  
8 special fee aforesaid, within 3 days of demand therefor. The  
9 fee charged for placing an applicant in domestic service shall  
10 be a single fee for each placement and shall be based upon the  
11 applicant's compensation or salary for a period not to exceed  
12 one year.

13 No such licensee shall send out any applicant for  
14 employment unless the licensee has a bona fide job order for  
15 such employment and the job order is valid in accordance with  
16 the renewal requirements of Section 3 of this Act. If no  
17 position of the kind applied for was open at the place where  
18 the applicant was directed, then the licensee shall refund to  
19 such applicant on demand any sum paid or expended by the  
20 applicant for transportation in going to and returning from the  
21 place, and all fees paid by the applicant. However, in the  
22 event a substitute position is taken, the fee to be charged  
23 shall be computed on the salary agreed upon for such position.

24 In addition to the receipt herein provided to be given for  
25 a registration fee, it shall be the duty of such licensee to  
26 give to every applicant for employment or employees from whom

1 other fee, or fees shall be received, an additional receipt in  
2 which shall be stated the name of the applicant, the amount  
3 paid and the date of payment. All such receipts shall be in  
4 duplicate, numbered consecutively, shall contain the name and  
5 address of such agency, and such other information as the  
6 Department of Labor may deem proper. The duplicate receipt  
7 shall be kept on file in the agency for at least one year.

8 Every such licensee shall give to every applicant, who is  
9 sent out for a job or for an interview with a prospective  
10 employer, a card or printed paper or letter of introduction  
11 which shall be called a "referral slip" containing the name of  
12 the applicant, the name and address of the employer to whom the  
13 applicant is sent for employment, the name and address of the  
14 agency, the name of the person referring the applicant, and the  
15 probable duration of the work, whether temporary or permanent.  
16 The referral slip shall contain a blank space in which the  
17 employment counsellor ~~counselor~~ shall insert and specify in a  
18 prominent and legible manner whether the employment service fee  
19 is to be paid by the applicant or by the employer, or in the  
20 case of a split-fee, the percentage of the fee to be paid by  
21 the applicant and the percentage of the fee to be paid by the  
22 employer, or shall state whether the fee is to be negotiable  
23 between the employer and the employee. A duplicate of all such  
24 referral slips shall be kept on file in the agency for a period  
25 of one year. In the event that the applicant is referred to a  
26 job or to a prospective employer by telephone or telegraph, the

1 referral slip shall be mailed to the applicant and to the  
2 prospective employer before the close of the business day on  
3 which the telephoned or telegraphed referral was given. No  
4 person shall be sent out for a job or to interview a  
5 prospective employer unless he has been personally interviewed  
6 by the agency or has corresponded with the agency with the  
7 purpose of securing employment.

8 If the employer pays the fee, and the employee fails to  
9 remain in the position for a period of 30 days, such licensee  
10 shall refund to the employer all fees, less an amount equal to  
11 25% of the total salary or wages paid such employee during the  
12 period of such employment, within 3 days after the licensed  
13 person has been notified of the employee's failure to remain in  
14 the employment, provided such 25% does not exceed the amount  
15 charged for a permanent position of like nature.

16 If the employee pays the fee and is discharged at any time  
17 within 30 days for any reason other than intoxication,  
18 dishonesty, unexcused tardiness, unexcused absenteeism or  
19 insubordination, or otherwise fails to remain in the position  
20 for a period of 30 days, thru no fault of his own, such  
21 licensee shall refund to the employee all fees less an amount  
22 equal to 25% of the total salary or wages paid such employee  
23 during the period of such employment within 3 days of the time  
24 such licensee has been notified of the employee's failure to  
25 remain in the employment, provided the 25% does not exceed the  
26 charge for a permanent position of like nature. All refunds

1 shall be in cash or negotiable check.

2 If the employee has promised his prospective employer to  
3 report to work at a definite time and place and then fails to  
4 report to work, such circumstances shall be considered prima  
5 facie evidence that the employee has accepted the employment  
6 offered.

7 Where a dispute concerning a fee exists, the department may  
8 conduct a hearing to determine all facts concerning the dispute  
9 and shall after such hearing make such recommendations  
10 concerning such dispute as shall be reasonable.

11 Every such licensee shall post in a conspicuous place in  
12 the main room of the agency sections of this Act as required by  
13 the Department of Labor, to be supplied by the Department of  
14 Labor, and shall also post his license in the main room of the  
15 agency.

16 Every such licensee shall furnish the Department of Labor,  
17 under rules to be prescribed by such Department, annual  
18 statements showing the number and character of placements made.  
19 (Source: P.A. 90-655, eff. 7-30-98; revised 11-18-11.)

20 Section 470. The Illinois Livestock Dealer Licensing Act is  
21 amended by changing Section 19.1 as follows:

22 (225 ILCS 645/19.1) (from Ch. 111, par. 420.1)

23 Sec. 19.1. All persons licensed under this Act must also  
24 comply with all the provisions of the "Illinois Bovine

1 Brucellosis Eradication Act" and the rules adopted pursuant to  
2 that law, the "Illinois Bovidae and Cervidae Tuberculosis  
3 Eradication Act" and the rules adopted pursuant to that law,  
4 the "Illinois Diseased Animals Act" and the rules adopted  
5 pursuant to that law, the "Humane Care for Animals Act" and the  
6 rules adopted pursuant to that law, the "Livestock Auction  
7 Market Law" and the rules adopted pursuant to that law, and the  
8 "Illinois Swine Brucellosis Eradication Act" and the rules  
9 adopted pursuant to that law, and the "Illinois Pseudorabies  
10 Control Act ~~et~~" and the rules adopted pursuant to that law.  
11 (Source: P.A. 90-192, eff. 7-24-97; revised 11-18-11.)

12 Section 475. The Surface Coal Mining Land Conservation and  
13 Reclamation Act is amended by changing Section 1.03 as follows:

14 (225 ILCS 720/1.03) (from Ch. 96 1/2, par. 7901.03)

15 Sec. 1.03. Definitions.

16 (a) Whenever used or referred to in this Act, unless a  
17 different meaning clearly appears from the context:

18 (1) "Affected land" means:

19 (A) in the context of surface mining operations,  
20 the areas described in Section 1.03(a) (24) (B), and

21 (B) in the context of underground mining  
22 operations, surface areas on which such operations  
23 occur or where such activities disturb the natural land  
24 surface.

1           (2) "Approximate original contour" means that surface  
2 configuration achieved by backfilling and grading of the  
3 mined area so that the reclaimed area, including any  
4 terracing or access roads, closely resembles the general  
5 surface configuration of the land prior to mining and  
6 blends into and complements ~~compliments~~ the drainage  
7 pattern of the surrounding terrain, with all highwalls and  
8 spoil piles eliminated.

9           (3) "Article" means an Article of this Act.

10          (4) "Department" means the Department of Natural  
11 Resources, or such department, bureau, or commission as may  
12 lawfully succeed to the powers and duties of such  
13 Department.

14          (5) "Director" means the Director of the Department or  
15 such officer, bureau or commission as may lawfully succeed  
16 to the powers and duties of such Director.

17          (6) "Federal Act" means the Federal Surface Mining  
18 Control and Reclamation Act of 1977 (Public Law 95-87).

19          (7) "Imminent danger to the health and safety of the  
20 public" means the existence of any condition or practice,  
21 or any violation of a permit or other requirement of this  
22 Act in a mining and reclamation operation, which condition,  
23 practice, or violation could reasonably be expected to  
24 cause substantial physical harm to persons outside the  
25 permit area before such condition, practice, or violation  
26 can be abated. A reasonable expectation of death or serious

1 injury before abatement exists if a rational person,  
2 subjected to the same conditions or practices giving rise  
3 to the peril, would not expose himself to the danger during  
4 the time necessary for abatement.

5 (8) (Blank).

6 (9) "Interagency Committee" means the Interagency  
7 Committee on Surface Mining Control and Reclamation  
8 created by Section 1.05.

9 (9-a) "Lands eligible for reining" means those lands  
10 that would otherwise be eligible for expenditures under the  
11 Abandoned Mined Lands and Water Reclamation Act.

12 (10) "Mining and reclamation operations" means mining  
13 operations and all activities necessary and incident to the  
14 reclamation of such operations.

15 (11) "Mining operations" means both surface mining  
16 operations and underground mining operations.

17 (12) "Operator" means any person engaged in coal  
18 mining, and includes political subdivisions, units of  
19 local government and instrumentalities of the State of  
20 Illinois, and public utilities.

21 (13) "Permit" means a permit or a revised permit to  
22 conduct mining operations and reclamation issued by the  
23 Department under this Act.

24 (14) "Permit applicant" or "applicant" means a person  
25 applying for a permit.

26 (15) "Permit application" or "application" means an

1 application for a permit under this Act.

2 (16) "Permit area" means the land described in the  
3 permit.

4 (17) "Permittee" means a person holding a permit.

5 (18) "Permit term" means the period during which the  
6 permittee may engage in mining operations under a permit.

7 (19) "Person" means an individual, partnership,  
8 copartnership, firm, joint venture, company, corporation,  
9 association, joint stock company, trust, estate, political  
10 subdivision, or any other public or private legal entity,  
11 or their legal representative, agent or assigns.

12 (20) "Reclamation" means conditioning areas affected  
13 by mining operations to achieve the purposes of this Act.

14 (21) "Reclamation plan" means a plan described in  
15 Section 2.03.

16 (22) "Regulations" means regulations promulgated under  
17 the Federal Act.

18 (23) "Section" means a section of this Act.

19 (24) "Surface mining operations" means (A) activities  
20 conducted on the surface of lands in connection with a  
21 surface coal mine or surface operations. Such activities  
22 include excavation for the purpose of obtaining coal  
23 including such common methods as contour, strip, auger,  
24 mountaintop removal, box cut, open pit, and area mining,  
25 coal recovery from coal waste disposal areas, the uses of  
26 explosives and blasting, and in situ distillation or



1       retorting, leaching or other chemical or physical  
2       processing, and the cleaning, concentrating, or other  
3       processing or preparation, loading of coal at or near the  
4       mine site; and (B) the areas on which such activities occur  
5       or where such activities disturb the natural land surface.  
6       Such areas include any adjacent land the use of which is  
7       incidental to any such activities, all lands affected by  
8       the construction of new roads or the improvement or use of  
9       existing roads to gain access to the site of such  
10      activities and for haulage, and excavations, workings,  
11      impoundments, dams, refuse banks, dumps, stockpiles,  
12      overburden piles, spoil banks, culm banks, tailings, holes  
13      or depressions, repair areas, storage areas, processing  
14      areas, shipping areas and other areas upon which are sited  
15      structures, facilities, or other property or materials on  
16      the surface, resulting from or incident to such activities.

17           (25) "Toxic conditions" and "toxic materials" mean any  
18      conditions and materials that will not support higher forms  
19      of plant or animal life in any place in connection with or  
20      as a result of the completion of mining operations.

21           (26) "Underground mining operations" means the  
22      underground excavation of coal and (A) surface operations  
23      incident to the underground extraction of coal, such as  
24      construction, use, maintenance, and reclamation of roads,  
25      above-ground repair areas, storage areas, processing  
26      areas, shipping areas, areas on which are sited support

1 facilities including hoist and ventilation ducts, areas  
2 used for the storage and disposal of waste, and areas on  
3 which materials incident to underground mining operations  
4 are placed, and (B) underground operations incident to  
5 underground excavation of coal, such as underground  
6 construction, operation, and reclamation of shafts, adits,  
7 underground support facilities, in situ processing, and  
8 underground mining, hauling, storage, or blasting.

9 (27) "Unwarranted failure to comply" means the failure  
10 of a permittee to prevent the occurrence of or to abate any  
11 violation of his permit or any requirement of this Act due  
12 to indifference, lack of diligence, or lack of reasonable  
13 care.

14 (b) The Department shall by rule define other terms used in  
15 this Act if necessary or desirable to achieve the purposes of  
16 this Act.

17 (Source: P.A. 90-490, eff. 8-17-97; 91-357, eff. 7-29-99;  
18 revised 11-18-11.)

19 Section 480. The Illinois Oil and Gas Act is amended by  
20 changing Section 18 as follows:

21 (225 ILCS 725/18) (from Ch. 96 1/2, par. 5424)

22 Sec. 18. In no event shall any high explosive be exploded  
23 in any well until twenty-four hours' notice of the intention  
24 ~~intension~~ has been given to the owner of any working coal seam.

1 (Source: Laws 1941, vol. 1, p. 934; revised 11-18-11.)

2 Section 485. The Liquor Control Act of 1934 is amended by  
3 changing Sections 5-1 and 6-15 as follows:

4 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

5 Sec. 5-1. Licenses issued by the Illinois Liquor Control  
6 Commission shall be of the following classes:

7 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
8 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
9 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.  
10 First Class Winemaker, Class 7. Second Class Winemaker, Class  
11 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class  
12 10. Craft Brewer,

13 (b) Distributor's license,

14 (c) Importing Distributor's license,

15 (d) Retailer's license,

16 (e) Special Event Retailer's license (not-for-profit),

17 (f) Railroad license,

18 (g) Boat license,

19 (h) Non-Beverage User's license,

20 (i) Wine-maker's premises license,

21 (j) Airplane license,

22 (k) Foreign importer's license,

23 (l) Broker's license,

24 (m) Non-resident dealer's license,

- 1 (n) Brew Pub license,  
2 (o) Auction liquor license,  
3 (p) Caterer retailer license,  
4 (q) Special use permit license,  
5 (r) Winery shipper's license.

6 No person, firm, partnership, corporation, or other legal  
7 business entity that is engaged in the manufacturing of wine  
8 may concurrently obtain and hold a wine-maker's license and a  
9 wine manufacturer's license.

10 (a) A manufacturer's license shall allow the manufacture,  
11 importation in bulk, storage, distribution and sale of  
12 alcoholic liquor to persons without the State, as may be  
13 permitted by law and to licensees in this State as follows:

14 Class 1. A Distiller may make sales and deliveries of  
15 alcoholic liquor to distillers, rectifiers, importing  
16 distributors, distributors and non-beverage users and to no  
17 other licensees.

18 Class 2. A Rectifier, who is not a distiller, as defined  
19 herein, may make sales and deliveries of alcoholic liquor to  
20 rectifiers, importing distributors, distributors, retailers  
21 and non-beverage users and to no other licensees.

22 Class 3. A Brewer may make sales and deliveries of beer to  
23 importing distributors and distributors and may make sales as  
24 authorized under subsection (e) of Section 6-4 of this Act.

25 Class 4. A first class wine-manufacturer may make sales and  
26 deliveries of up to 50,000 gallons of wine to manufacturers,

1 importing distributors and distributors, and to no other  
2 licensees.

3 Class 5. A second class Wine manufacturer may make sales  
4 and deliveries of more than 50,000 gallons of wine to  
5 manufacturers, importing distributors and distributors and to  
6 no other licensees.

7 Class 6. A first-class wine-maker's license shall allow the  
8 manufacture of up to 50,000 gallons of wine per year, and the  
9 storage and sale of such wine to distributors in the State and  
10 to persons without the State, as may be permitted by law. A  
11 person who, prior to the effective date of this amendatory Act  
12 of the 95th General Assembly, is a holder of a first-class  
13 wine-maker's license and annually produces more than 25,000  
14 gallons of its own wine and who distributes its wine to  
15 licensed retailers shall cease this practice on or before July  
16 1, 2008 in compliance with this amendatory Act of the 95th  
17 General Assembly.

18 Class 7. A second-class wine-maker's license shall allow  
19 the manufacture of between 50,000 and 150,000 gallons of wine  
20 per year, and the storage and sale of such wine to distributors  
21 in this State and to persons without the State, as may be  
22 permitted by law. A person who, prior to the effective date of  
23 this amendatory Act of the 95th General Assembly, is a holder  
24 of a second-class wine-maker's license and annually produces  
25 more than 25,000 gallons of its own wine and who distributes  
26 its wine to licensed retailers shall cease this practice on or

1 before July 1, 2008 in compliance with this amendatory Act of  
2 the 95th General Assembly.

3 Class 8. A limited wine-manufacturer may make sales and  
4 deliveries not to exceed 40,000 gallons of wine per year to  
5 distributors, and to non-licensees in accordance with the  
6 provisions of this Act.

7 Class 9. A craft distiller license shall allow the  
8 manufacture of up to 15,000 gallons of spirits by distillation  
9 per year and the storage of such spirits. If a craft distiller  
10 licensee is not affiliated with any other manufacturer, then  
11 the craft distiller licensee may sell such spirits to  
12 distributors in this State and non-licensees to the extent  
13 permitted by any exemption approved by the Commission pursuant  
14 to Section 6-4 of this Act.

15 Any craft distiller licensed under this Act who on the  
16 effective date of this amendatory Act of the 96th General  
17 Assembly was licensed as a distiller and manufactured no more  
18 spirits than permitted by this Section shall not be required to  
19 pay the initial licensing fee.

20 Class 10. A craft brewer's license, which may only be  
21 issued to a licensed brewer or licensed non-resident dealer,  
22 shall allow the manufacture of up to 465,000 gallons of beer  
23 per year. A craft brewer licensee may make sales and deliveries  
24 to importing distributors and distributors and to retail  
25 licensees in accordance with the conditions set forth in  
26 paragraph (18) of subsection (a) of Section 3-12 of this Act.

1           (a-1) A manufacturer which is licensed in this State to  
2 make sales or deliveries of alcoholic liquor and which enlists  
3 agents, representatives, or individuals acting on its behalf  
4 who contact licensed retailers on a regular and continual basis  
5 in this State must register those agents, representatives, or  
6 persons acting on its behalf with the State Commission.

7           Registration of agents, representatives, or persons acting  
8 on behalf of a manufacturer is fulfilled by submitting a form  
9 to the Commission. The form shall be developed by the  
10 Commission and shall include the name and address of the  
11 applicant, the name and address of the manufacturer he or she  
12 represents, the territory or areas assigned to sell to or  
13 discuss pricing terms of alcoholic liquor, and any other  
14 questions deemed appropriate and necessary. All statements in  
15 the forms required to be made by law or by rule shall be deemed  
16 material, and any person who knowingly misstates any material  
17 fact under oath in an application is guilty of a Class B  
18 misdemeanor. Fraud, misrepresentation, false statements,  
19 misleading statements, evasions, or suppression of material  
20 facts in the securing of a registration are grounds for  
21 suspension or revocation of the registration.

22           (b) A distributor's license shall allow the wholesale  
23 purchase and storage of alcoholic liquors and sale of alcoholic  
24 liquors to licensees in this State and to persons without the  
25 State, as may be permitted by law.

26           (c) An importing distributor's license may be issued to and

1 held by those only who are duly licensed distributors, upon the  
2 filing of an application by a duly licensed distributor, with  
3 the Commission and the Commission shall, without the payment of  
4 any fee, immediately issue such importing distributor's  
5 license to the applicant, which shall allow the importation of  
6 alcoholic liquor by the licensee into this State from any point  
7 in the United States outside this State, and the purchase of  
8 alcoholic liquor in barrels, casks or other bulk containers and  
9 the bottling of such alcoholic liquors before resale thereof,  
10 but all bottles or containers so filled shall be sealed,  
11 labeled, stamped and otherwise made to comply with all  
12 provisions, rules and regulations governing manufacturers in  
13 the preparation and bottling of alcoholic liquors. The  
14 importing distributor's license shall permit such licensee to  
15 purchase alcoholic liquor from Illinois licensed non-resident  
16 dealers and foreign importers only.

17 (d) A retailer's license shall allow the licensee to sell  
18 and offer for sale at retail, only in the premises specified in  
19 the license, alcoholic liquor for use or consumption, but not  
20 for resale in any form. Nothing in this amendatory Act of the  
21 95th General Assembly shall deny, limit, remove, or restrict  
22 the ability of a holder of a retailer's license to transfer,  
23 deliver, or ship alcoholic liquor to the purchaser for use or  
24 consumption subject to any applicable local law or ordinance.  
25 Any retail license issued to a manufacturer shall only permit  
26 the manufacturer to sell beer at retail on the premises



1 actually occupied by the manufacturer. For the purpose of  
2 further describing the type of business conducted at a retail  
3 licensed premises, a retailer's licensee may be designated by  
4 the State Commission as (i) an on premise consumption retailer,  
5 (ii) an off premise sale retailer, or (iii) a combined on  
6 premise consumption and off premise sale retailer.

7 Notwithstanding any other provision of this subsection  
8 (d), a retail licensee may sell alcoholic liquors to a special  
9 event retailer licensee for resale to the extent permitted  
10 under subsection (e).

11 (e) A special event retailer's license (not-for-profit)  
12 shall permit the licensee to purchase alcoholic liquors from an  
13 Illinois licensed distributor (unless the licensee purchases  
14 less than \$500 of alcoholic liquors for the special event, in  
15 which case the licensee may purchase the alcoholic liquors from  
16 a licensed retailer) and shall allow the licensee to sell and  
17 offer for sale, at retail, alcoholic liquors for use or  
18 consumption, but not for resale in any form and only at the  
19 location and on the specific dates designated for the special  
20 event in the license. An applicant for a special event retailer  
21 license must (i) furnish with the application: (A) a resale  
22 number issued under Section 2c of the Retailers' Occupation Tax  
23 Act or evidence that the applicant is registered under Section  
24 2a of the Retailers' Occupation Tax Act, (B) a current, valid  
25 exemption identification number issued under Section 1g of the  
26 Retailers' Occupation Tax Act, and a certification to the

1 Commission that the purchase of alcoholic liquors will be a  
2 tax-exempt purchase, or (C) a statement that the applicant is  
3 not registered under Section 2a of the Retailers' Occupation  
4 Tax Act, does not hold a resale number under Section 2c of the  
5 Retailers' Occupation Tax Act, and does not hold an exemption  
6 number under Section 1g of the Retailers' Occupation Tax Act,  
7 in which event the Commission shall set forth on the special  
8 event retailer's license a statement to that effect; (ii)  
9 submit with the application proof satisfactory to the State  
10 Commission that the applicant will provide dram shop liability  
11 insurance in the maximum limits; and (iii) show proof  
12 satisfactory to the State Commission that the applicant has  
13 obtained local authority approval.

14 (f) A railroad license shall permit the licensee to import  
15 alcoholic liquors into this State from any point in the United  
16 States outside this State and to store such alcoholic liquors  
17 in this State; to make wholesale purchases of alcoholic liquors  
18 directly from manufacturers, foreign importers, distributors  
19 and importing distributors from within or outside this State;  
20 and to store such alcoholic liquors in this State; provided  
21 that the above powers may be exercised only in connection with  
22 the importation, purchase or storage of alcoholic liquors to be  
23 sold or dispensed on a club, buffet, lounge or dining car  
24 operated on an electric, gas or steam railway in this State;  
25 and provided further, that railroad licensees exercising the  
26 above powers shall be subject to all provisions of Article VIII

1 of this Act as applied to importing distributors. A railroad  
 2 license shall also permit the licensee to sell or dispense  
 3 alcoholic liquors on any club, buffet, lounge or dining car  
 4 operated on an electric, gas or steam railway regularly  
 5 operated by a common carrier in this State, but shall not  
 6 permit the sale for resale of any alcoholic liquors to any  
 7 licensee within this State. A license shall be obtained for  
 8 each car in which such sales are made.

9 (g) A boat license shall allow the sale of alcoholic liquor  
 10 in individual drinks, on any passenger boat regularly operated  
 11 as a common carrier on navigable waters in this State or on any  
 12 riverboat operated under the Riverboat Gambling Act, which boat  
 13 or riverboat maintains a public dining room or restaurant  
 14 thereon.

15 (h) A non-beverage user's license shall allow the licensee  
 16 to purchase alcoholic liquor from a licensed manufacturer or  
 17 importing distributor, without the imposition of any tax upon  
 18 the business of such licensed manufacturer or importing  
 19 distributor as to such alcoholic liquor to be used by such  
 20 licensee solely for the non-beverage purposes set forth in  
 21 subsection (a) of Section 8-1 of this Act, and such licenses  
 22 shall be divided and classified and shall permit the purchase,  
 23 possession and use of limited and stated quantities of  
 24 alcoholic liquor as follows:

- 25 Class 1, not to exceed ..... 500 gallons
- 26 Class 2, not to exceed ..... 1,000 gallons

- 1 Class 3, not to exceed ..... 5,000 gallons
- 2 Class 4, not to exceed ..... 10,000 gallons
- 3 Class 5, not to exceed ..... 50,000 gallons

4 (i) A wine-maker's premises license shall allow a licensee  
5 that concurrently holds a first-class wine-maker's license to  
6 sell and offer for sale at retail in the premises specified in  
7 such license not more than 50,000 gallons of the first-class  
8 wine-maker's wine that is made at the first-class wine-maker's  
9 licensed premises per year for use or consumption, but not for  
10 resale in any form. A wine-maker's premises license shall allow  
11 a licensee who concurrently holds a second-class wine-maker's  
12 license to sell and offer for sale at retail in the premises  
13 specified in such license up to 100,000 gallons of the  
14 second-class wine-maker's wine that is made at the second-class  
15 wine-maker's licensed premises per year for use or consumption  
16 but not for resale in any form. A wine-maker's premises license  
17 shall allow a licensee that concurrently holds a first-class  
18 wine-maker's license or a second-class wine-maker's license to  
19 sell and offer for sale at retail at the premises specified in  
20 the wine-maker's premises license, for use or consumption but  
21 not for resale in any form, any beer, wine, and spirits  
22 purchased from a licensed distributor. Upon approval from the  
23 State Commission, a wine-maker's premises license shall allow  
24 the licensee to sell and offer for sale at (i) the wine-maker's  
25 licensed premises and (ii) at up to 2 additional locations for  
26 use and consumption and not for resale. Each location shall

1 require additional licensing per location as specified in  
2 Section 5-3 of this Act. A wine-maker's premises licensee shall  
3 secure liquor liability insurance coverage in an amount at  
4 least equal to the maximum liability amounts set forth in  
5 subsection (a) of Section 6-21 of this Act.

6 (j) An airplane license shall permit the licensee to import  
7 alcoholic liquors into this State from any point in the United  
8 States outside this State and to store such alcoholic liquors  
9 in this State; to make wholesale purchases of alcoholic liquors  
10 directly from manufacturers, foreign importers, distributors  
11 and importing distributors from within or outside this State;  
12 and to store such alcoholic liquors in this State; provided  
13 that the above powers may be exercised only in connection with  
14 the importation, purchase or storage of alcoholic liquors to be  
15 sold or dispensed on an airplane; and provided further, that  
16 airplane licensees exercising the above powers shall be subject  
17 to all provisions of Article VIII of this Act as applied to  
18 importing distributors. An airplane licensee shall also permit  
19 the sale or dispensing of alcoholic liquors on any passenger  
20 airplane regularly operated by a common carrier in this State,  
21 but shall not permit the sale for resale of any alcoholic  
22 liquors to any licensee within this State. A single airplane  
23 license shall be required of an airline company if liquor  
24 service is provided on board aircraft in this State. The annual  
25 fee for such license shall be as determined in Section 5-3.

26 (k) A foreign importer's license shall permit such licensee

1 to purchase alcoholic liquor from Illinois licensed  
2 non-resident dealers only, and to import alcoholic liquor other  
3 than in bulk from any point outside the United States and to  
4 sell such alcoholic liquor to Illinois licensed importing  
5 distributors and to no one else in Illinois; provided that (i)  
6 the foreign importer registers with the State Commission every  
7 brand of alcoholic liquor that it proposes to sell to Illinois  
8 licensees during the license period, (ii) the foreign importer  
9 complies with all of the provisions of Section 6-9 of this Act  
10 with respect to registration of such Illinois licensees as may  
11 be granted the right to sell such brands at wholesale, and  
12 (iii) the foreign importer complies with the provisions of  
13 Sections 6-5 and 6-6 of this Act to the same extent that these  
14 provisions apply to manufacturers.

15 (1) (i) A broker's license shall be required of all persons  
16 who solicit orders for, offer to sell or offer to supply  
17 alcoholic liquor to retailers in the State of Illinois, or who  
18 offer to retailers to ship or cause to be shipped or to make  
19 contact with distillers, rectifiers, brewers or manufacturers  
20 or any other party within or without the State of Illinois in  
21 order that alcoholic liquors be shipped to a distributor,  
22 importing distributor or foreign importer, whether such  
23 solicitation or offer is consummated within or without the  
24 State of Illinois.

25 No holder of a retailer's license issued by the Illinois  
26 Liquor Control Commission shall purchase or receive any

1 alcoholic liquor, the order for which was solicited or offered  
2 for sale to such retailer by a broker unless the broker is the  
3 holder of a valid broker's license.

4 The broker shall, upon the acceptance by a retailer of the  
5 broker's solicitation of an order or offer to sell or supply or  
6 deliver or have delivered alcoholic liquors, promptly forward  
7 to the Illinois Liquor Control Commission a notification of  
8 said transaction in such form as the Commission may by  
9 regulations prescribe.

10 (ii) A broker's license shall be required of a person  
11 within this State, other than a retail licensee, who, for a fee  
12 or commission, promotes, solicits, or accepts orders for  
13 alcoholic liquor, for use or consumption and not for resale, to  
14 be shipped from this State and delivered to residents outside  
15 of this State by an express company, common carrier, or  
16 contract carrier. This Section does not apply to any person who  
17 promotes, solicits, or accepts orders for wine as specifically  
18 authorized in Section 6-29 of this Act.

19 A broker's license under this subsection (1) shall not  
20 entitle the holder to buy or sell any alcoholic liquors for his  
21 own account or to take or deliver title to such alcoholic  
22 liquors.

23 This subsection (1) shall not apply to distributors,  
24 employees of distributors, or employees of a manufacturer who  
25 has registered the trademark, brand or name of the alcoholic  
26 liquor pursuant to Section 6-9 of this Act, and who regularly

1 sells such alcoholic liquor in the State of Illinois only to  
2 its registrants thereunder.

3 Any agent, representative, or person subject to  
4 registration pursuant to subsection (a-1) of this Section shall  
5 not be eligible to receive a broker's license.

6 (m) A non-resident dealer's license shall permit such  
7 licensee to ship into and warehouse alcoholic liquor into this  
8 State from any point outside of this State, and to sell such  
9 alcoholic liquor to Illinois licensed foreign importers and  
10 importing distributors and to no one else in this State;  
11 provided that (i) said non-resident dealer shall register with  
12 the Illinois Liquor Control Commission each and every brand of  
13 alcoholic liquor which it proposes to sell to Illinois  
14 licensees during the license period, (ii) it shall comply with  
15 all of the provisions of Section 6-9 hereof with respect to  
16 registration of such Illinois licensees as may be granted the  
17 right to sell such brands at wholesale, and (iii) the  
18 non-resident dealer shall comply with the provisions of  
19 Sections 6-5 and 6-6 of this Act to the same extent that these  
20 provisions apply to manufacturers.

21 (n) A brew pub license shall allow the licensee (i) to  
22 manufacture beer only on the premises specified in the license,  
23 (ii) to make sales of the beer manufactured on the premises or,  
24 with the approval of the Commission, beer manufactured on  
25 another brew pub licensed premises that is substantially owned  
26 and operated by the same licensee to importing distributors,



1 distributors, and to non-licensees for use and consumption,  
2 (iii) to store the beer upon the premises, and (iv) to sell and  
3 offer for sale at retail from the licensed premises, provided  
4 that a brew pub licensee shall not sell for off-premises  
5 consumption more than 50,000 gallons per year. A person who  
6 holds a brew pub license may simultaneously hold a craft brewer  
7 license if he or she otherwise qualifies for the craft brewer  
8 license and the craft brewer license is for a location separate  
9 from the brew pub's licensed premises. A brew pub license shall  
10 permit a person who has received prior approval from the  
11 Commission to annually transfer no more than a total of 50,000  
12 gallons of beer manufactured on premises to all other licensed  
13 brew pubs that are substantially owned and operated by the same  
14 person.

15 (o) A caterer retailer license shall allow the holder to  
16 serve alcoholic liquors as an incidental part of a food service  
17 that serves prepared meals which excludes the serving of snacks  
18 as the primary meal, either on or off-site whether licensed or  
19 unlicensed.

20 (p) An auction liquor license shall allow the licensee to  
21 sell and offer for sale at auction wine and spirits for use or  
22 consumption, or for resale by an Illinois liquor licensee in  
23 accordance with provisions of this Act. An auction liquor  
24 license will be issued to a person and it will permit the  
25 auction liquor licensee to hold the auction anywhere in the  
26 State. An auction liquor license must be obtained for each

1 auction at least 14 days in advance of the auction date.

2 (q) A special use permit license shall allow an Illinois  
3 licensed retailer to transfer a portion of its alcoholic liquor  
4 inventory from its retail licensed premises to the premises  
5 specified in the license hereby created, and to sell or offer  
6 for sale at retail, only in the premises specified in the  
7 license hereby created, the transferred alcoholic liquor for  
8 use or consumption, but not for resale in any form. A special  
9 use permit license may be granted for the following time  
10 periods: one day or less; 2 or more days to a maximum of 15 days  
11 per location in any 12 month period. An applicant for the  
12 special use permit license must also submit with the  
13 application proof satisfactory to the State Commission that the  
14 applicant will provide dram shop liability insurance to the  
15 maximum limits and have local authority approval.

16 (r) A winery shipper's license shall allow a person with a  
17 first-class or second-class wine manufacturer's license, a  
18 first-class or second-class wine-maker's license, or a limited  
19 wine manufacturer's license or who is licensed to make wine  
20 under the laws of another state to ship wine made by that  
21 licensee directly to a resident of this State who is 21 years  
22 of age or older for that resident's personal use and not for  
23 resale. Prior to receiving a winery shipper's license, an  
24 applicant for the license must provide the Commission with a  
25 true copy of its current license in any state in which it is  
26 licensed as a manufacturer of wine. An applicant for a winery

1 shipper's license must also complete an application form that  
2 provides any other information the Commission deems necessary.  
3 The application form shall include an acknowledgement  
4 consenting to the jurisdiction of the Commission, the Illinois  
5 Department of Revenue, and the courts of this State concerning  
6 the enforcement of this Act and any related laws, rules, and  
7 regulations, including authorizing the Department of Revenue  
8 and the Commission to conduct audits for the purpose of  
9 ensuring compliance with this amendatory Act.

10 A winery shipper licensee must pay to the Department of  
11 Revenue the State liquor gallonage tax under Section 8-1 for  
12 all wine that is sold by the licensee and shipped to a person  
13 in this State. For the purposes of Section 8-1, a winery  
14 shipper licensee shall be taxed in the same manner as a  
15 manufacturer of wine. A licensee who is not otherwise required  
16 to register under the Retailers' Occupation Tax Act must  
17 register under the Use Tax Act to collect and remit use tax to  
18 the Department of Revenue for all gallons of wine that are sold  
19 by the licensee and shipped to persons in this State. If a  
20 licensee fails to remit the tax imposed under this Act in  
21 accordance with the provisions of Article VIII of this Act, the  
22 winery shipper's license shall be revoked in accordance with  
23 the provisions of Article VII of this Act. If a licensee fails  
24 to properly register and remit tax under the Use Tax Act or the  
25 Retailers' Occupation Tax Act for all wine that is sold by the  
26 winery shipper and shipped to persons in this State, the winery

1 shipper's license shall be revoked in accordance with the  
2 provisions of Article VII of this Act.

3 A winery shipper licensee must collect, maintain, and  
4 submit to the Commission on a semi-annual basis the total  
5 number of cases per resident of wine shipped to residents of  
6 this State. A winery shipper licensed under this subsection (r)  
7 must comply with the requirements of Section 6-29 of this  
8 amendatory Act.

9 (Source: P.A. 96-1367, eff. 7-28-10; 97-5, eff. 6-1-11; 97-455,  
10 eff. 8-19-11; revised 9-16-11.)

11 (235 ILCS 5/6-15) (from Ch. 43, par. 130)

12 Sec. 6-15. No alcoholic liquors shall be sold or delivered  
13 in any building belonging to or under the control of the State  
14 or any political subdivision thereof except as provided in this  
15 Act. The corporate authorities of any city, village,  
16 incorporated town, ~~or~~ township, or county may provide by  
17 ordinance, however, that alcoholic liquor may be sold or  
18 delivered in any specifically designated building belonging to  
19 or under the control of the municipality, township, or county,  
20 or in any building located on land under the control of the  
21 municipality, township, or county; provided that such township  
22 or county complies with all applicable local ordinances in any  
23 incorporated area of the township or county. Alcoholic liquor  
24 may be delivered to and sold under the authority of a special  
25 use permit on any property owned by a conservation district

1 organized under the Conservation District Act, provided that  
2 (i) the alcoholic liquor is sold only at an event authorized by  
3 the governing board of the conservation district, (ii) the  
4 issuance of the special use permit is authorized by the local  
5 liquor control commissioner of the territory in which the  
6 property is located, and (iii) the special use permit  
7 authorizes the sale of alcoholic liquor for one day or less.  
8 Alcoholic liquors may be delivered to and sold at any airport  
9 belonging to or under the control of a municipality of more  
10 than 25,000 inhabitants, or in any building or on any golf  
11 course owned by a park district organized under the Park  
12 District Code, subject to the approval of the governing board  
13 of the district, or in any building or on any golf course owned  
14 by a forest preserve district organized under the Downstate  
15 Forest Preserve District Act, subject to the approval of the  
16 governing board of the district, or on the grounds within 500  
17 feet of any building owned by a forest preserve district  
18 organized under the Downstate Forest Preserve District Act  
19 during times when food is dispensed for consumption within 500  
20 feet of the building from which the food is dispensed, subject  
21 to the approval of the governing board of the district, or in a  
22 building owned by a Local Mass Transit District organized under  
23 the Local Mass Transit District Act, subject to the approval of  
24 the governing Board of the District, or in Bicentennial Park,  
25 or on the premises of the City of Mendota Lake Park located  
26 adjacent to Route 51 in Mendota, Illinois, or on the premises

1 of Camden Park in Milan, Illinois, or in the community center  
2 owned by the City of Loves Park that is located at 1000 River  
3 Park Drive in Loves Park, Illinois, or, in connection with the  
4 operation of an established food serving facility during times  
5 when food is dispensed for consumption on the premises, and at  
6 the following aquarium and museums located in public parks: Art  
7 Institute of Chicago, Chicago Academy of Sciences, Chicago  
8 Historical Society, Field Museum of Natural History, Museum of  
9 Science and Industry, DuSable Museum of African American  
10 History, John G. Shedd Aquarium and Adler Planetarium, or at  
11 Lakeview Museum of Arts and Sciences in Peoria, or in  
12 connection with the operation of the facilities of the Chicago  
13 Zoological Society or the Chicago Horticultural Society on land  
14 owned by the Forest Preserve District of Cook County, or on any  
15 land used for a golf course or for recreational purposes owned  
16 by the Forest Preserve District of Cook County, subject to the  
17 control of the Forest Preserve District Board of Commissioners  
18 and applicable local law, provided that dram shop liability  
19 insurance is provided at maximum coverage limits so as to hold  
20 the District harmless from all financial loss, damage, and  
21 harm, or in any building located on land owned by the Chicago  
22 Park District if approved by the Park District Commissioners,  
23 or on any land used for a golf course or for recreational  
24 purposes and owned by the Illinois International Port District  
25 if approved by the District's governing board, or at any  
26 airport, golf course, faculty center, or facility in which

1 conference and convention type activities take place belonging  
2 to or under control of any State university or public community  
3 college district, provided that with respect to a facility for  
4 conference and convention type activities alcoholic liquors  
5 shall be limited to the use of the convention or conference  
6 participants or participants in cultural, political or  
7 educational activities held in such facilities, and provided  
8 further that the faculty or staff of the State university or a  
9 public community college district, or members of an  
10 organization of students, alumni, faculty or staff of the State  
11 university or a public community college district are active  
12 participants in the conference or convention, or in Memorial  
13 Stadium on the campus of the University of Illinois at  
14 Urbana-Champaign during games in which the Chicago Bears  
15 professional football team is playing in that stadium during  
16 the renovation of Soldier Field, not more than one and a half  
17 hours before the start of the game and not after the end of the  
18 third quarter of the game, or in the Pavilion Facility on the  
19 campus of the University of Illinois at Chicago during games in  
20 which the Chicago Storm professional soccer team is playing in  
21 that facility, not more than one and a half hours before the  
22 start of the game and not after the end of the third quarter of  
23 the game, or in the Pavilion Facility on the campus of the  
24 University of Illinois at Chicago during games in which the  
25 WNBA professional women's basketball team is playing in that  
26 facility, not more than one and a half hours before the start

1 of the game and not after the 10-minute mark of the second half  
2 of the game, or by a catering establishment which has rented  
3 facilities from a board of trustees of a public community  
4 college district, or in a restaurant that is operated by a  
5 commercial tenant in the North Campus Parking Deck building  
6 that (1) is located at 1201 West University Avenue, Urbana,  
7 Illinois and (2) is owned by the Board of Trustees of the  
8 University of Illinois, or, if approved by the District board,  
9 on land owned by the Metropolitan Sanitary District of Greater  
10 Chicago and leased to others for a term of at least 20 years.  
11 Nothing in this Section precludes the sale or delivery of  
12 alcoholic liquor in the form of original packaged goods in  
13 premises located at 500 S. Racine in Chicago belonging to the  
14 University of Illinois and used primarily as a grocery store by  
15 a commercial tenant during the term of a lease that predates  
16 the University's acquisition of the premises; but the  
17 University shall have no power or authority to renew, transfer,  
18 or extend the lease with terms allowing the sale of alcoholic  
19 liquor; and the sale of alcoholic liquor shall be subject to  
20 all local laws and regulations. After the acquisition by  
21 Winnebago County of the property located at 404 Elm Street in  
22 Rockford, a commercial tenant who sold alcoholic liquor at  
23 retail on a portion of the property under a valid license at  
24 the time of the acquisition may continue to do so for so long  
25 as the tenant and the County may agree under existing or future  
26 leases, subject to all local laws and regulations regarding the



1 sale of alcoholic liquor. Alcoholic liquors may be delivered to  
2 and sold at Memorial Hall, located at 211 North Main Street,  
3 Rockford, under conditions approved by Winnebago County and  
4 subject to all local laws and regulations regarding the sale of  
5 alcoholic liquor. Each facility shall provide dram shop  
6 liability in maximum insurance coverage limits so as to save  
7 harmless the State, municipality, State university, airport,  
8 golf course, faculty center, facility in which conference and  
9 convention type activities take place, park district, Forest  
10 Preserve District, public community college district,  
11 aquarium, museum, or sanitary district from all financial loss,  
12 damage or harm. Alcoholic liquors may be sold at retail in  
13 buildings of golf courses owned by municipalities or Illinois  
14 State University in connection with the operation of an  
15 established food serving facility during times when food is  
16 dispensed for consumption upon the premises. Alcoholic liquors  
17 may be delivered to and sold at retail in any building owned by  
18 a fire protection district organized under the Fire Protection  
19 District Act, provided that such delivery and sale is approved  
20 by the board of trustees of the district, and provided further  
21 that such delivery and sale is limited to fundraising events  
22 and to a maximum of 6 events per year.

23 Alcoholic liquors may be served or sold in buildings under  
24 the control of the Board of Trustees of the University of  
25 Illinois for events that the Board may determine are public  
26 events and not related student activities. The Board of

1 Trustees shall issue a written policy within 6 months of the  
2 effective date of this amendatory Act of the 95th General  
3 Assembly concerning the types of events that would be eligible  
4 for an exemption. Thereafter, the Board of Trustees may issue  
5 revised, updated, new, or amended policies as it deems  
6 necessary and appropriate. In preparing its written policy, the  
7 Board of Trustees shall, among other factors it considers  
8 relevant and important, give consideration to the following:  
9 (i) whether the event is a student activity or student related  
10 activity; (ii) whether the physical setting of the event is  
11 conducive to control of liquor sales and distribution; (iii)  
12 the ability of the event operator to ensure that the sale or  
13 serving of alcoholic liquors and the demeanor of the  
14 participants are in accordance with State law and University  
15 policies; (iv) regarding the anticipated attendees at the  
16 event, the relative proportion of individuals under the age of  
17 21 to individuals age 21 or older; (v) the ability of the venue  
18 operator to prevent the sale or distribution of alcoholic  
19 liquors to individuals under the age of 21; (vi) whether the  
20 event prohibits participants from removing alcoholic beverages  
21 from the venue; and (vii) whether the event prohibits  
22 participants from providing their own alcoholic liquors to the  
23 venue. In addition, any policy submitted by the Board of  
24 Trustees to the Illinois Liquor Control Commission must require  
25 that any event at which alcoholic liquors are served or sold in  
26 buildings under the control of the Board of Trustees shall

1 require the prior written approval of the Office of the  
2 Chancellor for the University campus where the event is  
3 located. The Board of Trustees shall submit its policy, and any  
4 subsequently revised, updated, new, or amended policies, to the  
5 Illinois Liquor Control Commission, and any University event,  
6 or location for an event, exempted under such policies shall  
7 apply for a license under the applicable Sections of this Act.

8       Alcoholic liquors may be served or sold in buildings under  
9 the control of the Board of Trustees of Northern Illinois  
10 University for events that the Board may determine are public  
11 events and not student-related activities. The Board of  
12 Trustees shall issue a written policy within 6 months after  
13 June 28, 2011 (the effective date of Public Act 97-45) ~~this~~  
14 ~~amendatory Act of the 97th General Assembly~~ concerning the  
15 types of events that would be eligible for an exemption.  
16 Thereafter, the Board of Trustees may issue revised, updated,  
17 new, or amended policies as it deems necessary and appropriate.  
18 In preparing its written policy, the Board of Trustees shall,  
19 in addition to other factors it considers relevant and  
20 important, give consideration to the following: (i) whether the  
21 event is a student activity or student-related activity; (ii)  
22 whether the physical setting of the event is conducive to  
23 control of liquor sales and distribution; (iii) the ability of  
24 the event operator to ensure that the sale or serving of  
25 alcoholic liquors and the demeanor of the participants are in  
26 accordance with State law and University policies; (iv) the

1 anticipated attendees at the event and the relative proportion  
2 of individuals under the age of 21 to individuals age 21 or  
3 older; (v) the ability of the venue operator to prevent the  
4 sale or distribution of alcoholic liquors to individuals under  
5 the age of 21; (vi) whether the event prohibits participants  
6 from removing alcoholic beverages from the venue; and (vii)  
7 whether the event prohibits participants from providing their  
8 own alcoholic liquors to the venue.

9 Alcoholic liquor may be delivered to and sold at retail in  
10 the Dorchester Senior Business Center owned by the Village of  
11 Dolton if the alcoholic liquor is sold or dispensed only in  
12 connection with organized functions for which the planned  
13 attendance is 20 or more persons, and if the person or facility  
14 selling or dispensing the alcoholic liquor has provided dram  
15 shop liability insurance in maximum limits so as to hold  
16 harmless the Village of Dolton and the State from all financial  
17 loss, damage and harm.

18 Alcoholic liquors may be delivered to and sold at retail in  
19 any building used as an Illinois State Armory provided:

20 (i) the Adjutant General's written consent to the  
21 issuance of a license to sell alcoholic liquor in such  
22 building is filed with the Commission;

23 (ii) the alcoholic liquor is sold or dispensed only in  
24 connection with organized functions held on special  
25 occasions;

26 (iii) the organized function is one for which the

1           planned attendance is 25 or more persons; and

2           (iv) the facility selling or dispensing the alcoholic  
3           liquors has provided dram shop liability insurance in  
4           maximum limits so as to save harmless the facility and the  
5           State from all financial loss, damage or harm.

6           Alcoholic liquors may be delivered to and sold at retail in  
7           the Chicago Civic Center, provided that:

8           (i) the written consent of the Public Building  
9           Commission which administers the Chicago Civic Center is  
10          filed with the Commission;

11          (ii) the alcoholic liquor is sold or dispensed only in  
12          connection with organized functions held on special  
13          occasions;

14          (iii) the organized function is one for which the  
15          planned attendance is 25 or more persons;

16          (iv) the facility selling or dispensing the alcoholic  
17          liquors has provided dram shop liability insurance in  
18          maximum limits so as to hold harmless the Civic Center, the  
19          City of Chicago and the State from all financial loss,  
20          damage or harm; and

21          (v) all applicable local ordinances are complied with.

22          Alcoholic liquors may be delivered or sold in any building  
23          belonging to or under the control of any city, village or  
24          incorporated town where more than 75% of the physical  
25          properties of the building is used for commercial or  
26          recreational purposes, and the building is located upon a pier

1 extending into or over the waters of a navigable lake or stream  
2 or on the shore of a navigable lake or stream. In accordance  
3 with a license issued under this Act, alcoholic liquor may be  
4 sold, served, or delivered in buildings and facilities under  
5 the control of the Department of Natural Resources during  
6 events or activities lasting no more than 7 continuous days  
7 upon the written approval of the Director of Natural Resources  
8 acting as the controlling government authority. The Director of  
9 Natural Resources may specify conditions on that approval,  
10 including but not limited to requirements for insurance and  
11 hours of operation. Notwithstanding any other provision of this  
12 Act, alcoholic liquor sold by a United States Army Corps of  
13 Engineers or Department of Natural Resources concessionaire  
14 who was operating on June 1, 1991 for on-premises consumption  
15 only is not subject to the provisions of Articles IV and IX.  
16 Beer and wine may be sold on the premises of the Joliet Park  
17 District Stadium owned by the Joliet Park District when written  
18 consent to the issuance of a license to sell beer and wine in  
19 such premises is filed with the local liquor commissioner by  
20 the Joliet Park District. Beer and wine may be sold in  
21 buildings on the grounds of State veterans' homes when written  
22 consent to the issuance of a license to sell beer and wine in  
23 such buildings is filed with the Commission by the Department  
24 of Veterans' Affairs, and the facility shall provide dram shop  
25 liability in maximum insurance coverage limits so as to save  
26 the facility harmless from all financial loss, damage or harm.

1 Such liquors may be delivered to and sold at any property owned  
2 or held under lease by a Metropolitan Pier and Exposition  
3 Authority or Metropolitan Exposition and Auditorium Authority.

4 Beer and wine may be sold and dispensed at professional  
5 sporting events and at professional concerts and other  
6 entertainment events conducted on premises owned by the Forest  
7 Preserve District of Kane County, subject to the control of the  
8 District Commissioners and applicable local law, provided that  
9 dram shop liability insurance is provided at maximum coverage  
10 limits so as to hold the District harmless from all financial  
11 loss, damage and harm.

12 Nothing in this Section shall preclude the sale or delivery  
13 of beer and wine at a State or county fair or the sale or  
14 delivery of beer or wine at a city fair in any otherwise lawful  
15 manner.

16 Alcoholic liquors may be sold at retail in buildings in  
17 State parks under the control of the Department of Natural  
18 Resources, provided:

19 a. the State park has overnight lodging facilities with  
20 some restaurant facilities or, not having overnight  
21 lodging facilities, has restaurant facilities which serve  
22 complete luncheon and dinner or supper meals,

23 b. consent to the issuance of a license to sell  
24 alcoholic liquors in the buildings has been filed with the  
25 commission by the Department of Natural Resources, and

26 c. the alcoholic liquors are sold by the State park

1 lodge or restaurant concessionaire only during the hours  
2 from 11 o'clock a.m. until 12 o'clock midnight.  
3 Notwithstanding any other provision of this Act, alcoholic  
4 liquor sold by the State park or restaurant concessionaire  
5 is not subject to the provisions of Articles IV and IX.

6 Alcoholic liquors may be sold at retail in buildings on  
7 properties under the control of the Historic Sites and  
8 Preservation Division of the Historic Preservation Agency or  
9 the Abraham Lincoln Presidential Library and Museum provided:

10 a. the property has overnight lodging facilities with  
11 some restaurant facilities or, not having overnight  
12 lodging facilities, has restaurant facilities which serve  
13 complete luncheon and dinner or supper meals,

14 b. consent to the issuance of a license to sell  
15 alcoholic liquors in the buildings has been filed with the  
16 commission by the Historic Sites and Preservation Division  
17 of the Historic Preservation Agency or the Abraham Lincoln  
18 Presidential Library and Museum, and

19 c. the alcoholic liquors are sold by the lodge or  
20 restaurant concessionaire only during the hours from 11  
21 o'clock a.m. until 12 o'clock midnight.

22 The sale of alcoholic liquors pursuant to this Section does  
23 not authorize the establishment and operation of facilities  
24 commonly called taverns, saloons, bars, cocktail lounges, and  
25 the like except as a part of lodge and restaurant facilities in  
26 State parks or golf courses owned by Forest Preserve Districts



1 with a population of less than 3,000,000 or municipalities or  
2 park districts.

3 Alcoholic liquors may be sold at retail in the Springfield  
4 Administration Building of the Department of Transportation  
5 and the Illinois State Armory in Springfield; provided, that  
6 the controlling government authority may consent to such sales  
7 only if

8 a. the request is from a not-for-profit organization;

9 b. such sales would not impede normal operations of the  
10 departments involved;

11 c. the not-for-profit organization provides dram shop  
12 liability in maximum insurance coverage limits and agrees  
13 to defend, save harmless and indemnify the State of  
14 Illinois from all financial loss, damage or harm;

15 d. no such sale shall be made during normal working  
16 hours of the State of Illinois; and

17 e. the consent is in writing.

18 Alcoholic liquors may be sold at retail in buildings in  
19 recreational areas of river conservancy districts under the  
20 control of, or leased from, the river conservancy districts.  
21 Such sales are subject to reasonable local regulations as  
22 provided in Article IV; however, no such regulations may  
23 prohibit or substantially impair the sale of alcoholic liquors  
24 on Sundays or Holidays.

25 Alcoholic liquors may be provided in long term care  
26 facilities owned or operated by a county under Division 5-21 or

1 5-22 of the Counties Code, when approved by the facility  
2 operator and not in conflict with the regulations of the  
3 Illinois Department of Public Health, to residents of the  
4 facility who have had their consumption of the alcoholic  
5 liquors provided approved in writing by a physician licensed to  
6 practice medicine in all its branches.

7 Alcoholic liquors may be delivered to and dispensed in  
8 State housing assigned to employees of the Department of  
9 Corrections. No person shall furnish or allow to be furnished  
10 any alcoholic liquors to any prisoner confined in any jail,  
11 reformatory, prison or house of correction except upon a  
12 physician's prescription for medicinal purposes.

13 Alcoholic liquors may be sold at retail or dispensed at the  
14 Willard Ice Building in Springfield, at the State Library in  
15 Springfield, and at Illinois State Museum facilities by (1) an  
16 agency of the State, whether legislative, judicial or  
17 executive, provided that such agency first obtains written  
18 permission to sell or dispense alcoholic liquors from the  
19 controlling government authority, or by (2) a not-for-profit  
20 organization, provided that such organization:

21 a. Obtains written consent from the controlling  
22 government authority;

23 b. Sells or dispenses the alcoholic liquors in a manner  
24 that does not impair normal operations of State offices  
25 located in the building;

26 c. Sells or dispenses alcoholic liquors only in

1 connection with an official activity in the building;

2 d. Provides, or its catering service provides, dram  
3 shop liability insurance in maximum coverage limits and in  
4 which the carrier agrees to defend, save harmless and  
5 indemnify the State of Illinois from all financial loss,  
6 damage or harm arising out of the selling or dispensing of  
7 alcoholic liquors.

8 Nothing in this Act shall prevent a not-for-profit  
9 organization or agency of the State from employing the services  
10 of a catering establishment for the selling or dispensing of  
11 alcoholic liquors at authorized functions.

12 The controlling government authority for the Willard Ice  
13 Building in Springfield shall be the Director of the Department  
14 of Revenue. The controlling government authority for Illinois  
15 State Museum facilities shall be the Director of the Illinois  
16 State Museum. The controlling government authority for the  
17 State Library in Springfield shall be the Secretary of State.

18 Alcoholic liquors may be delivered to and sold at retail or  
19 dispensed at any facility, property or building under the  
20 jurisdiction of the Historic Sites and Preservation Division of  
21 the Historic Preservation Agency or the Abraham Lincoln  
22 Presidential Library and Museum where the delivery, sale or  
23 dispensing is by (1) an agency of the State, whether  
24 legislative, judicial or executive, provided that such agency  
25 first obtains written permission to sell or dispense alcoholic  
26 liquors from a controlling government authority, or by (2) an

1 individual or organization provided that such individual or  
2 organization:

3 a. Obtains written consent from the controlling  
4 government authority;

5 b. Sells or dispenses the alcoholic liquors in a manner  
6 that does not impair normal workings of State offices or  
7 operations located at the facility, property or building;

8 c. Sells or dispenses alcoholic liquors only in  
9 connection with an official activity of the individual or  
10 organization in the facility, property or building;

11 d. Provides, or its catering service provides, dram  
12 shop liability insurance in maximum coverage limits and in  
13 which the carrier agrees to defend, save harmless and  
14 indemnify the State of Illinois from all financial loss,  
15 damage or harm arising out of the selling or dispensing of  
16 alcoholic liquors.

17 The controlling government authority for the Historic  
18 Sites and Preservation Division of the Historic Preservation  
19 Agency shall be the Director of the Historic Sites and  
20 Preservation, and the controlling government authority for the  
21 Abraham Lincoln Presidential Library and Museum shall be the  
22 Director of the Abraham Lincoln Presidential Library and  
23 Museum.

24 Alcoholic liquors may be delivered to and sold at retail or  
25 dispensed for consumption at the Michael Bilandic Building at  
26 160 North LaSalle Street, Chicago IL 60601, after the normal

1 business hours of any day care or child care facility located  
2 in the building, by (1) a commercial tenant or subtenant  
3 conducting business on the premises under a lease made pursuant  
4 to Section 405-315 of the Department of Central Management  
5 Services Law (20 ILCS 405/405-315), provided that such tenant  
6 or subtenant who accepts delivery of, sells, or dispenses  
7 alcoholic liquors shall procure and maintain dram shop  
8 liability insurance in maximum coverage limits and in which the  
9 carrier agrees to defend, indemnify, and save harmless the  
10 State of Illinois from all financial loss, damage, or harm  
11 arising out of the delivery, sale, or dispensing of alcoholic  
12 liquors, or by (2) an agency of the State, whether legislative,  
13 judicial, or executive, provided that such agency first obtains  
14 written permission to accept delivery of and sell or dispense  
15 alcoholic liquors from the Director of Central Management  
16 Services, or by (3) a not-for-profit organization, provided  
17 that such organization:

18 a. obtains written consent from the Department of  
19 Central Management Services;

20 b. accepts delivery of and sells or dispenses the  
21 alcoholic liquors in a manner that does not impair normal  
22 operations of State offices located in the building;

23 c. accepts delivery of and sells or dispenses alcoholic  
24 liquors only in connection with an official activity in the  
25 building; and

26 d. provides, or its catering service provides, dram

1 shop liability insurance in maximum coverage limits and in  
2 which the carrier agrees to defend, save harmless, and  
3 indemnify the State of Illinois from all financial loss,  
4 damage, or harm arising out of the selling or dispensing of  
5 alcoholic liquors.

6 Nothing in this Act shall prevent a not-for-profit  
7 organization or agency of the State from employing the services  
8 of a catering establishment for the selling or dispensing of  
9 alcoholic liquors at functions authorized by the Director of  
10 Central Management Services.

11 Alcoholic liquors may be sold at retail or dispensed at the  
12 James R. Thompson Center in Chicago, subject to the provisions  
13 of Section 7.4 of the State Property Control Act, and 222 South  
14 College Street in Springfield, Illinois by (1) a commercial  
15 tenant or subtenant conducting business on the premises under a  
16 lease or sublease made pursuant to Section 405-315 of the  
17 Department of Central Management Services Law (20 ILCS  
18 405/405-315), provided that such tenant or subtenant who sells  
19 or dispenses alcoholic liquors shall procure and maintain dram  
20 shop liability insurance in maximum coverage limits and in  
21 which the carrier agrees to defend, indemnify and save harmless  
22 the State of Illinois from all financial loss, damage or harm  
23 arising out of the sale or dispensing of alcoholic liquors, or  
24 by (2) an agency of the State, whether legislative, judicial or  
25 executive, provided that such agency first obtains written  
26 permission to sell or dispense alcoholic liquors from the

1 Director of Central Management Services, or by (3) a  
2 not-for-profit organization, provided that such organization:

3 a. Obtains written consent from the Department of  
4 Central Management Services;

5 b. Sells or dispenses the alcoholic liquors in a manner  
6 that does not impair normal operations of State offices  
7 located in the building;

8 c. Sells or dispenses alcoholic liquors only in  
9 connection with an official activity in the building;

10 d. Provides, or its catering service provides, dram  
11 shop liability insurance in maximum coverage limits and in  
12 which the carrier agrees to defend, save harmless and  
13 indemnify the State of Illinois from all financial loss,  
14 damage or harm arising out of the selling or dispensing of  
15 alcoholic liquors.

16 Nothing in this Act shall prevent a not-for-profit  
17 organization or agency of the State from employing the services  
18 of a catering establishment for the selling or dispensing of  
19 alcoholic liquors at functions authorized by the Director of  
20 Central Management Services.

21 Alcoholic liquors may be sold or delivered at any facility  
22 owned by the Illinois Sports Facilities Authority provided that  
23 dram shop liability insurance has been made available in a  
24 form, with such coverage and in such amounts as the Authority  
25 reasonably determines is necessary.

26 Alcoholic liquors may be sold at retail or dispensed at the

1 Rockford State Office Building by (1) an agency of the State,  
2 whether legislative, judicial or executive, provided that such  
3 agency first obtains written permission to sell or dispense  
4 alcoholic liquors from the Department of Central Management  
5 Services, or by (2) a not-for-profit organization, provided  
6 that such organization:

7 a. Obtains written consent from the Department of  
8 Central Management Services;

9 b. Sells or dispenses the alcoholic liquors in a manner  
10 that does not impair normal operations of State offices  
11 located in the building;

12 c. Sells or dispenses alcoholic liquors only in  
13 connection with an official activity in the building;

14 d. Provides, or its catering service provides, dram  
15 shop liability insurance in maximum coverage limits and in  
16 which the carrier agrees to defend, save harmless and  
17 indemnify the State of Illinois from all financial loss,  
18 damage or harm arising out of the selling or dispensing of  
19 alcoholic liquors.

20 Nothing in this Act shall prevent a not-for-profit  
21 organization or agency of the State from employing the services  
22 of a catering establishment for the selling or dispensing of  
23 alcoholic liquors at functions authorized by the Department of  
24 Central Management Services.

25 Alcoholic liquors may be sold or delivered in a building  
26 that is owned by McLean County, situated on land owned by the



1 county in the City of Bloomington, and used by the McLean  
2 County Historical Society if the sale or delivery is approved  
3 by an ordinance adopted by the county board, and the  
4 municipality in which the building is located may not prohibit  
5 that sale or delivery, notwithstanding any other provision of  
6 this Section. The regulation of the sale and delivery of  
7 alcoholic liquor in a building that is owned by McLean County,  
8 situated on land owned by the county, and used by the McLean  
9 County Historical Society as provided in this paragraph is an  
10 exclusive power and function of the State and is a denial and  
11 limitation under Article VII, Section 6, subsection (h) of the  
12 Illinois Constitution of the power of a home rule municipality  
13 to regulate that sale and delivery.

14 Alcoholic liquors may be sold or delivered in any building  
15 situated on land held in trust for any school district  
16 organized under Article 34 of the School Code, if the building  
17 is not used for school purposes and if the sale or delivery is  
18 approved by the board of education.

19 Alcoholic liquors may be sold or delivered in buildings  
20 owned by the Community Building Complex Committee of Boone  
21 County, Illinois if the person or facility selling or  
22 dispensing the alcoholic liquor has provided dram shop  
23 liability insurance with coverage and in amounts that the  
24 Committee reasonably determines are necessary.

25 Alcoholic liquors may be sold or delivered in the building  
26 located at 1200 Centerville Avenue in Belleville, Illinois and

1 occupied by either the Belleville Area Special Education  
2 District or the Belleville Area Special Services Cooperative.

3 Alcoholic liquors may be delivered to and sold at the Louis  
4 Joliet Renaissance Center, City Center Campus, located at 214  
5 N. Ottawa Street, Joliet, and the Food Services/Culinary Arts  
6 Department facilities, Main Campus, located at 1215 Houbolt  
7 Road, Joliet, owned by or under the control of Joliet Junior  
8 College, Illinois Community College District No. 525.

9 Alcoholic liquors may be delivered to and sold at Triton  
10 College, Illinois Community College District No. 504.

11 Alcoholic liquors may be delivered to and sold at the  
12 College of DuPage, Illinois Community College District No. 502.

13 Alcoholic liquors may be delivered to and sold at the  
14 building located at 446 East Hickory Avenue in Apple River,  
15 Illinois, owned by the Apple River Fire Protection District,  
16 and occupied by the Apple River Community Association if the  
17 alcoholic liquor is sold or dispensed only in connection with  
18 organized functions approved by the Apple River Community  
19 Association for which the planned attendance is 20 or more  
20 persons and if the person or facility selling or dispensing the  
21 alcoholic liquor has provided dram shop liability insurance in  
22 maximum limits so as to hold harmless the Apple River Fire  
23 Protection District, the Village of Apple River, and the Apple  
24 River Community Association from all financial loss, damage,  
25 and harm.

26 Alcoholic liquors may be delivered to and sold at the Sikia

1 Restaurant, Kennedy King College Campus, located at 740 West  
2 63rd Street, Chicago, and at the Food Services in the Great  
3 Hall/Washburne Culinary Institute Department facility, Kennedy  
4 King College Campus, located at 740 West 63rd Street, Chicago,  
5 owned by or under the control of City Colleges of Chicago,  
6 Illinois Community College District No. 508.  
7 (Source: P.A. 97-33, eff. 6-28-11; 97-45, eff. 6-28-11; 97-51,  
8 eff. 6-28-11; 97-167, eff. 7-22-11; 97-250, eff. 8-4-11;  
9 97-395, eff. 8-16-11; revised 10-4-11.)

10 Section 490. The Illinois Public Aid Code is amended by  
11 changing Sections 4-1, 5-2, 5-5.4, 5-5.7, 5-5.12, 5-6, 5B-1,  
12 5B-4, 5B-5, 5E-5, 8A-11, and 12-4.42 as follows:

13 (305 ILCS 5/4-1) (from Ch. 23, par. 4-1)

14 Sec. 4-1. Eligibility requirements. Financial aid in  
15 meeting basic maintenance requirements for a livelihood  
16 compatible with health and well-being shall be given under this  
17 Article to or in behalf of families with dependent children who  
18 meet the eligibility conditions of Sections 4-1.1 through  
19 4-1.12 ~~4-1.11~~. It shall be the policy of the Illinois  
20 Department to provide aid under this Article to all qualified  
21 persons who seek assistance and to conduct outreach efforts to  
22 educate the public about the program. The Department shall  
23 provide timely, accurate, and fair service to all applicants  
24 for assistance. Persons who meet the eligibility criteria

1 authorized under this Article shall be treated equally,  
2 provided that nothing in this Article shall be construed to  
3 create an entitlement to a particular grant or service level or  
4 to aid in amounts not authorized under this Code, nor construed  
5 to limit the authority of the General Assembly to change the  
6 eligibility requirements or provisions respecting assistance  
7 amounts. The General Assembly recognizes that the need for aid  
8 will fluctuate with the economic situation in Illinois and that  
9 at times the number of people receiving aid under this Article  
10 will increase.

11 The Illinois Department shall advise every applicant for  
12 and recipient of aid under this Article of (i) the requirement  
13 that all recipients move toward self-sufficiency and (ii) the  
14 value and benefits of employment. As a condition of eligibility  
15 for that aid, every person who applies for aid under this  
16 Article on or after the effective date of this amendatory Act  
17 of 1995 shall prepare and submit, as part of the application or  
18 subsequent redetermination, a personal plan for achieving  
19 employment and self-sufficiency. The plan shall incorporate  
20 the individualized assessment and employability plan set out in  
21 subsections (d), (f), and (g) of Section 9A-8. The plan may be  
22 amended as the recipient's needs change. The assessment process  
23 to develop the plan shall include questions that screen for  
24 domestic violence issues and steps needed to address these  
25 issues may be part of the plan. If the individual indicates  
26 that he or she is a victim of domestic violence, he or she may

1 also be referred to an available domestic violence program.  
2 Failure of the client to follow through on the personal plan  
3 for employment and self-sufficiency may be a basis for sanction  
4 under Section 4-21.

5 (Source: P.A. 96-866, eff. 7-1-10; revised 11-18-11.)

6 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

7 Sec. 5-2. Classes of Persons Eligible. Medical assistance  
8 under this Article shall be available to any of the following  
9 classes of persons in respect to whom a plan for coverage has  
10 been submitted to the Governor by the Illinois Department and  
11 approved by him:

12 1. Recipients of basic maintenance grants under  
13 Articles III and IV.

14 2. Persons otherwise eligible for basic maintenance  
15 under Articles III and IV, excluding any eligibility  
16 requirements that are inconsistent with any federal law or  
17 federal regulation, as interpreted by the U.S. Department  
18 of Health and Human Services, but who fail to qualify  
19 thereunder on the basis of need or who qualify but are not  
20 receiving basic maintenance under Article IV, and who have  
21 insufficient income and resources to meet the costs of  
22 necessary medical care, including but not limited to the  
23 following:

24 (a) All persons otherwise eligible for basic  
25 maintenance under Article III but who fail to qualify

1 under that Article on the basis of need and who meet  
2 either of the following requirements:

3 (i) their income, as determined by the  
4 Illinois Department in accordance with any federal  
5 requirements, is equal to or less than 70% in  
6 fiscal year 2001, equal to or less than 85% in  
7 fiscal year 2002 and until a date to be determined  
8 by the Department by rule, and equal to or less  
9 than 100% beginning on the date determined by the  
10 Department by rule, of the nonfarm income official  
11 poverty line, as defined by the federal Office of  
12 Management and Budget and revised annually in  
13 accordance with Section 673(2) of the Omnibus  
14 Budget Reconciliation Act of 1981, applicable to  
15 families of the same size; or

16 (ii) their income, after the deduction of  
17 costs incurred for medical care and for other types  
18 of remedial care, is equal to or less than 70% in  
19 fiscal year 2001, equal to or less than 85% in  
20 fiscal year 2002 and until a date to be determined  
21 by the Department by rule, and equal to or less  
22 than 100% beginning on the date determined by the  
23 Department by rule, of the nonfarm income official  
24 poverty line, as defined in item (i) of this  
25 subparagraph (a).

26 (b) All persons who, excluding any eligibility

1 requirements that are inconsistent with any federal  
2 law or federal regulation, as interpreted by the U.S.  
3 Department of Health and Human Services, would be  
4 determined eligible for such basic maintenance under  
5 Article IV by disregarding the maximum earned income  
6 permitted by federal law.

7 3. Persons who would otherwise qualify for Aid to the  
8 Medically Indigent under Article VII.

9 4. Persons not eligible under any of the preceding  
10 paragraphs who fall sick, are injured, or die, not having  
11 sufficient money, property or other resources to meet the  
12 costs of necessary medical care or funeral and burial  
13 expenses.

14 5.(a) Women during pregnancy, after the fact of  
15 pregnancy has been determined by medical diagnosis, and  
16 during the 60-day period beginning on the last day of the  
17 pregnancy, together with their infants and children born  
18 after September 30, 1983, whose income and resources are  
19 insufficient to meet the costs of necessary medical care to  
20 the maximum extent possible under Title XIX of the Federal  
21 Social Security Act.

22 (b) The Illinois Department and the Governor shall  
23 provide a plan for coverage of the persons eligible under  
24 paragraph 5(a) by April 1, 1990. Such plan shall provide  
25 ambulatory prenatal care to pregnant women during a  
26 presumptive eligibility period and establish an income

1 eligibility standard that is equal to 133% of the nonfarm  
2 income official poverty line, as defined by the federal  
3 Office of Management and Budget and revised annually in  
4 accordance with Section 673(2) of the Omnibus Budget  
5 Reconciliation Act of 1981, applicable to families of the  
6 same size, provided that costs incurred for medical care  
7 are not taken into account in determining such income  
8 eligibility.

9 (c) The Illinois Department may conduct a  
10 demonstration in at least one county that will provide  
11 medical assistance to pregnant women, together with their  
12 infants and children up to one year of age, where the  
13 income eligibility standard is set up to 185% of the  
14 nonfarm income official poverty line, as defined by the  
15 federal Office of Management and Budget. The Illinois  
16 Department shall seek and obtain necessary authorization  
17 provided under federal law to implement such a  
18 demonstration. Such demonstration may establish resource  
19 standards that are not more restrictive than those  
20 established under Article IV of this Code.

21 6. Persons under the age of 18 who fail to qualify as  
22 dependent under Article IV and who have insufficient income  
23 and resources to meet the costs of necessary medical care  
24 to the maximum extent permitted under Title XIX of the  
25 Federal Social Security Act.

26 7. Persons who are under 21 years of age and would



1           qualify as disabled as defined under the Federal  
2           Supplemental Security Income Program, provided medical  
3           service for such persons would be eligible for Federal  
4           Financial Participation, and provided the Illinois  
5           Department determines that:

6                   (a) the person requires a level of care provided by  
7                   a hospital, skilled nursing facility, or intermediate  
8                   care facility, as determined by a physician licensed to  
9                   practice medicine in all its branches;

10                   (b) it is appropriate to provide such care outside  
11                   of an institution, as determined by a physician  
12                   licensed to practice medicine in all its branches;

13                   (c) the estimated amount which would be expended  
14                   for care outside the institution is not greater than  
15                   the estimated amount which would be expended in an  
16                   institution.

17           8. Persons who become ineligible for basic maintenance  
18           assistance under Article IV of this Code in programs  
19           administered by the Illinois Department due to employment  
20           earnings and persons in assistance units comprised of  
21           adults and children who become ineligible for basic  
22           maintenance assistance under Article VI of this Code due to  
23           employment earnings. The plan for coverage for this class  
24           of persons shall:

25                   (a) extend the medical assistance coverage for up  
26                   to 12 months following termination of basic

1 maintenance assistance; and

2 (b) offer persons who have initially received 6  
3 months of the coverage provided in paragraph (a) above,  
4 the option of receiving an additional 6 months of  
5 coverage, subject to the following:

6 (i) such coverage shall be pursuant to  
7 provisions of the federal Social Security Act;

8 (ii) such coverage shall include all services  
9 covered while the person was eligible for basic  
10 maintenance assistance;

11 (iii) no premium shall be charged for such  
12 coverage; and

13 (iv) such coverage shall be suspended in the  
14 event of a person's failure without good cause to  
15 file in a timely fashion reports required for this  
16 coverage under the Social Security Act and  
17 coverage shall be reinstated upon the filing of  
18 such reports if the person remains otherwise  
19 eligible.

20 9. Persons with acquired immunodeficiency syndrome  
21 (AIDS) or with AIDS-related conditions with respect to whom  
22 there has been a determination that but for home or  
23 community-based services such individuals would require  
24 the level of care provided in an inpatient hospital,  
25 skilled nursing facility or intermediate care facility the  
26 cost of which is reimbursed under this Article. Assistance

1 shall be provided to such persons to the maximum extent  
2 permitted under Title XIX of the Federal Social Security  
3 Act.

4 10. Participants in the long-term care insurance  
5 partnership program established under the Illinois  
6 Long-Term Care Partnership Program Act who meet the  
7 qualifications for protection of resources described in  
8 Section 15 of that Act.

9 11. Persons with disabilities who are employed and  
10 eligible for Medicaid, pursuant to Section  
11 1902(a)(10)(A)(ii)(xv) of the Social Security Act, and,  
12 subject to federal approval, persons with a medically  
13 improved disability who are employed and eligible for  
14 Medicaid pursuant to Section 1902(a)(10)(A)(ii)(xvi) of  
15 the Social Security Act, as provided by the Illinois  
16 Department by rule. In establishing eligibility standards  
17 under this paragraph 11, the Department shall, subject to  
18 federal approval:

19 (a) set the income eligibility standard at not  
20 lower than 350% of the federal poverty level;

21 (b) exempt retirement accounts that the person  
22 cannot access without penalty before the age of 59 1/2,  
23 and medical savings accounts established pursuant to  
24 26 U.S.C. 220;

25 (c) allow non-exempt assets up to \$25,000 as to  
26 those assets accumulated during periods of eligibility

1 under this paragraph 11; and

2 (d) continue to apply subparagraphs (b) and (c) in  
3 determining the eligibility of the person under this  
4 Article even if the person loses eligibility under this  
5 paragraph 11.

6 12. Subject to federal approval, persons who are  
7 eligible for medical assistance coverage under applicable  
8 provisions of the federal Social Security Act and the  
9 federal Breast and Cervical Cancer Prevention and  
10 Treatment Act of 2000. Those eligible persons are defined  
11 to include, but not be limited to, the following persons:

12 (1) persons who have been screened for breast or  
13 cervical cancer under the U.S. Centers for Disease  
14 Control and Prevention Breast and Cervical Cancer  
15 Program established under Title XV of the federal  
16 Public Health Services Act in accordance with the  
17 requirements of Section 1504 of that Act as  
18 administered by the Illinois Department of Public  
19 Health; and

20 (2) persons whose screenings under the above  
21 program were funded in whole or in part by funds  
22 appropriated to the Illinois Department of Public  
23 Health for breast or cervical cancer screening.

24 "Medical assistance" under this paragraph 12 shall be  
25 identical to the benefits provided under the State's  
26 approved plan under Title XIX of the Social Security Act.

1           The Department must request federal approval of the  
2 coverage under this paragraph 12 within 30 days after the  
3 effective date of this amendatory Act of the 92nd General  
4 Assembly.

5           In addition to the persons who are eligible for medical  
6 assistance pursuant to subparagraphs (1) and (2) of this  
7 paragraph 12, and to be paid from funds appropriated to the  
8 Department for its medical programs, any uninsured person  
9 as defined by the Department in rules residing in Illinois  
10 who is younger than 65 years of age, who has been screened  
11 for breast and cervical cancer in accordance with standards  
12 and procedures adopted by the Department of Public Health  
13 for screening, and who is referred to the Department by the  
14 Department of Public Health as being in need of treatment  
15 for breast or cervical cancer is eligible for medical  
16 assistance benefits that are consistent with the benefits  
17 provided to those persons described in subparagraphs (1)  
18 and (2). Medical assistance coverage for the persons who  
19 are eligible under the preceding sentence is not dependent  
20 on federal approval, but federal moneys may be used to pay  
21 for services provided under that coverage upon federal  
22 approval.

23           13. Subject to appropriation and to federal approval,  
24 persons living with HIV/AIDS who are not otherwise eligible  
25 under this Article and who qualify for services covered  
26 under Section 5-5.04 as provided by the Illinois Department

1 by rule.

2 14. Subject to the availability of funds for this  
3 purpose, the Department may provide coverage under this  
4 Article to persons who reside in Illinois who are not  
5 eligible under any of the preceding paragraphs and who meet  
6 the income guidelines of paragraph 2(a) of this Section and  
7 (i) have an application for asylum pending before the  
8 federal Department of Homeland Security or on appeal before  
9 a court of competent jurisdiction and are represented  
10 either by counsel or by an advocate accredited by the  
11 federal Department of Homeland Security and employed by a  
12 not-for-profit organization in regard to that application  
13 or appeal, or (ii) are receiving services through a  
14 federally funded torture treatment center. Medical  
15 coverage under this paragraph 14 may be provided for up to  
16 24 continuous months from the initial eligibility date so  
17 long as an individual continues to satisfy the criteria of  
18 this paragraph 14. If an individual has an appeal pending  
19 regarding an application for asylum before the Department  
20 of Homeland Security, eligibility under this paragraph 14  
21 may be extended until a final decision is rendered on the  
22 appeal. The Department may adopt rules governing the  
23 implementation of this paragraph 14.

24 15. Family Care Eligibility.

25 (a) Through December 31, 2013, a caretaker  
26 relative who is 19 years of age or older when countable

1 income is at or below 185% of the Federal Poverty Level  
2 Guidelines, as published annually in the Federal  
3 Register, for the appropriate family size. Beginning  
4 January 1, 2014, a caretaker relative who is 19 years  
5 of age or older when countable income is at or below  
6 133% of the Federal Poverty Level Guidelines, as  
7 published annually in the Federal Register, for the  
8 appropriate family size. A person may not spend down to  
9 become eligible under this paragraph 15.

10 (b) Eligibility shall be reviewed annually.

11 (c) Caretaker relatives enrolled under this  
12 paragraph 15 in families with countable income above  
13 150% and at or below 185% of the Federal Poverty Level  
14 Guidelines shall be counted as family members and pay  
15 premiums as established under the Children's Health  
16 Insurance Program Act.

17 (d) Premiums shall be billed by and payable to the  
18 Department or its authorized agent, on a monthly basis.

19 (e) The premium due date is the last day of the  
20 month preceding the month of coverage.

21 (f) Individuals shall have a grace period through  
22 60 days of coverage to pay the premium.

23 (g) Failure to pay the full monthly premium by the  
24 last day of the grace period shall result in  
25 termination of coverage.

26 (h) Partial premium payments shall not be

1           refunded.

2           (i) Following termination of an individual's  
3 coverage under this paragraph 15, the following action  
4 is required before the individual can be re-enrolled:

5                   (1) A new application must be completed and the  
6 individual must be determined otherwise eligible.

7                   (2) There must be full payment of premiums due  
8 under this Code, the Children's Health Insurance  
9 Program Act, the Covering ALL KIDS Health  
10 Insurance Act, or any other healthcare program  
11 administered by the Department for periods in  
12 which a premium was owed and not paid for the  
13 individual.

14                   (3) The first month's premium must be paid if  
15 there was an unpaid premium on the date the  
16 individual's previous coverage was canceled.

17           The Department is authorized to implement the  
18 provisions of this amendatory Act of the 95th General  
19 Assembly by adopting the medical assistance rules in effect  
20 as of October 1, 2007, at 89 Ill. Admin. Code 125, and at  
21 89 Ill. Admin. Code 120.32 along with only those changes  
22 necessary to conform to federal Medicaid requirements,  
23 federal laws, and federal regulations, including but not  
24 limited to Section 1931 of the Social Security Act (42  
25 U.S.C. Sec. 1396u-1), as interpreted by the U.S. Department  
26 of Health and Human Services, and the countable income



1 eligibility standard authorized by this paragraph 15. The  
2 Department may not otherwise adopt any rule to implement  
3 this increase except as authorized by law, to meet the  
4 eligibility standards authorized by the federal government  
5 in the Medicaid State Plan or the Title XXI Plan, or to  
6 meet an order from the federal government or any court.

7 16. Subject to appropriation, uninsured persons who  
8 are not otherwise eligible under this Section who have been  
9 certified and referred by the Department of Public Health  
10 as having been screened and found to need diagnostic  
11 evaluation or treatment, or both diagnostic evaluation and  
12 treatment, for prostate or testicular cancer. For the  
13 purposes of this paragraph 16, uninsured persons are those  
14 who do not have creditable coverage, as defined under the  
15 Health Insurance Portability and Accountability Act, or  
16 have otherwise exhausted any insurance benefits they may  
17 have had, for prostate or testicular cancer diagnostic  
18 evaluation or treatment, or both diagnostic evaluation and  
19 treatment. To be eligible, a person must furnish a Social  
20 Security number. A person's assets are exempt from  
21 consideration in determining eligibility under this  
22 paragraph 16. Such persons shall be eligible for medical  
23 assistance under this paragraph 16 for so long as they need  
24 treatment for the cancer. A person shall be considered to  
25 need treatment if, in the opinion of the person's treating  
26 physician, the person requires therapy directed toward

1 cure or palliation of prostate or testicular cancer,  
2 including recurrent metastatic cancer that is a known or  
3 presumed complication of prostate or testicular cancer and  
4 complications resulting from the treatment modalities  
5 themselves. Persons who require only routine monitoring  
6 services are not considered to need treatment. "Medical  
7 assistance" under this paragraph 16 shall be identical to  
8 the benefits provided under the State's approved plan under  
9 Title XIX of the Social Security Act. Notwithstanding any  
10 other provision of law, the Department (i) does not have a  
11 claim against the estate of a deceased recipient of  
12 services under this paragraph 16 and (ii) does not have a  
13 lien against any homestead property or other legal or  
14 equitable real property interest owned by a recipient of  
15 services under this paragraph 16.

16 In implementing the provisions of Public Act 96-20, the  
17 Department is authorized to adopt only those rules necessary,  
18 including emergency rules. Nothing in Public Act 96-20 permits  
19 the Department to adopt rules or issue a decision that expands  
20 eligibility for the FamilyCare Program to a person whose income  
21 exceeds 185% of the Federal Poverty Level as determined from  
22 time to time by the U.S. Department of Health and Human  
23 Services, unless the Department is provided with express  
24 statutory authority.

25 The Illinois Department and the Governor shall provide a  
26 plan for coverage of the persons eligible under paragraph 7 as

1 soon as possible after July 1, 1984.

2 The eligibility of any such person for medical assistance  
3 under this Article is not affected by the payment of any grant  
4 under the Senior Citizens and Disabled Persons Property Tax  
5 Relief and Pharmaceutical Assistance Act or any distributions  
6 or items of income described under subparagraph (X) of  
7 paragraph (2) of subsection (a) of Section 203 of the Illinois  
8 Income Tax Act. The Department shall by rule establish the  
9 amounts of assets to be disregarded in determining eligibility  
10 for medical assistance, which shall at a minimum equal the  
11 amounts to be disregarded under the Federal Supplemental  
12 Security Income Program. The amount of assets of a single  
13 person to be disregarded shall not be less than \$2,000, and the  
14 amount of assets of a married couple to be disregarded shall  
15 not be less than \$3,000.

16 To the extent permitted under federal law, any person found  
17 guilty of a second violation of Article VIIIA shall be  
18 ineligible for medical assistance under this Article, as  
19 provided in Section 8A-8.

20 The eligibility of any person for medical assistance under  
21 this Article shall not be affected by the receipt by the person  
22 of donations or benefits from fundraisers held for the person  
23 in cases of serious illness, as long as neither the person nor  
24 members of the person's family have actual control over the  
25 donations or benefits or the disbursement of the donations or  
26 benefits.

1 (Source: P.A. 96-20, eff. 6-30-09; 96-181, eff. 8-10-09;  
2 96-328, eff. 8-11-09; 96-567, eff. 1-1-10; 96-1000, eff.  
3 7-2-10; 96-1123, eff. 1-1-11; 96-1270, eff. 7-26-10; 97-48,  
4 eff. 6-28-11; 97-74, eff. 6-30-11; 97-333, eff. 8-12-11;  
5 revised 10-4-11.)

6 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

7 Sec. 5-5.4. Standards of Payment - Department of Healthcare  
8 and Family Services. The Department of Healthcare and Family  
9 Services shall develop standards of payment of nursing facility  
10 and ICF/DD services in facilities providing such services under  
11 this Article which:

12 (1) Provide for the determination of a facility's payment  
13 for nursing facility or ICF/DD services on a prospective basis.  
14 The amount of the payment rate for all nursing facilities  
15 certified by the Department of Public Health under the ID/DD  
16 Community Care Act or the Nursing Home Care Act as Intermediate  
17 Care for the Developmentally Disabled facilities, Long Term  
18 Care for Under Age 22 facilities, Skilled Nursing facilities,  
19 or Intermediate Care facilities under the medical assistance  
20 program shall be prospectively established annually on the  
21 basis of historical, financial, and statistical data  
22 reflecting actual costs from prior years, which shall be  
23 applied to the current rate year and updated for inflation,  
24 except that the capital cost element for newly constructed  
25 facilities shall be based upon projected budgets. The annually

1 established payment rate shall take effect on July 1 in 1984  
2 and subsequent years. No rate increase and no update for  
3 inflation shall be provided on or after July 1, 1994 and before  
4 July 1, 2012, unless specifically provided for in this Section.  
5 The changes made by Public Act 93-841 extending the duration of  
6 the prohibition against a rate increase or update for inflation  
7 are effective retroactive to July 1, 2004.

8 For facilities licensed by the Department of Public Health  
9 under the Nursing Home Care Act as Intermediate Care for the  
10 Developmentally Disabled facilities or Long Term Care for Under  
11 Age 22 facilities, the rates taking effect on July 1, 1998  
12 shall include an increase of 3%. For facilities licensed by the  
13 Department of Public Health under the Nursing Home Care Act as  
14 Skilled Nursing facilities or Intermediate Care facilities,  
15 the rates taking effect on July 1, 1998 shall include an  
16 increase of 3% plus \$1.10 per resident-day, as defined by the  
17 Department. For facilities licensed by the Department of Public  
18 Health under the Nursing Home Care Act as Intermediate Care  
19 Facilities for the Developmentally Disabled or Long Term Care  
20 for Under Age 22 facilities, the rates taking effect on January  
21 1, 2006 shall include an increase of 3%. For facilities  
22 licensed by the Department of Public Health under the Nursing  
23 Home Care Act as Intermediate Care Facilities for the  
24 Developmentally Disabled or Long Term Care for Under Age 22  
25 facilities, the rates taking effect on January 1, 2009 shall  
26 include an increase sufficient to provide a \$0.50 per hour wage

1 increase for non-executive staff.

2 For facilities licensed by the Department of Public Health  
3 under the Nursing Home Care Act as Intermediate Care for the  
4 Developmentally Disabled facilities or Long Term Care for Under  
5 Age 22 facilities, the rates taking effect on July 1, 1999  
6 shall include an increase of 1.6% plus \$3.00 per resident-day,  
7 as defined by the Department. For facilities licensed by the  
8 Department of Public Health under the Nursing Home Care Act as  
9 Skilled Nursing facilities or Intermediate Care facilities,  
10 the rates taking effect on July 1, 1999 shall include an  
11 increase of 1.6% and, for services provided on or after October  
12 1, 1999, shall be increased by \$4.00 per resident-day, as  
13 defined by the Department.

14 For facilities licensed by the Department of Public Health  
15 under the Nursing Home Care Act as Intermediate Care for the  
16 Developmentally Disabled facilities or Long Term Care for Under  
17 Age 22 facilities, the rates taking effect on July 1, 2000  
18 shall include an increase of 2.5% per resident-day, as defined  
19 by the Department. For facilities licensed by the Department of  
20 Public Health under the Nursing Home Care Act as Skilled  
21 Nursing facilities or Intermediate Care facilities, the rates  
22 taking effect on July 1, 2000 shall include an increase of 2.5%  
23 per resident-day, as defined by the Department.

24 For facilities licensed by the Department of Public Health  
25 under the Nursing Home Care Act as skilled nursing facilities  
26 or intermediate care facilities, a new payment methodology must

1 be implemented for the nursing component of the rate effective  
2 July 1, 2003. The Department of Public Aid (now Healthcare and  
3 Family Services) shall develop the new payment methodology  
4 using the Minimum Data Set (MDS) as the instrument to collect  
5 information concerning nursing home resident condition  
6 necessary to compute the rate. The Department shall develop the  
7 new payment methodology to meet the unique needs of Illinois  
8 nursing home residents while remaining subject to the  
9 appropriations provided by the General Assembly. A transition  
10 period from the payment methodology in effect on June 30, 2003  
11 to the payment methodology in effect on July 1, 2003 shall be  
12 provided for a period not exceeding 3 years and 184 days after  
13 implementation of the new payment methodology as follows:

14 (A) For a facility that would receive a lower nursing  
15 component rate per patient day under the new system than  
16 the facility received effective on the date immediately  
17 preceding the date that the Department implements the new  
18 payment methodology, the nursing component rate per  
19 patient day for the facility shall be held at the level in  
20 effect on the date immediately preceding the date that the  
21 Department implements the new payment methodology until a  
22 higher nursing component rate of reimbursement is achieved  
23 by that facility.

24 (B) For a facility that would receive a higher nursing  
25 component rate per patient day under the payment  
26 methodology in effect on July 1, 2003 than the facility

1 received effective on the date immediately preceding the  
2 date that the Department implements the new payment  
3 methodology, the nursing component rate per patient day for  
4 the facility shall be adjusted.

5 (C) Notwithstanding paragraphs (A) and (B), the  
6 nursing component rate per patient day for the facility  
7 shall be adjusted subject to appropriations provided by the  
8 General Assembly.

9 For facilities licensed by the Department of Public Health  
10 under the Nursing Home Care Act as Intermediate Care for the  
11 Developmentally Disabled facilities or Long Term Care for Under  
12 Age 22 facilities, the rates taking effect on March 1, 2001  
13 shall include a statewide increase of 7.85%, as defined by the  
14 Department.

15 Notwithstanding any other provision of this Section, for  
16 facilities licensed by the Department of Public Health under  
17 the Nursing Home Care Act as skilled nursing facilities or  
18 intermediate care facilities, except facilities participating  
19 in the Department's demonstration program pursuant to the  
20 provisions of Title 77, Part 300, Subpart T of the Illinois  
21 Administrative Code, the numerator of the ratio used by the  
22 Department of Healthcare and Family Services to compute the  
23 rate payable under this Section using the Minimum Data Set  
24 (MDS) methodology shall incorporate the following annual  
25 amounts as the additional funds appropriated to the Department  
26 specifically to pay for rates based on the MDS nursing



1 component methodology in excess of the funding in effect on  
2 December 31, 2006:

3 (i) For rates taking effect January 1, 2007,  
4 \$60,000,000.

5 (ii) For rates taking effect January 1, 2008,  
6 \$110,000,000.

7 (iii) For rates taking effect January 1, 2009,  
8 \$194,000,000.

9 (iv) For rates taking effect April 1, 2011, or the  
10 first day of the month that begins at least 45 days after  
11 the effective date of this amendatory Act of the 96th  
12 General Assembly, \$416,500,000 or an amount as may be  
13 necessary to complete the transition to the MDS methodology  
14 for the nursing component of the rate. Increased payments  
15 under this item (iv) are not due and payable, however,  
16 until (i) the methodologies described in this paragraph are  
17 approved by the federal government in an appropriate State  
18 Plan amendment and (ii) the assessment imposed by Section  
19 5B-2 of this Code is determined to be a permissible tax  
20 under Title XIX of the Social Security Act.

21 Notwithstanding any other provision of this Section, for  
22 facilities licensed by the Department of Public Health under  
23 the Nursing Home Care Act as skilled nursing facilities or  
24 intermediate care facilities, the support component of the  
25 rates taking effect on January 1, 2008 shall be computed using  
26 the most recent cost reports on file with the Department of

1 Healthcare and Family Services no later than April 1, 2005,  
2 updated for inflation to January 1, 2006.

3 For facilities licensed by the Department of Public Health  
4 under the Nursing Home Care Act as Intermediate Care for the  
5 Developmentally Disabled facilities or Long Term Care for Under  
6 Age 22 facilities, the rates taking effect on April 1, 2002  
7 shall include a statewide increase of 2.0%, as defined by the  
8 Department. This increase terminates on July 1, 2002; beginning  
9 July 1, 2002 these rates are reduced to the level of the rates  
10 in effect on March 31, 2002, as defined by the Department.

11 For facilities licensed by the Department of Public Health  
12 under the Nursing Home Care Act as skilled nursing facilities  
13 or intermediate care facilities, the rates taking effect on  
14 July 1, 2001 shall be computed using the most recent cost  
15 reports on file with the Department of Public Aid no later than  
16 April 1, 2000, updated for inflation to January 1, 2001. For  
17 rates effective July 1, 2001 only, rates shall be the greater  
18 of the rate computed for July 1, 2001 or the rate effective on  
19 June 30, 2001.

20 Notwithstanding any other provision of this Section, for  
21 facilities licensed by the Department of Public Health under  
22 the Nursing Home Care Act as skilled nursing facilities or  
23 intermediate care facilities, the Illinois Department shall  
24 determine by rule the rates taking effect on July 1, 2002,  
25 which shall be 5.9% less than the rates in effect on June 30,  
26 2002.

1           Notwithstanding any other provision of this Section, for  
2 facilities licensed by the Department of Public Health under  
3 the Nursing Home Care Act as skilled nursing facilities or  
4 intermediate care facilities, if the payment methodologies  
5 required under Section 5A-12 and the waiver granted under 42  
6 CFR 433.68 are approved by the United States Centers for  
7 Medicare and Medicaid Services, the rates taking effect on July  
8 1, 2004 shall be 3.0% greater than the rates in effect on June  
9 30, 2004. These rates shall take effect only upon approval and  
10 implementation of the payment methodologies required under  
11 Section 5A-12.

12           Notwithstanding any other provisions of this Section, for  
13 facilities licensed by the Department of Public Health under  
14 the Nursing Home Care Act as skilled nursing facilities or  
15 intermediate care facilities, the rates taking effect on  
16 January 1, 2005 shall be 3% more than the rates in effect on  
17 December 31, 2004.

18           Notwithstanding any other provision of this Section, for  
19 facilities licensed by the Department of Public Health under  
20 the Nursing Home Care Act as skilled nursing facilities or  
21 intermediate care facilities, effective January 1, 2009, the  
22 per diem support component of the rates effective on January 1,  
23 2008, computed using the most recent cost reports on file with  
24 the Department of Healthcare and Family Services no later than  
25 April 1, 2005, updated for inflation to January 1, 2006, shall  
26 be increased to the amount that would have been derived using

1 standard Department of Healthcare and Family Services methods,  
2 procedures, and inflators.

3 Notwithstanding any other provisions of this Section, for  
4 facilities licensed by the Department of Public Health under  
5 the Nursing Home Care Act as intermediate care facilities that  
6 are federally defined as Institutions for Mental Disease, or  
7 facilities licensed by the Department of Public Health under  
8 the Specialized Mental Health Rehabilitation ~~Facilities~~ Act, a  
9 socio-development component rate equal to 6.6% of the  
10 facility's nursing component rate as of January 1, 2006 shall  
11 be established and paid effective July 1, 2006. The  
12 socio-development component of the rate shall be increased by a  
13 factor of 2.53 on the first day of the month that begins at  
14 least 45 days after January 11, 2008 (the effective date of  
15 Public Act 95-707). As of August 1, 2008, the socio-development  
16 component rate shall be equal to 6.6% of the facility's nursing  
17 component rate as of January 1, 2006, multiplied by a factor of  
18 3.53. For services provided on or after April 1, 2011, or the  
19 first day of the month that begins at least 45 days after the  
20 effective date of this amendatory Act of the 96th General  
21 Assembly, whichever is later, the Illinois Department may by  
22 rule adjust these socio-development component rates, and may  
23 use different adjustment methodologies for those facilities  
24 participating, and those not participating, in the Illinois  
25 Department's demonstration program pursuant to the provisions  
26 of Title 77, Part 300, Subpart T of the Illinois Administrative

1 Code, but in no case may such rates be diminished below those  
2 in effect on August 1, 2008.

3 For facilities licensed by the Department of Public Health  
4 under the Nursing Home Care Act as Intermediate Care for the  
5 Developmentally Disabled facilities or as long-term care  
6 facilities for residents under 22 years of age, the rates  
7 taking effect on July 1, 2003 shall include a statewide  
8 increase of 4%, as defined by the Department.

9 For facilities licensed by the Department of Public Health  
10 under the Nursing Home Care Act as Intermediate Care for the  
11 Developmentally Disabled facilities or Long Term Care for Under  
12 Age 22 facilities, the rates taking effect on the first day of  
13 the month that begins at least 45 days after the effective date  
14 of this amendatory Act of the 95th General Assembly shall  
15 include a statewide increase of 2.5%, as defined by the  
16 Department.

17 Notwithstanding any other provision of this Section, for  
18 facilities licensed by the Department of Public Health under  
19 the Nursing Home Care Act as skilled nursing facilities or  
20 intermediate care facilities, effective January 1, 2005,  
21 facility rates shall be increased by the difference between (i)  
22 a facility's per diem property, liability, and malpractice  
23 insurance costs as reported in the cost report filed with the  
24 Department of Public Aid and used to establish rates effective  
25 July 1, 2001 and (ii) those same costs as reported in the  
26 facility's 2002 cost report. These costs shall be passed

1 through to the facility without caps or limitations, except for  
2 adjustments required under normal auditing procedures.

3 Rates established effective each July 1 shall govern  
4 payment for services rendered throughout that fiscal year,  
5 except that rates established on July 1, 1996 shall be  
6 increased by 6.8% for services provided on or after January 1,  
7 1997. Such rates will be based upon the rates calculated for  
8 the year beginning July 1, 1990, and for subsequent years  
9 thereafter until June 30, 2001 shall be based on the facility  
10 cost reports for the facility fiscal year ending at any point  
11 in time during the previous calendar year, updated to the  
12 midpoint of the rate year. The cost report shall be on file  
13 with the Department no later than April 1 of the current rate  
14 year. Should the cost report not be on file by April 1, the  
15 Department shall base the rate on the latest cost report filed  
16 by each skilled care facility and intermediate care facility,  
17 updated to the midpoint of the current rate year. In  
18 determining rates for services rendered on and after July 1,  
19 1985, fixed time shall not be computed at less than zero. The  
20 Department shall not make any alterations of regulations which  
21 would reduce any component of the Medicaid rate to a level  
22 below what that component would have been utilizing in the rate  
23 effective on July 1, 1984.

24 (2) Shall take into account the actual costs incurred by  
25 facilities in providing services for recipients of skilled  
26 nursing and intermediate care services under the medical

1 assistance program.

2 (3) Shall take into account the medical and psycho-social  
3 characteristics and needs of the patients.

4 (4) Shall take into account the actual costs incurred by  
5 facilities in meeting licensing and certification standards  
6 imposed and prescribed by the State of Illinois, any of its  
7 political subdivisions or municipalities and by the U.S.  
8 Department of Health and Human Services pursuant to Title XIX  
9 of the Social Security Act.

10 The Department of Healthcare and Family Services shall  
11 develop precise standards for payments to reimburse nursing  
12 facilities for any utilization of appropriate rehabilitative  
13 personnel for the provision of rehabilitative services which is  
14 authorized by federal regulations, including reimbursement for  
15 services provided by qualified therapists or qualified  
16 assistants, and which is in accordance with accepted  
17 professional practices. Reimbursement also may be made for  
18 utilization of other supportive personnel under appropriate  
19 supervision.

20 The Department shall develop enhanced payments to offset  
21 the additional costs incurred by a facility serving exceptional  
22 need residents and shall allocate at least \$8,000,000 of the  
23 funds collected from the assessment established by Section 5B-2  
24 of this Code for such payments. For the purpose of this  
25 Section, "exceptional needs" means, but need not be limited to,  
26 ventilator care, tracheotomy care, bariatric care, complex

1 wound care, and traumatic brain injury care. The enhanced  
2 payments for exceptional need residents under this paragraph  
3 are not due and payable, however, until (i) the methodologies  
4 described in this paragraph are approved by the federal  
5 government in an appropriate State Plan amendment and (ii) the  
6 assessment imposed by Section 5B-2 of this Code is determined  
7 to be a permissible tax under Title XIX of the Social Security  
8 Act.

9 ~~(5)~~ Beginning July 1, 2012 the methodologies for  
10 reimbursement of nursing facility services as provided under  
11 this Section 5-5.4 shall no longer be applicable for bills  
12 payable for State fiscal years 2012 and thereafter.

13 ~~(6)~~ No payment increase under this Section for the MDS  
14 methodology, exceptional care residents, or the  
15 socio-development component rate established by Public Act  
16 96-1530 of the 96th General Assembly and funded by the  
17 assessment imposed under Section 5B-2 of this Code shall be due  
18 and payable until after the Department notifies the long-term  
19 care providers, in writing, that the payment methodologies to  
20 long-term care providers required under this Section have been  
21 approved by the Centers for Medicare and Medicaid Services of  
22 the U.S. Department of Health and Human Services and the  
23 waivers under 42 CFR 433.68 for the assessment imposed by this  
24 Section, if necessary, have been granted by the Centers for  
25 Medicare and Medicaid Services of the U.S. Department of Health  
26 and Human Services. Upon notification to the Department of



1 approval of the payment methodologies required under this  
2 Section and the waivers granted under 42 CFR 433.68, all  
3 increased payments otherwise due under this Section prior to  
4 the date of notification shall be due and payable within 90  
5 days of the date federal approval is received.

6 (Source: P.A. 96-45, eff. 7-15-09; 96-339, eff. 7-1-10; 96-959,  
7 eff. 7-1-10; 96-1000, eff. 7-2-10; 96-1530, eff. 2-16-11;  
8 97-10, eff. 6-14-11; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;  
9 97-584, eff. 8-26-11; revised 10-4-11.)

10 (305 ILCS 5/5-5.7) (from Ch. 23, par. 5-5.7)

11 Sec. 5-5.7. Cost Reports - Audits. The Department of  
12 Healthcare and Family Services shall work with the Department  
13 of Public Health to use cost report information currently being  
14 collected under provisions of the Nursing Home Care Act, the  
15 Specialized Mental Health Rehabilitation Act, and the ID/DD  
16 Community Care Act. The Department of Healthcare and Family  
17 Services may, in conjunction with the Department of Public  
18 Health, develop in accordance with generally accepted  
19 accounting principles a uniform chart of accounts which each  
20 facility providing services under the medical assistance  
21 program shall adopt, after a reasonable period.

22 Facilities licensed under the Nursing Home Care Act, the  
23 Specialized Mental Health Rehabilitation Act, ~~Act~~ or the ID/DD  
24 Community Care Act and providers of adult developmental  
25 training services certified by the Department of Human Services

1 pursuant to Section 15.2 of the Mental Health and Developmental  
2 Disabilities Administrative Act which provide services to  
3 clients eligible for medical assistance under this Article are  
4 responsible for submitting the required annual cost report to  
5 the Department of Healthcare and Family Services.

6 The Department of Healthcare and Family Services shall  
7 audit the financial and statistical records of each provider  
8 participating in the medical assistance program as a nursing  
9 facility, a specialized mental health rehabilitation facility,  
10 or an ICF/DD over a 3 year period, beginning with the close of  
11 the first cost reporting year. Following the end of this 3-year  
12 term, audits of the financial and statistical records will be  
13 performed each year in at least 20% of the facilities  
14 participating in the medical assistance program with at least  
15 10% being selected on a random sample basis, and the remainder  
16 selected on the basis of exceptional profiles. All audits shall  
17 be conducted in accordance with generally accepted auditing  
18 standards.

19 The Department of Healthcare and Family Services shall  
20 establish prospective payment rates for categories or levels of  
21 services within each licensure class, in order to more  
22 appropriately recognize the individual needs of patients in  
23 nursing facilities.

24 The Department of Healthcare and Family Services shall  
25 provide, during the process of establishing the payment rate  
26 for nursing facility, specialized mental health rehabilitation

1 facility, or ICF/DD services, or when a substantial change in  
2 rates is proposed, an opportunity for public review and comment  
3 on the proposed rates prior to their becoming effective.

4 (Source: P.A. 96-339, eff. 7-1-10; 96-1530, eff. 2-16-11;  
5 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; revised 10-4-11.)

6 (305 ILCS 5/5-5.12) (from Ch. 23, par. 5-5.12)

7 Sec. 5-5.12. Pharmacy payments.

8 (a) Every request submitted by a pharmacy for reimbursement  
9 under this Article for prescription drugs provided to a  
10 recipient of aid under this Article shall include the name of  
11 the prescriber or an acceptable identification number as  
12 established by the Department.

13 (b) Pharmacies providing prescription drugs under this  
14 Article shall be reimbursed at a rate which shall include a  
15 professional dispensing fee as determined by the Illinois  
16 Department, plus the current acquisition cost of the  
17 prescription drug dispensed. The Illinois Department shall  
18 update its information on the acquisition costs of all  
19 prescription drugs no less frequently than every 30 days.  
20 However, the Illinois Department may set the rate of  
21 reimbursement for the acquisition cost, by rule, at a  
22 percentage of the current average wholesale acquisition cost.

23 (c) (Blank).

24 (d) The Department shall not impose requirements for prior  
25 approval based on a preferred drug list for anti-retroviral,

1 anti-hemophilic factor concentrates, or any atypical  
2 antipsychotics, conventional antipsychotics, or  
3 anticonvulsants used for the treatment of serious mental  
4 illnesses until 30 days after it has conducted a study of the  
5 impact of such requirements on patient care and submitted a  
6 report to the Speaker of the House of Representatives and the  
7 President of the Senate. The Department shall review  
8 utilization of narcotic medications in the medical assistance  
9 program and impose utilization controls that protect against  
10 abuse.

11 (e) When making determinations as to which drugs shall be  
12 on a prior approval list, the Department shall include as part  
13 of the analysis for this determination, the degree to which a  
14 drug may affect individuals in different ways based on factors  
15 including the gender of the person taking the medication.

16 (f) The Department shall cooperate with the Department of  
17 Public Health and the Department of Human Services Division of  
18 Mental Health in identifying psychotropic medications that,  
19 when given in a particular form, manner, duration, or frequency  
20 (including "as needed") in a dosage, or in conjunction with  
21 other psychotropic medications to a nursing home resident or to  
22 a resident of a facility licensed under the ID/DD ~~MR/DD~~  
23 Community Care Act, may constitute a chemical restraint or an  
24 "unnecessary drug" as defined by the Nursing Home Care Act or  
25 Titles XVIII and XIX of the Social Security Act and the  
26 implementing rules and regulations. The Department shall

1 require prior approval for any such medication prescribed for a  
2 nursing home resident or to a resident of a facility licensed  
3 under the ID/DD ~~MR/DD~~ Community Care Act, that appears to be a  
4 chemical restraint or an unnecessary drug. The Department shall  
5 consult with the Department of Human Services Division of  
6 Mental Health in developing a protocol and criteria for  
7 deciding whether to grant such prior approval.

8 (g) The Department may by rule provide for reimbursement of  
9 the dispensing of a 90-day supply of a generic or brand name,  
10 non-narcotic maintenance medication in circumstances where it  
11 is cost effective.

12 (h) Effective July 1, 2011, the Department shall  
13 discontinue coverage of select over-the-counter drugs,  
14 including analgesics and cough and cold and allergy  
15 medications.

16 (i) The Department shall seek any necessary waiver from the  
17 federal government in order to establish a program limiting the  
18 pharmacies eligible to dispense specialty drugs and shall issue  
19 a Request for Proposals in order to maximize savings on these  
20 drugs. The Department shall by rule establish the drugs  
21 required to be dispensed in this program.

22 (Source: P.A. 96-1269, eff. 7-26-10; 96-1372, eff. 7-29-10;  
23 96-1501, eff. 1-25-11; 97-38, eff. 6-28-11; 97-74, eff.  
24 6-30-11; 97-333, eff. 8-12-11; 97-426, eff. 1-1-12; revised  
25 10-4-11.)

1 (305 ILCS 5/5-6) (from Ch. 23, par. 5-6)

2 Sec. 5-6. Obligations incurred prior to death of a  
3 recipient. Obligations incurred but not paid for at the time of  
4 a recipient's death for services authorized under Section 5-5,  
5 including medical and other care in facilities as defined in  
6 the Nursing Home Care Act, the Specialized Mental Health  
7 Rehabilitation Act, or the ID/DD Community Care Act, or in like  
8 facilities not required to be licensed under that Act, may be  
9 paid, subject to the rules and regulations of the Illinois  
10 Department, after the death of the recipient.

11 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
12 eff. 1-1-12; revised 10-4-11.)

13 (305 ILCS 5/5B-1) (from Ch. 23, par. 5B-1)

14 Sec. 5B-1. Definitions. As used in this Article, unless the  
15 context requires otherwise:

16 "Fund" means the Long-Term Care Provider Fund.

17 "Long-term care facility" means (i) a nursing facility,  
18 whether public or private and whether organized for profit or  
19 not-for-profit, that is subject to licensure by the Illinois  
20 Department of Public Health under the Nursing Home Care Act or  
21 the ID/DD Community Care Act, including a county nursing home  
22 directed and maintained under Section 5-1005 of the Counties  
23 Code, and (ii) a part of a hospital in which skilled or  
24 intermediate long-term care services within the meaning of  
25 Title XVIII or XIX of the Social Security Act are provided;

1 except that the term "long-term care facility" does not include  
2 a facility operated by a State agency or operated solely as an  
3 intermediate care facility for the mentally retarded within the  
4 meaning of Title XIX of the Social Security Act.

5 "Long-term care provider" means (i) a person licensed by  
6 the Department of Public Health to operate and maintain a  
7 skilled nursing or intermediate long-term care facility or (ii)  
8 a hospital provider that provides skilled or intermediate  
9 long-term care services within the meaning of Title XVIII or  
10 XIX of the Social Security Act. For purposes of this paragraph,  
11 "person" means any political subdivision of the State,  
12 municipal corporation, individual, firm, partnership,  
13 corporation, company, limited liability company, association,  
14 joint stock association, or trust, or a receiver, executor,  
15 trustee, guardian, or other representative appointed by order  
16 of any court. "Hospital provider" means a person licensed by  
17 the Department of Public Health to conduct, operate, or  
18 maintain a hospital.

19 "Occupied bed days" shall be computed separately for each  
20 long-term care facility operated or maintained by a long-term  
21 care provider, and means the sum for all beds of the number of  
22 days during the month on which each bed was occupied by a  
23 resident, other than a resident for whom Medicare Part A is the  
24 primary payer.

25 (Source: P.A. 96-339, eff. 7-1-10; 96-1530, eff. 2-16-11;  
26 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; revised 10-4-11.)

1 (305 ILCS 5/5B-4) (from Ch. 23, par. 5B-4)

2 Sec. 5B-4. Payment of assessment; penalty.

3 (a) The assessment imposed by Section 5B-2 shall be due and  
4 payable monthly, on the last State business day of the month  
5 for occupied bed days reported for the preceding third month  
6 prior to the month in which the tax is payable and due. A  
7 facility that has delayed payment due to the State's failure to  
8 reimburse for services rendered may request an extension on the  
9 due date for payment pursuant to subsection (b) and shall pay  
10 the assessment within 30 days of reimbursement by the  
11 Department. The Illinois Department may provide that county  
12 nursing homes directed and maintained pursuant to Section  
13 5-1005 of the Counties Code may meet their assessment  
14 obligation by certifying to the Illinois Department that county  
15 expenditures have been obligated for the operation of the  
16 county nursing home in an amount at least equal to the amount  
17 of the assessment.

18 (a-5) The Illinois Department shall provide for an  
19 electronic submission process for each long-term care facility  
20 to report at a minimum the number of occupied bed days of the  
21 long-term care facility for the reporting period and other  
22 reasonable information the Illinois Department requires for  
23 the administration of its responsibilities under this Code.  
24 Beginning July 1, 2013, a separate electronic submission shall  
25 be completed for each long-term care facility in this State



1 operated by a long-term care provider. The Illinois Department  
2 shall prepare an assessment bill stating the amount due and  
3 payable each month and submit it to each long-term care  
4 facility via an electronic process. Each assessment payment  
5 shall be accompanied by a copy of the assessment bill sent to  
6 the long-term care facility by the Illinois Department. To the  
7 extent practicable, the Department shall coordinate the  
8 assessment reporting requirements with other reporting  
9 required of long-term care facilities.

10 (b) The Illinois Department is authorized to establish  
11 delayed payment schedules for long-term care providers that are  
12 unable to make assessment payments when due under this Section  
13 due to financial difficulties, as determined by the Illinois  
14 Department. The Illinois Department may not deny a request for  
15 delay of payment of the assessment imposed under this Article  
16 if the long-term care provider has not been paid for services  
17 provided during the month on which the assessment is levied.

18 (c) If a long-term care provider fails to pay the full  
19 amount of an assessment payment when due (including any  
20 extensions granted under subsection (b)), there shall, unless  
21 waived by the Illinois Department for reasonable cause, be  
22 added to the assessment imposed by Section 5B-2 a penalty  
23 assessment equal to the lesser of (i) 5% of the amount of the  
24 assessment payment not paid on or before the due date plus 5%  
25 of the portion thereof remaining unpaid on the last day of each  
26 month thereafter or (ii) 100% of the assessment payment amount

1 not paid on or before the due date. For purposes of this  
2 subsection, payments will be credited first to unpaid  
3 assessment payment amounts (rather than to penalty or  
4 interest), beginning with the most delinquent assessment  
5 payments. Payment cycles of longer than 60 days shall be one  
6 factor the Director takes into account in granting a waiver  
7 under this Section.

8 (c-5) If a long-term care facility fails to file its  
9 assessment bill with payment, there shall, unless waived by the  
10 Illinois Department for reasonable cause, be added to the  
11 assessment due a penalty assessment equal to 25% of the  
12 assessment due. After July 1, 2013, no penalty shall be  
13 assessed under this Section if the Illinois Department does not  
14 provide a process for the electronic submission of the  
15 information required by subsection (a-5).

16 (d) Nothing in this amendatory Act of 1993 shall be  
17 construed to prevent the Illinois Department from collecting  
18 all amounts due under this Article pursuant to an assessment  
19 imposed before the effective date of this amendatory Act of  
20 1993.

21 (e) Nothing in this amendatory Act of the 96th General  
22 Assembly shall be construed to prevent the Illinois Department  
23 from collecting all amounts due under this Code pursuant to an  
24 assessment, tax, fee, or penalty imposed before the effective  
25 date of this amendatory Act of the 96th General Assembly.

26 (f) No installment of the assessment imposed by Section

1 5B-2 shall be due and payable until after the Department  
2 notifies the long-term care providers, in writing, that the  
3 payment methodologies to long-term care providers required  
4 under Section 5-5.4 of this Code have been approved by the  
5 Centers for Medicare and Medicaid Services of the U.S.  
6 Department of Health and Human Services and the waivers under  
7 42 CFR 433.68 for the assessment imposed by this Section, if  
8 necessary, have been granted by the Centers for Medicare and  
9 Medicaid Services of the U.S. Department of Health and Human  
10 Services. Upon notification to the Department of approval of  
11 the payment methodologies required under Section 5-5.4 of this  
12 Code and the waivers granted under 42 CFR 433.68, all  
13 installments otherwise due under Section 5B-4 prior to the date  
14 of notification shall be due and payable to the Department upon  
15 written direction from the Department within 90 days after  
16 issuance by the Comptroller of the payments required under  
17 Section 5-5.4 of this Code.

18 (Source: P.A. 96-444, eff. 8-14-09; 96-1530, eff. 2-16-11;  
19 97-10, eff. 6-14-11; 97-403, eff. 1-1-12; 97-584, eff. 8-26-11;  
20 revised 10-4-11.)

21 (305 ILCS 5/5B-5) (from Ch. 23, par. 5B-5)

22 Sec. 5B-5. Annual reporting; penalty; maintenance of  
23 records.

24 (a) After December 31 of each year, and on or before March  
25 31 of the succeeding year, every long-term care provider

1 subject to assessment under this Article shall file a report  
2 with the Illinois Department. The report shall be in a form and  
3 manner prescribed by the Illinois Department and shall state  
4 the revenue received by the long-term care provider, reported  
5 in such categories as may be required by the Illinois  
6 Department, and other reasonable information the Illinois  
7 Department requires for the administration of its  
8 responsibilities under this Code.

9 (b) If a long-term care provider operates or maintains more  
10 than one long-term care facility in this State, the provider  
11 may not file a single return covering all those long-term care  
12 facilities, but shall file a separate return for each long-term  
13 care facility and shall compute and pay the assessment for each  
14 long-term care facility separately.

15 (c) Notwithstanding any other provision in this Article, in  
16 the case of a person who ceases to operate or maintain a  
17 long-term care facility in respect of which the person is  
18 subject to assessment under this Article as a long-term care  
19 provider, the person shall file a final, amended return with  
20 the Illinois Department not more than 90 days after the  
21 cessation reflecting the adjustment and shall pay with the  
22 final return the assessment for the year as so adjusted (to the  
23 extent not previously paid). If a person fails to file a final  
24 amended return on a timely basis, there shall, unless waived by  
25 the Illinois Department for reasonable cause, be added to the  
26 assessment due a penalty assessment equal to 25% of the

1 assessment due.

2 (d) Notwithstanding any other provision of this Article, a  
3 provider who commences operating or maintaining a long-term  
4 care facility that was under a prior ownership and remained  
5 licensed by the Department of Public Health shall notify the  
6 Illinois Department of the change in ownership and shall be  
7 responsible to immediately pay any prior amounts owed by the  
8 facility.

9 (e) The Department shall develop a procedure for sharing  
10 with a potential buyer of a facility information regarding  
11 outstanding assessments and penalties owed by that facility.

12 (f) In the case of a long-term care provider existing as a  
13 corporation or legal entity other than an individual, the  
14 return filed by it shall be signed by its president,  
15 vice-president, secretary, or treasurer or by its properly  
16 authorized agent.

17 (g) If a long-term care provider fails to file its return  
18 on or before the due date of the return, there shall, unless  
19 waived by the Illinois Department for reasonable cause, be  
20 added to the assessment imposed by Section 5B-2 a penalty  
21 assessment equal to 25% of the assessment imposed for the year.  
22 After July 1, 2013, no penalty shall be assessed if the  
23 Illinois Department has not established a process for the  
24 electronic submission of information.

25 (h) Every long-term care provider subject to assessment  
26 under this Article shall keep records and books that will

1 permit the determination of occupied bed days on a calendar  
2 year basis. All such books and records shall be kept in the  
3 English language and shall, at all times during business hours  
4 of the day, be subject to inspection by the Illinois Department  
5 or its duly authorized agents and employees.

6 (i) The Illinois Department shall establish a process for  
7 long-term care providers to electronically submit all  
8 information required by this Section no later than ~~that~~ July 1,  
9 2013.

10 (Source: P.A. 96-1530, eff. 2-16-11; 97-403, eff. 1-1-12;  
11 revised 11-18-11.)

12 (305 ILCS 5/5E-5)

13 Sec. 5E-5. Definitions. As used in this Article, unless the  
14 context requires otherwise:

15 "Nursing home" means (i) a skilled nursing or intermediate  
16 long-term care facility, whether public or private and whether  
17 organized for profit or not-for-profit, that is subject to  
18 licensure by the Illinois Department of Public Health under the  
19 Nursing Home Care Act or the ID/DD Community Care Act,  
20 including a county nursing home directed and maintained under  
21 Section 5-1005 of the Counties Code, and (ii) a part of a  
22 hospital in which skilled or intermediate long-term care  
23 services within the meaning of Title XVIII or XIX of the Social  
24 Security Act are provided; except that the term "nursing home"  
25 does not include a facility operated solely as an intermediate

1 care facility for the intellectually disabled within the  
2 meaning of Title XIX of the Social Security Act or a  
3 specialized mental health rehabilitation facility.

4 "Nursing home provider" means (i) a person licensed by the  
5 Department of Public Health to operate and maintain a skilled  
6 nursing or intermediate long-term care facility which charges  
7 its residents, a third party payor, Medicaid, or Medicare for  
8 skilled nursing or intermediate long-term care services, or  
9 (ii) a hospital provider that provides skilled or intermediate  
10 long-term care services within the meaning of Title XVIII or  
11 XIX of the Social Security Act. "Nursing home provider" does  
12 not include a person who operates or a provider who provides  
13 services within a specialized mental health rehabilitation  
14 facility. For purposes of this paragraph, "person" means any  
15 political subdivision of the State, municipal corporation,  
16 individual, firm, partnership, corporation, company, limited  
17 liability company, association, joint stock association, or  
18 trust, or a receiver, executor, trustee, guardian, or other  
19 representative appointed by order of any court. "Hospital  
20 provider" means a person licensed by the Department of Public  
21 Health to conduct, operate, or maintain a hospital.

22 "Licensed bed days" shall be computed separately for each  
23 nursing home operated or maintained by a nursing home provider  
24 and means, with respect to a nursing home provider, the sum for  
25 all nursing home beds of the number of days during a calendar  
26 quarter on which each bed is covered by a license issued to

1 that provider under the Nursing Home Care Act or the Hospital  
2 Licensing Act.

3 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
4 eff. 1-1-12; revised 10-4-11.)

5 (305 ILCS 5/8A-11) (from Ch. 23, par. 8A-11)

6 Sec. 8A-11. (a) No person shall:

7 (1) Knowingly charge a resident of a nursing home for  
8 any services provided pursuant to Article V of the Illinois  
9 Public Aid Code, money or other consideration at a rate in  
10 excess of the rates established for covered services by the  
11 Illinois Department pursuant to Article V of The Illinois  
12 Public Aid Code; or

13 (2) Knowingly charge, solicit, accept or receive, in  
14 addition to any amount otherwise authorized or required to  
15 be paid pursuant to Article V of The Illinois Public Aid  
16 Code, any gift, money, donation or other consideration:

17 (i) As a precondition to admitting or expediting  
18 the admission of a recipient or applicant, pursuant to  
19 Article V of The Illinois Public Aid Code, to a  
20 long-term care facility as defined in Section 1-113 of  
21 the Nursing Home Care Act or a facility as defined in  
22 Section 1-113 of the ID/DD Community Care Act or  
23 Section 1-113 of the Specialized Mental Health  
24 Rehabilitation Act; and

25 (ii) As a requirement for the recipient's or



1 applicant's continued stay in such facility when the  
2 cost of the services provided therein to the recipient  
3 is paid for, in whole or in part, pursuant to Article V  
4 of The Illinois Public Aid Code.

5 (b) Nothing herein shall prohibit a person from making a  
6 voluntary contribution, gift or donation to a long-term care  
7 facility.

8 (c) This paragraph shall not apply to agreements to provide  
9 continuing care or life care between a life care facility as  
10 defined by the Life Care Facilities Act, and a person  
11 financially eligible for benefits pursuant to Article V of The  
12 Illinois Public Aid Code.

13 (d) Any person who violates this Section shall be guilty of  
14 a business offense and fined not less than \$5,000 nor more than  
15 \$25,000.

16 (e) "Person", as used in this Section, means an individual,  
17 corporation, partnership, or unincorporated association.

18 (f) The State's Attorney of the county in which the  
19 facility is located and the Attorney General shall be notified  
20 by the Illinois Department of any alleged violations of this  
21 Section known to the Department.

22 (g) The Illinois Department shall adopt rules and  
23 regulations to carry out the provisions of this Section.

24 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
25 eff. 1-1-12; revised 10-4-11.)

1 (305 ILCS 5/12-4.42)

2 Sec. 12-4.42. Medicaid Revenue Maximization.

3 (a) Purpose. The General Assembly finds that there is a  
4 need to make changes to the administration of services provided  
5 by State and local governments in order to maximize federal  
6 financial participation.

7 (b) Definitions. As used in this Section:

8 "Community Medicaid mental health services" means all  
9 mental health services outlined in Section 132 of Title 59 of  
10 the Illinois Administrative Code that are funded through DHS,  
11 eligible for federal financial participation, and provided by a  
12 community-based provider.

13 "Community-based provider" means an entity enrolled as a  
14 provider pursuant to Sections 140.11 and 140.12 of Title 89 of  
15 the Illinois Administrative Code and certified to provide  
16 community Medicaid mental health services in accordance with  
17 Section 132 of Title 59 of the Illinois Administrative Code.

18 "DCFS" means the Department of Children and Family  
19 Services.

20 "Department" means the Illinois Department of Healthcare  
21 and Family Services.

22 "Developmentally disabled care facility" means an  
23 intermediate care facility for the intellectually disabled  
24 within the meaning of Title XIX of the Social Security Act,  
25 whether public or private and whether organized for profit or  
26 not-for-profit, but shall not include any facility operated by

1 the State.

2 "Developmentally disabled care provider" means a person  
3 conducting, operating, or maintaining a developmentally  
4 disabled care facility. For purposes of this definition,  
5 "person" means any political subdivision of the State,  
6 municipal corporation, individual, firm, partnership,  
7 corporation, company, limited liability company, association,  
8 joint stock association, or trust, or a receiver, executor,  
9 trustee, guardian, or other representative appointed by order  
10 of any court.

11 "DHS" means the Illinois Department of Human Services.

12 "Hospital" means an institution, place, building, or  
13 agency located in this State that is licensed as a general  
14 acute hospital by the Illinois Department of Public Health  
15 under the Hospital Licensing Act, whether public or private and  
16 whether organized for profit or not-for-profit.

17 "Long term care facility" means (i) a skilled nursing or  
18 intermediate long term care facility, whether public or private  
19 and whether organized for profit or not-for-profit, that is  
20 subject to licensure by the Illinois Department of Public  
21 Health under the Nursing Home Care Act, including a county  
22 nursing home directed and maintained under Section 5-1005 of  
23 the Counties Code, and (ii) a part of a hospital in which  
24 skilled or intermediate long term care services within the  
25 meaning of Title XVIII or XIX of the Social Security Act are  
26 provided; except that the term "long term care facility" does

1 not include a facility operated solely as an intermediate care  
2 facility for the intellectually disabled within the meaning of  
3 Title XIX of the Social Security Act.

4 "Long term care provider" means (i) a person licensed by  
5 the Department of Public Health to operate and maintain a  
6 skilled nursing or intermediate long term care facility or (ii)  
7 a hospital provider that provides skilled or intermediate long  
8 term care services within the meaning of Title XVIII or XIX of  
9 the Social Security Act. For purposes of this definition,  
10 "person" means any political subdivision of the State,  
11 municipal corporation, individual, firm, partnership,  
12 corporation, company, limited liability company, association,  
13 joint stock association, or trust, or a receiver, executor,  
14 trustee, guardian, or other representative appointed by order  
15 of any court.

16 "State-operated developmentally disabled care facility"  
17 means an intermediate care facility for the intellectually  
18 disabled within the meaning of Title XIX of the Social Security  
19 Act operated by the State.

20 (c) Administration and deposit of Revenues. The Department  
21 shall coordinate the implementation of changes required by this  
22 amendatory Act of the 96th General Assembly amongst the various  
23 State and local government bodies that administer programs  
24 referred to in this Section.

25 Revenues generated by program changes mandated by any  
26 provision in this Section, less reasonable administrative

1 costs associated with the implementation of these program  
2 changes, which would otherwise be deposited into the General  
3 Revenue Fund shall be deposited into the Healthcare Provider  
4 Relief Fund.

5 The Department shall issue a report to the General Assembly  
6 detailing the implementation progress of this amendatory Act of  
7 the 96th General Assembly as a part of the Department's Medical  
8 Programs annual report for fiscal years 2010 and 2011.

9 (d) Acceleration of payment vouchers. To the extent  
10 practicable and permissible under federal law, the Department  
11 shall create all vouchers for long term care facilities and  
12 developmentally disabled care facilities for dates of service  
13 in the month in which the enhanced federal medical assistance  
14 percentage (FMAP) originally set forth in the American Recovery  
15 and Reinvestment Act (ARRA) expires and for dates of service in  
16 the month prior to that month and shall, no later than the 15th  
17 of the month in which the enhanced FMAP expires, submit these  
18 vouchers to the Comptroller for payment.

19 The Department of Human Services shall create the necessary  
20 documentation for State-operated developmentally disabled care  
21 facilities so that the necessary data for all dates of service  
22 before the expiration of the enhanced FMAP originally set forth  
23 in the ARRA can be adjudicated by the Department no later than  
24 the 15th of the month in which the enhanced FMAP expires.

25 (e) Billing of DHS community Medicaid mental health  
26 services. No later than July 1, 2011, community Medicaid mental

1 health services provided by a community-based provider must be  
2 billed directly to the Department.

3 (f) DCFS Medicaid services. The Department shall work with  
4 DCFS to identify existing programs, pending qualifying  
5 services, that can be converted in an economically feasible  
6 manner to Medicaid in order to secure federal financial  
7 revenue.

8 (g) Third Party Liability recoveries. The Department shall  
9 contract with a vendor to support the Department in  
10 coordinating benefits for Medicaid enrollees. The scope of work  
11 shall include, at a minimum, the identification of other  
12 insurance for Medicaid enrollees and the recovery of funds paid  
13 by the Department when another payer was liable. The vendor may  
14 be paid a percentage of actual cash recovered when practical  
15 and subject to federal law.

16 (h) Public health departments. The Department shall  
17 identify unreimbursed costs for persons covered by Medicaid who  
18 are served by the Chicago Department of Public Health.

19 The Department shall assist the Chicago Department of  
20 Public Health in determining total unreimbursed costs  
21 associated with the provision of healthcare services to  
22 Medicaid enrollees.

23 The Department shall determine and draw the maximum  
24 allowable federal matching dollars associated with the cost of  
25 Chicago Department of Public Health services provided to  
26 Medicaid enrollees.

1 (i) Acceleration of hospital-based payments. The  
2 Department shall, by the 10th day of the month in which the  
3 enhanced FMAP originally set forth in the ARRA expires, create  
4 vouchers for all State fiscal year 2011 hospital payments  
5 exempt from the prompt payment requirements of the ARRA. The  
6 Department shall submit these vouchers to the Comptroller for  
7 payment.

8 (Source: P.A. 96-1405, eff. 7-29-10; 97-48, eff. 6-28-11;  
9 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; revised 10-4-11.)

10 Section 495. The Elder Abuse and Neglect Act is amended by  
11 changing Section 2 as follows:

12 (320 ILCS 20/2) (from Ch. 23, par. 6602)

13 Sec. 2. Definitions. As used in this Act, unless the  
14 context requires otherwise:

15 (a) "Abuse" means causing any physical, mental or sexual  
16 injury to an eligible adult, including exploitation of such  
17 adult's financial resources.

18 Nothing in this Act shall be construed to mean that an  
19 eligible adult is a victim of abuse, neglect, or self-neglect  
20 for the sole reason that he or she is being furnished with or  
21 relies upon treatment by spiritual means through prayer alone,  
22 in accordance with the tenets and practices of a recognized  
23 church or religious denomination.

24 Nothing in this Act shall be construed to mean that an

1 eligible adult is a victim of abuse because of health care  
2 services provided or not provided by licensed health care  
3 professionals.

4 (a-5) "Abuser" means a person who abuses, neglects, or  
5 financially exploits an eligible adult.

6 (a-7) "Caregiver" means a person who either as a result of  
7 a family relationship, voluntarily, or in exchange for  
8 compensation has assumed responsibility for all or a portion of  
9 the care of an eligible adult who needs assistance with  
10 activities of daily living.

11 (b) "Department" means the Department on Aging of the State  
12 of Illinois.

13 (c) "Director" means the Director of the Department.

14 (d) "Domestic living situation" means a residence where the  
15 eligible adult at the time of the report lives alone or with  
16 his or her family or a caregiver, or others, or a board and  
17 care home or other community-based unlicensed facility, but is  
18 not:

19 (1) A licensed facility as defined in Section 1-113 of  
20 the Nursing Home Care Act;

21 (1.5) A facility licensed under the ID/DD Community  
22 Care Act;

23 (1.7) A facility licensed under the Specialized Mental  
24 Health Rehabilitation Act;

25 (2) A "life care facility" as defined in the Life Care  
26 Facilities Act;



1           (3) A home, institution, or other place operated by the  
2 federal government or agency thereof or by the State of  
3 Illinois;

4           (4) A hospital, sanitarium, or other institution, the  
5 principal activity or business of which is the diagnosis,  
6 care, and treatment of human illness through the  
7 maintenance and operation of organized facilities  
8 therefor, which is required to be licensed under the  
9 Hospital Licensing Act;

10          (5) A "community living facility" as defined in the  
11 Community Living Facilities Licensing Act;

12          (6) (Blank);

13          (7) A "community-integrated living arrangement" as  
14 defined in the Community-Integrated Living Arrangements  
15 Licensure and Certification Act;

16          (8) An assisted living or shared housing establishment  
17 as defined in the Assisted Living and Shared Housing Act;  
18 or

19          (9) A supportive living facility as described in  
20 Section 5-5.01a of the Illinois Public Aid Code.

21          (e) "Eligible adult" means a person 60 years of age or  
22 older who resides in a domestic living situation and is, or is  
23 alleged to be, abused, neglected, or financially exploited by  
24 another individual or who neglects himself or herself.

25          (f) "Emergency" means a situation in which an eligible  
26 adult is living in conditions presenting a risk of death or

1 physical, mental or sexual injury and the provider agency has  
2 reason to believe the eligible adult is unable to consent to  
3 services which would alleviate that risk.

4 (f-5) "Mandated reporter" means any of the following  
5 persons while engaged in carrying out their professional  
6 duties:

7 (1) a professional or professional's delegate while  
8 engaged in: (i) social services, (ii) law enforcement,  
9 (iii) education, (iv) the care of an eligible adult or  
10 eligible adults, or (v) any of the occupations required to  
11 be licensed under the Clinical Psychologist Licensing Act,  
12 the Clinical Social Work and Social Work Practice Act, the  
13 Illinois Dental Practice Act, the Dietetic and Nutrition  
14 Services Practice Act, the Marriage and Family Therapy  
15 Licensing Act, the Medical Practice Act of 1987, the  
16 Naprapathic Practice Act, the Nurse Practice Act, the  
17 Nursing Home Administrators Licensing and Disciplinary  
18 Act, the Illinois Occupational Therapy Practice Act, the  
19 Illinois Optometric Practice Act of 1987, the Pharmacy  
20 Practice Act, the Illinois Physical Therapy Act, the  
21 Physician Assistant Practice Act of 1987, the Podiatric  
22 Medical Practice Act of 1987, the Respiratory Care Practice  
23 Act, the Professional Counselor and Clinical Professional  
24 Counselor Licensing Act, the Illinois Speech-Language  
25 Pathology and Audiology Practice Act, the Veterinary  
26 Medicine and Surgery Practice Act of 2004, and the Illinois

1 Public Accounting Act;

2 (2) an employee of a vocational rehabilitation  
3 facility prescribed or supervised by the Department of  
4 Human Services;

5 (3) an administrator, employee, or person providing  
6 services in or through an unlicensed community based  
7 facility;

8 (4) any religious practitioner who provides treatment  
9 by prayer or spiritual means alone in accordance with the  
10 tenets and practices of a recognized church or religious  
11 denomination, except as to information received in any  
12 confession or sacred communication enjoined by the  
13 discipline of the religious denomination to be held  
14 confidential;

15 (5) field personnel of the Department of Healthcare and  
16 Family Services, Department of Public Health, and  
17 Department of Human Services, and any county or municipal  
18 health department;

19 (6) personnel of the Department of Human Services, the  
20 Guardianship and Advocacy Commission, the State Fire  
21 Marshal, local fire departments, the Department on Aging  
22 and its subsidiary Area Agencies on Aging and provider  
23 agencies, and the Office of State Long Term Care Ombudsman;

24 (7) any employee of the State of Illinois not otherwise  
25 specified herein who is involved in providing services to  
26 eligible adults, including professionals providing medical

1 or rehabilitation services and all other persons having  
2 direct contact with eligible adults;

3 (8) a person who performs the duties of a coroner or  
4 medical examiner; or

5 (9) a person who performs the duties of a paramedic or  
6 an emergency medical technician.

7 (g) "Neglect" means another individual's failure to  
8 provide an eligible adult with or willful withholding from an  
9 eligible adult the necessities of life including, but not  
10 limited to, food, clothing, shelter or health care. This  
11 subsection does not create any new affirmative duty to provide  
12 support to eligible adults. Nothing in this Act shall be  
13 construed to mean that an eligible adult is a victim of neglect  
14 because of health care services provided or not provided by  
15 licensed health care professionals.

16 (h) "Provider agency" means any public or nonprofit agency  
17 in a planning and service area appointed by the regional  
18 administrative agency with prior approval by the Department on  
19 Aging to receive and assess reports of alleged or suspected  
20 abuse, neglect, or financial exploitation.

21 (i) "Regional administrative agency" means any public or  
22 nonprofit agency in a planning and service area so designated  
23 by the Department, provided that the designated Area Agency on  
24 Aging shall be designated the regional administrative agency if  
25 it so requests. The Department shall assume the functions of  
26 the regional administrative agency for any planning and service

1 area where another agency is not so designated.

2 (i-5) "Self-neglect" means a condition that is the result  
3 of an eligible adult's inability, due to physical or mental  
4 impairments, or both, or a diminished capacity, to perform  
5 essential self-care tasks that substantially threaten his or  
6 her own health, including: providing essential food, clothing,  
7 shelter, and health care; and obtaining goods and services  
8 necessary to maintain physical health, mental health,  
9 emotional well-being, and general safety. The term includes  
10 compulsive hoarding, which is characterized by the acquisition  
11 and retention of large quantities of items and materials that  
12 produce an extensively cluttered living space, which  
13 significantly impairs the performance of essential self-care  
14 tasks or otherwise substantially threatens life or safety.

15 (j) "Substantiated case" means a reported case of alleged  
16 or suspected abuse, neglect, financial exploitation, or  
17 self-neglect in which a provider agency, after assessment,  
18 determines that there is reason to believe abuse, neglect, or  
19 financial exploitation has occurred.

20 (Source: P.A. 96-339, eff. 7-1-10; 96-526, eff. 1-1-10; 96-572,  
21 eff. 1-1-10; 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227,  
22 eff. 1-1-12; 97-300, eff. 8-11-11; revised 10-4-11.)

23 Section 500. The Abused and Neglected Child Reporting Act  
24 is amended by changing Sections 4 and 7 as follows:

1 (325 ILCS 5/4) (from Ch. 23, par. 2054)

2 Sec. 4. Persons required to report; privileged  
3 communications; transmitting false report. Any physician,  
4 resident, intern, hospital, hospital administrator and  
5 personnel engaged in examination, care and treatment of  
6 persons, surgeon, dentist, dentist hygienist, osteopath,  
7 chiropractor, podiatrist, physician assistant, substance abuse  
8 treatment personnel, funeral home director or employee,  
9 coroner, medical examiner, emergency medical technician,  
10 acupuncturist, crisis line or hotline personnel, school  
11 personnel (including administrators and both certified and  
12 non-certified school employees), educational advocate assigned  
13 to a child pursuant to the School Code, member of a school  
14 board or the Chicago Board of Education or the governing body  
15 of a private school (but only to the extent required in  
16 accordance with other provisions of this Section expressly  
17 concerning the duty of school board members to report suspected  
18 child abuse), truant officers, social worker, social services  
19 administrator, domestic violence program personnel, registered  
20 nurse, licensed practical nurse, genetic counselor,  
21 respiratory care practitioner, advanced practice nurse, home  
22 health aide, director or staff assistant of a nursery school or  
23 a child day care center, recreational program or facility  
24 personnel, law enforcement officer, licensed professional  
25 counselor, licensed clinical professional counselor,  
26 registered psychologist and assistants working under the

1 direct supervision of a psychologist, psychiatrist, or field  
2 personnel of the Department of Healthcare and Family Services,  
3 Juvenile Justice, Public Health, Human Services (acting as  
4 successor to the Department of Mental Health and Developmental  
5 Disabilities, Rehabilitation Services, or Public Aid),  
6 Corrections, Human Rights, or Children and Family Services,  
7 supervisor and administrator of general assistance under the  
8 Illinois Public Aid Code, probation officer, animal control  
9 officer or Illinois Department of Agriculture Bureau of Animal  
10 Health and Welfare field investigator, or any other foster  
11 parent, homemaker or child care worker having reasonable cause  
12 to believe a child known to them in their professional or  
13 official capacity may be an abused child or a neglected child  
14 shall immediately report or cause a report to be made to the  
15 Department.

16 Any member of the clergy having reasonable cause to believe  
17 that a child known to that member of the clergy in his or her  
18 professional capacity may be an abused child as defined in item  
19 (c) of the definition of "abused child" in Section 3 of this  
20 Act shall immediately report or cause a report to be made to  
21 the Department.

22 Any physician, physician's assistant, registered nurse,  
23 licensed practical nurse, medical technician, certified  
24 nursing assistant, social worker, or licensed professional  
25 counselor of any office, clinic, or any other physical location  
26 that provides abortions, abortion referrals, or contraceptives

1 having reasonable cause to believe a child known to him or her  
2 in his or her professional or official capacity may be an  
3 abused child or a neglected child shall immediately report or  
4 cause a report to be made to the Department.

5 If an allegation is raised to a school board member during  
6 the course of an open or closed school board meeting that a  
7 child who is enrolled in the school district of which he or she  
8 is a board member is an abused child as defined in Section 3 of  
9 this Act, the member shall direct or cause the school board to  
10 direct the superintendent of the school district or other  
11 equivalent school administrator to comply with the  
12 requirements of this Act concerning the reporting of child  
13 abuse. For purposes of this paragraph, a school board member is  
14 granted the authority in his or her individual capacity to  
15 direct the superintendent of the school district or other  
16 equivalent school administrator to comply with the  
17 requirements of this Act concerning the reporting of child  
18 abuse.

19 Notwithstanding any other provision of this Act, if an  
20 employee of a school district has made a report or caused a  
21 report to be made to the Department under this Act involving  
22 the conduct of a current or former employee of the school  
23 district and a request is made by another school district for  
24 the provision of information concerning the job performance or  
25 qualifications of the current or former employee because he or  
26 she is an applicant for employment with the requesting school



1 district, the general superintendent of the school district to  
2 which the request is being made must disclose to the requesting  
3 school district the fact that an employee of the school  
4 district has made a report involving the conduct of the  
5 applicant or caused a report to be made to the Department, as  
6 required under this Act. Only the fact that an employee of the  
7 school district has made a report involving the conduct of the  
8 applicant or caused a report to be made to the Department may  
9 be disclosed by the general superintendent of the school  
10 district to which the request for information concerning the  
11 applicant is made, and this fact may be disclosed only in cases  
12 where the employee and the general superintendent have not been  
13 informed by the Department that the allegations were unfounded.  
14 An employee of a school district who is or has been the subject  
15 of a report made pursuant to this Act during his or her  
16 employment with the school district must be informed by that  
17 school district that if he or she applies for employment with  
18 another school district, the general superintendent of the  
19 former school district, upon the request of the school district  
20 to which the employee applies, shall notify that requesting  
21 school district that the employee is or was the subject of such  
22 a report.

23 Whenever such person is required to report under this Act  
24 in his capacity as a member of the staff of a medical or other  
25 public or private institution, school, facility or agency, or  
26 as a member of the clergy, he shall make report immediately to

1 the Department in accordance with the provisions of this Act  
2 and may also notify the person in charge of such institution,  
3 school, facility or agency, or church, synagogue, temple,  
4 mosque, or other religious institution, or his designated agent  
5 that such report has been made. Under no circumstances shall  
6 any person in charge of such institution, school, facility or  
7 agency, or church, synagogue, temple, mosque, or other  
8 religious institution, or his designated agent to whom such  
9 notification has been made, exercise any control, restraint,  
10 modification or other change in the report or the forwarding of  
11 such report to the Department.

12 The privileged quality of communication between any  
13 professional person required to report and his patient or  
14 client shall not apply to situations involving abused or  
15 neglected children and shall not constitute grounds for failure  
16 to report as required by this Act or constitute grounds for  
17 failure to share information or documents with the Department  
18 during the course of a child abuse or neglect investigation. If  
19 requested by the professional, the Department shall confirm in  
20 writing that the information or documents disclosed by the  
21 professional were gathered in the course of a child abuse or  
22 neglect investigation.

23 A member of the clergy may claim the privilege under  
24 Section 8-803 of the Code of Civil Procedure.

25 Any office, clinic, or any other physical location that  
26 provides abortions, abortion referrals, or contraceptives

1 shall provide to all office personnel copies of written  
2 information and training materials about abuse and neglect and  
3 the requirements of this Act that are provided to employees of  
4 the office, clinic, or physical location who are required to  
5 make reports to the Department under this Act, and instruct  
6 such office personnel to bring to the attention of an employee  
7 of the office, clinic, or physical location who is required to  
8 make reports to the Department under this Act any reasonable  
9 suspicion that a child known to him or her in his or her  
10 professional or official capacity may be an abused child or a  
11 neglected child. In addition to the above persons required to  
12 report suspected cases of abused or neglected children, any  
13 other person may make a report if such person has reasonable  
14 cause to believe a child may be an abused child or a neglected  
15 child.

16 Any person who enters into employment on and after July 1,  
17 1986 and is mandated by virtue of that employment to report  
18 under this Act, shall sign a statement on a form prescribed by  
19 the Department, to the effect that the employee has knowledge  
20 and understanding of the reporting requirements of this Act.  
21 The statement shall be signed prior to commencement of the  
22 employment. The signed statement shall be retained by the  
23 employer. The cost of printing, distribution, and filing of the  
24 statement shall be borne by the employer.

25 The Department shall provide copies of this Act, upon  
26 request, to all employers employing persons who shall be

1 required under the provisions of this Section to report under  
2 this Act.

3 Any person who knowingly transmits a false report to the  
4 Department commits the offense of disorderly conduct under  
5 subsection (a)(7) of Section 26-1 of the "Criminal Code of  
6 1961". A violation of this provision is a Class 4 felony.

7 Any person who knowingly and willfully violates any  
8 provision of this Section other than a second or subsequent  
9 violation of transmitting a false report as described in the  
10 preceding paragraph, is guilty of a Class A misdemeanor for a  
11 first violation and a Class 4 felony for a second or subsequent  
12 violation; except that if the person acted as part of a plan or  
13 scheme having as its object the prevention of discovery of an  
14 abused or neglected child by lawful authorities for the purpose  
15 of protecting or insulating any person or entity from arrest or  
16 prosecution, the person is guilty of a Class 4 felony for a  
17 first offense and a Class 3 felony for a second or subsequent  
18 offense (regardless of whether the second or subsequent offense  
19 involves any of the same facts or persons as the first or other  
20 prior offense).

21 A child whose parent, guardian or custodian in good faith  
22 selects and depends upon spiritual means through prayer alone  
23 for the treatment or cure of disease or remedial care may be  
24 considered neglected or abused, but not for the sole reason  
25 that his parent, guardian or custodian accepts and practices  
26 such beliefs.

1           A child shall not be considered neglected or abused solely  
2 because the child is not attending school in accordance with  
3 the requirements of Article 26 of the School Code, as amended.

4           Nothing in this Act prohibits a mandated reporter who  
5 reasonably believes that an animal is being abused or neglected  
6 in violation of the Humane Care for Animals Act from reporting  
7 animal abuse or neglect to the Department of Agriculture's  
8 Bureau of Animal Health and Welfare.

9           A home rule unit may not regulate the reporting of child  
10 abuse or neglect in a manner inconsistent with the provisions  
11 of this Section. This Section is a limitation under subsection  
12 (i) of Section 6 of Article VII of the Illinois Constitution on  
13 the concurrent exercise by home rule units of powers and  
14 functions exercised by the State.

15           For purposes of this Section "child abuse or neglect"  
16 includes abuse or neglect of an adult resident as defined in  
17 this Act.

18           (Source: P.A. 96-494, eff. 8-14-09; 96-1446, eff. 8-20-10;  
19 97-189, eff. 7-22-11; 97-254, eff. 1-1-12; 97-387, eff.  
20 8-15-11; revised 10-4-11.)

21           (325 ILCS 5/7) (from Ch. 23, par. 2057)

22           Sec. 7. Time and manner of making reports. All reports of  
23 suspected child abuse or neglect made under this Act shall be  
24 made immediately by telephone to the central register  
25 established under Section 7.7 on the single, State-wide,

1 toll-free telephone number established in Section 7.6, or in  
2 person or by telephone through the nearest Department office.  
3 The Department shall, in cooperation with school officials,  
4 distribute appropriate materials in school buildings listing  
5 the toll-free telephone number established in Section 7.6,  
6 including methods of making a report under this Act. The  
7 Department may, in cooperation with appropriate members of the  
8 clergy, distribute appropriate materials in churches,  
9 synagogues, temples, mosques, or other religious buildings  
10 listing the toll-free telephone number established in Section  
11 7.6, including methods of making a report under this Act.

12       Wherever the Statewide number is posted, there shall also  
13 be posted the following notice:

14       "Any person who knowingly transmits a false report to the  
15 Department commits the offense of disorderly conduct under  
16 subsection (a) (7) of Section 26-1 of the Criminal Code of 1961.  
17 A violation of this subsection is a Class 4 felony."

18       The report required by this Act shall include, if known,  
19 the name and address of the child and his parents or other  
20 persons having his custody; the child's age; the nature of the  
21 child's condition including any evidence of previous injuries  
22 or disabilities; and any other information that the person  
23 filing the report believes might be helpful in establishing the  
24 cause of such abuse or neglect and the identity of the person  
25 believed to have caused such abuse or neglect. Reports made to  
26 the central register through the State-wide, toll-free

1 telephone number shall be immediately transmitted by the  
2 Department to the appropriate Child Protective Service Unit.  
3 All such reports alleging the death of a child, serious injury  
4 to a child including, but not limited to, brain damage, skull  
5 fractures, subdural hematomas, and internal injuries, torture  
6 of a child, malnutrition of a child, and sexual abuse to a  
7 child, including, but not limited to, sexual intercourse,  
8 sexual exploitation, sexual molestation, and sexually  
9 transmitted disease in a child age 12 and under, shall also be  
10 immediately transmitted by the Department to the appropriate  
11 local law enforcement agency. The Department shall within 24  
12 hours orally notify local law enforcement personnel and the  
13 office of the State's Attorney of the involved county of the  
14 receipt of any report alleging the death of a child, serious  
15 injury to a child including, but not limited to, brain damage,  
16 skull fractures, subdural hematomas, and, internal injuries,  
17 torture of a child, malnutrition of a child, and sexual abuse  
18 to a child, including, but not limited to, sexual intercourse,  
19 sexual exploitation, sexual molestation, and sexually  
20 transmitted disease in a child age twelve and under. All oral  
21 reports made by the Department to local law enforcement  
22 personnel and the office of the State's Attorney of the  
23 involved county shall be confirmed in writing within 24 hours  
24 of the oral report. All reports by persons mandated to report  
25 under this Act shall be confirmed in writing to the appropriate  
26 Child Protective Service Unit, which may be on forms supplied

1 by the Department, within 48 hours of any initial report.

2 Written confirmation reports from persons not required to  
3 report by this Act may be made to the appropriate Child  
4 Protective Service Unit. Written reports from persons required  
5 by this Act to report shall be admissible in evidence in any  
6 judicial proceeding or administrative hearing relating to  
7 child abuse or neglect. Reports involving known or suspected  
8 child abuse or neglect in public or private residential  
9 agencies or institutions shall be made and received in the same  
10 manner as all other reports made under this Act.

11 For purposes of this Section "child" includes an adult  
12 resident as defined in this Act.

13 (Source: P.A. 96-1446, eff. 8-20-10; 97-189, eff. 7-22-11;  
14 97-387, eff. 8-15-11; revised 10-4-11.)

15 Section 505. The Early Intervention Services System Act is  
16 amended by changing Section 13.15 as follows:

17 (325 ILCS 20/13.15)

18 Sec. 13.15. Billing of insurance carrier.

19 (a) Subject to the restrictions against private insurance  
20 use on the basis of material risk of loss of coverage, as  
21 determined under Section 13.25, each enrolled provider who is  
22 providing a family with early intervention services shall bill  
23 the child's insurance carrier for each unit of early  
24 intervention service for which coverage may be available. The



1 lead agency may exempt from the requirement of this paragraph  
2 any early intervention service that it has deemed not to be  
3 covered by insurance plans. When the service is not exempted,  
4 providers who receive a denial of payment on the basis that the  
5 service is not covered under any circumstance under the plan  
6 are not required to bill that carrier for that service again  
7 until the following insurance benefit year. That explanation of  
8 benefits denying the claim, once submitted to the central  
9 billing office, shall be sufficient to meet the requirements of  
10 this paragraph as to subsequent services billed under the same  
11 billing code provided to that child during that insurance  
12 benefit year. Any time limit on a provider's filing of a claim  
13 for payment with the central billing office that is imposed  
14 through a policy, procedure, or rule of the lead agency shall  
15 be suspended until the provider receives an explanation of  
16 benefits or other final determination of the claim it files  
17 with the child's insurance carrier.

18 (b) In all instances when an insurance carrier has been  
19 billed for early intervention services, whether paid in full,  
20 paid in part, or denied by the carrier, the provider must  
21 provide the central billing office, within 90 days after  
22 receipt, with a copy of the explanation of benefits form and  
23 other information in the manner prescribed by the lead agency.

24 (c) When the insurance carrier has denied the claim or paid  
25 an amount for the early intervention service billed that is  
26 less than ~~that~~ the current State rate for early intervention

1 services, the provider shall submit the explanation of benefits  
2 with a claim for payment, and the lead agency shall pay the  
3 provider the difference between the sum actually paid by the  
4 insurance carrier for each unit of service provided under the  
5 individualized family service plan and the current State rate  
6 for early intervention services. The State shall also pay the  
7 family's co-payment or co-insurance under its plan, but only to  
8 the extent that those payments plus the balance of the claim do  
9 not exceed the current State rate for early intervention  
10 services. The provider may under no circumstances bill the  
11 family for the difference between its charge for services and  
12 that which has been paid by the insurance carrier or by the  
13 State.

14 (Source: P.A. 92-307, eff. 8-9-01; revised 11-18-11.)

15 Section 510. The Mental Health and Developmental  
16 Disabilities Code is amended by changing Sections 1-106 and  
17 2-107 as follows:

18 (405 ILCS 5/1-106) (from Ch. 91 1/2, par. 1-106)

19 Sec. 1-106. "Developmental disability" means a disability  
20 which is attributable to: (a) an intellectual disability,  
21 cerebral palsy, epilepsy or autism; or ~~to~~ (b) any other  
22 condition which results in impairment similar to that caused by  
23 an intellectual disability and which requires services similar  
24 to those required by intellectually disabled persons. Such

1 disability must originate before the age of 18 years, be  
2 expected to continue indefinitely, and constitute a  
3 substantial handicap.

4 (Source: P.A. 97-227, eff. 1-1-12; revised 11-18-11.)

5 (405 ILCS 5/2-107) (from Ch. 91 1/2, par. 2-107)

6 Sec. 2-107. Refusal of services; informing of risks.

7 (a) An adult recipient of services or the recipient's  
8 guardian, if the recipient is under guardianship, and the  
9 recipient's substitute decision maker, if any, must be informed  
10 of the recipient's right to refuse medication or  
11 electroconvulsive therapy. The recipient and the recipient's  
12 guardian or substitute decision maker shall be given the  
13 opportunity to refuse generally accepted mental health or  
14 developmental disability services, including but not limited  
15 to medication or electroconvulsive therapy. If such services  
16 are refused, they shall not be given unless such services are  
17 necessary to prevent the recipient from causing serious and  
18 imminent physical harm to the recipient or others and no less  
19 restrictive alternative is available. The facility director  
20 shall inform a recipient, guardian, or substitute decision  
21 maker, if any, who refuses such services of alternate services  
22 available and the risks of such alternate services, as well as  
23 the possible consequences to the recipient of refusal of such  
24 services.

25 (b) Psychotropic medication or electroconvulsive therapy

1 may be administered under this Section for up to 24 hours only  
2 if the circumstances leading up to the need for emergency  
3 treatment are set forth in writing in the recipient's record.

4 (c) Administration of medication or electroconvulsive  
5 therapy may not be continued unless the need for such treatment  
6 is redetermined at least every 24 hours based upon a personal  
7 examination of the recipient by a physician or a nurse under  
8 the supervision of a physician and the circumstances  
9 demonstrating that need are set forth in writing in the  
10 recipient's record.

11 (d) Neither psychotropic medication nor electroconvulsive  
12 therapy may be administered under this Section for a period in  
13 excess of 72 hours, excluding Saturdays, Sundays, and holidays,  
14 unless a petition is filed under Section 2-107.1 and the  
15 treatment continues to be necessary under subsection (a) of  
16 this Section. Once the petition has been filed, treatment may  
17 continue in compliance with subsections (a), (b), and (c) of  
18 this Section until the final outcome of the hearing on the  
19 petition.

20 (e) The Department shall issue rules designed to insure  
21 that in State-operated mental health facilities psychotropic  
22 medication and electroconvulsive therapy are administered in  
23 accordance with this Section and only when appropriately  
24 authorized and monitored by a physician or a nurse under the  
25 supervision of a physician in accordance with accepted medical  
26 practice. The facility director of each mental health facility

1 not operated by the State shall issue rules designed to insure  
2 that in that facility psychotropic medication and  
3 electroconvulsive therapy are administered in accordance with  
4 this Section and only when appropriately authorized and  
5 monitored by a physician or a nurse under the supervision of a  
6 physician in accordance with accepted medical practice. Such  
7 rules shall be available for public inspection and copying  
8 during normal business hours.

9 (f) The provisions of this Section with respect to the  
10 emergency administration of psychotropic medication and  
11 electroconvulsive therapy do not apply to facilities licensed  
12 under the Nursing Home Care Act, the Specialized Mental Health  
13 Rehabilitation Act, or the ID/DD Community Care Act.

14 (g) Under no circumstances may long-acting psychotropic  
15 medications be administered under this Section.

16 (h) Whenever psychotropic medication or electroconvulsive  
17 therapy is refused pursuant to subsection (a) of this Section  
18 at least once that day, the physician shall determine and state  
19 in writing the reasons why the recipient did not meet the  
20 criteria for administration of medication or electroconvulsive  
21 therapy under subsection (a) and whether the recipient meets  
22 the standard for administration of psychotropic medication or  
23 electroconvulsive therapy under Section 2-107.1 of this Code.  
24 If the physician determines that the recipient meets the  
25 standard for administration of psychotropic medication or  
26 electroconvulsive therapy under Section 2-107.1, the facility

1 director or his or her designee shall petition the court for  
2 administration of psychotropic medication or electroconvulsive  
3 therapy pursuant to that Section unless the facility director  
4 or his or her designee states in writing in the recipient's  
5 record why the filing of such a petition is not warranted. This  
6 subsection (h) applies only to State-operated mental health  
7 facilities.

8 (i) The Department shall conduct annual trainings for all  
9 physicians and registered nurses working in State-operated  
10 mental health facilities on the appropriate use of emergency  
11 administration of psychotropic medication and  
12 electroconvulsive therapy, standards for their use, and the  
13 methods of authorization under this Section.

14 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
15 eff. 1-1-12; revised 10-4-11.)

16 Section 515. The Community Mental Health Act is amended by  
17 changing Section 1 as follows:

18 (405 ILCS 20/1) (from Ch. 91 1/2, par. 301)

19 Sec. 1. As used in this Act:

20 "Direct recipient services" means only those services  
21 required to carry out a completed individualized treatment plan  
22 that is ~~is~~ signed by a service recipient or legal guardian.  
23 Crisis assessment and stabilization services are excluded,  
24 although these services may be anticipated in a treatment plan.

1 "Governmental unit" means any county, city, village,  
2 incorporated town, or township.

3 "Person with a developmental disability" means any person  
4 or persons so diagnosed and as defined in the Mental Health and  
5 Developmental Disabilities Code. Community mental health  
6 boards operating under this Act may in their jurisdiction, by a  
7 majority vote, add to the definition of "person with a  
8 developmental disability".

9 "Mental illness" has the meaning ascribed to that term in  
10 the Mental Health and Developmental Disabilities Code.  
11 Community mental health boards operating under this Act may in  
12 their jurisdiction, by a majority vote, add to the definition  
13 of "mental illness".

14 "Substance use disorder" encompasses substance abuse,  
15 dependence, and addiction, not inconsistent with federal or  
16 State definitions.

17 (Source: P.A. 95-336, eff. 8-21-07; revised 11-18-11.)

18 Section 520. The Community Expanded Mental Health Services  
19 Act is amended by changing Sections 20 and 25 as follows:

20 (405 ILCS 22/20)

21 Sec. 20. Duties and functions of Governing Commission. The  
22 duties and functions of the Governing Commission of an Expanded  
23 Mental Health Services Program shall include the following:

24 (1) To, immediately after appointment, meet and

1 organize, by the election of one of its number as president  
2 and one as secretary and such other officers as it may deem  
3 necessary. It shall establish policies, rules,  
4 regulations, bylaws, and procedures for both the Governing  
5 Commission and the Program concerning the rendition or  
6 operation of services and facilities which it directs,  
7 supervises, or funds, not inconsistent with the provisions  
8 of this Act. No policies, rules, regulations, or bylaws  
9 shall be adopted by the Governing Commission without prior  
10 notice to the residents of the territory of a Program and  
11 an opportunity for such residents to be heard.

12 (2) To hold meetings at least quarterly, and to hold  
13 special meetings upon a written request signed by at least  
14 2 commissioners and filed with the secretary of the  
15 Governing Commission.

16 (3) To provide annual status reports on the Program to  
17 the Governor, the Mayor of the municipality, and the voters  
18 of the territory within 120 days after the end of the  
19 fiscal year, such report to show the condition of the  
20 expanded mental health services fund for that year, the  
21 sums of money received from all sources, how all monies  
22 have been expended and for what purposes, how the Program  
23 has conformed with the mental health needs assessment  
24 conducted in the territory, and such other statistics and  
25 Program information in regard to the work of the Governing  
26 Commission as it may deem of general interest.



1           (4) To manage, administer, and invest the financial  
2 resources contained in the expanded mental health services  
3 fund.

4           (5) To employ necessary personnel, acquire necessary  
5 office space, enter into contractual relationships, and  
6 disburse funds in accordance with the provisions of this  
7 Act. In this regard, to the extent the Governing Commission  
8 chooses to retain the services of another public or private  
9 agency with respect to the provision of expanded mental  
10 health services under this Act, such selection shall be  
11 based upon receipt of a comprehensive plan addressing the  
12 following factors: the conducting of a thorough mental  
13 health needs assessment for the territory; the development  
14 of specific mental health programs and services tailored to  
15 this assessment; and the percentage of the proposed budget  
16 devoted to responding to these demonstrated needs. Within  
17 14 days of the selection of any individual or organization,  
18 the Governing Commission shall provide a written report of  
19 its decision, with specific reference to the factors used  
20 in reaching its decision, to the Mayor of the municipality,  
21 the Governor, and the voters of the territory. Subsequent  
22 decisions by the Governing Commission to retain or  
23 terminate the services of a provider shall be based upon  
24 the provider's success in achieving its stated goals,  
25 especially with regards to servicing the maximum number of  
26 residents of the territory identified as needing mental

1 health services in the initial needs assessment and  
2 subsequent updates to it.

3 (6) To disburse the funds collected annually from tax  
4 revenue in such a way that no less than ~~that~~ 85% of those  
5 funds are expended on direct mental and emotional health  
6 services provided by licensed mental health professionals  
7 or by mental health interns or persons with a bachelor's  
8 degree in social work supervised by those professionals.

9 (7) To establish criteria and standards necessary for  
10 hiring the licensed mental health professionals to be  
11 employed to provide the direct services of the Program.

12 (8) To identify the mental and emotional health needs  
13 within the Program territory and determine the programs for  
14 meeting those needs annually as well as the eligible  
15 persons whom the Program may serve.

16 (9) To obtain errors and omissions insurance for all  
17 commissioners in an amount of no less than \$1,000,000.

18 (10) To perform such other functions in connection with  
19 the Program and the expanded mental health services fund as  
20 required under this Act.

21 (Source: P.A. 96-1548, eff. 1-1-12; revised 11-18-11.)

22 (405 ILCS 22/25)

23 Sec. 25. Expanded mental health services fund.

24 (a) The Governing Commission shall maintain the expanded  
25 mental health services fund for the purposes of paying the

1 costs of administering the Program and carrying out its duties  
2 under this Act, subject to the limitations and procedures set  
3 forth in this Act.

4 (b) The expanded mental health services fund shall be  
5 raised by means of an annual tax levied on each property within  
6 the territory of the Program. The rate of this tax may be  
7 changed from year to year by majority vote of the Governing  
8 Commission but in no case shall it exceed the ceiling rate  
9 established by the voters in the territory of the Program in  
10 the binding referendum to approve the creation of the Expanded  
11 Mental Health Services Program. The ceiling rate must be set  
12 within the range of .004 to .007 on each property in the  
13 territory of the Program. A higher ceiling rate for a territory  
14 may be established within that range only by the voters in a  
15 binding referendum from time to time to be held in a manner as  
16 set forth in this legislation. The commissioners shall cause  
17 the amount to be raised by taxation in each year to be  
18 certified to the county clerk in the manner provided by law,  
19 and any tax so levied and certified shall be collected and  
20 enforced in the same manner and by the same officers as those  
21 taxes for the purposes of the county and city within which the  
22 territory of the Governing Commission is located. Any such tax,  
23 when collected, shall be paid over to the proper officer of the  
24 Governing Commission who is authorized to receive and receipt  
25 for such tax. The Governing Commission may issue tax  
26 anticipation warrants against the taxes to be assessed for a

1 calendar year.

2 (c) The moneys deposited in the expanded mental health  
3 services fund shall, as nearly as practicable, be fully and  
4 continuously invested or reinvested by the Governing  
5 Commission in investment obligations which shall be in such  
6 amounts, and shall mature at such times, that the maturity or  
7 date of redemption at the option of the holder of such  
8 investment obligations shall coincide, as nearly as  
9 practicable, with the times at which monies will be required  
10 for the purposes of the Program. For the purposes of this  
11 Section, "investment obligation" means direct general  
12 municipal, state, or federal obligations which at the time are  
13 legal investments under the laws of this State and the payment  
14 of principal of and interest on which are unconditionally  
15 guaranteed by the governing body issuing them.

16 (d) The fund shall be used solely and exclusively for the  
17 purpose of providing expanded mental health services and no  
18 more than ~~that~~ 15% of the annual levy may be used for  
19 reasonable salaries, expenses, bills, and fees incurred in  
20 administering the Program.

21 (e) The fund shall be maintained, invested, and expended  
22 exclusively by the Governing Commission of the Program for  
23 whose purposes it was created. Under no circumstances shall the  
24 fund be used by any person or persons, governmental body, or  
25 public or private agency or concern other than the Governing  
26 Commission of the Program for whose purposes it was created.

1 Under no circumstances shall the fund be commingled with other  
2 funds or investments.

3 (f) No commissioner or family member of a commissioner, or  
4 employee or family member of an employee, may receive any  
5 financial benefit, either directly or indirectly, from the  
6 fund. Nothing in this subsection shall be construed to prohibit  
7 payment of expenses to a commissioner in accordance with  
8 subsection (g) of Section 15.

9 (g) Annually, the Governing Commission shall prepare for  
10 informational purposes in the appropriations process: (1) an  
11 annual budget showing the estimated receipts and intended  
12 disbursements pursuant to this Act for the fiscal year  
13 immediately following the date the budget is submitted, which  
14 date must be at least 30 days prior to the start of the fiscal  
15 year; and (2) an independent financial audit of the fund and  
16 the management of the Program detailing the income received and  
17 disbursements made pursuant to this Act during the fiscal year  
18 just preceding the date the annual report is submitted, which  
19 date must be within 90 days of the close of that fiscal year.  
20 These reports shall be made available to the public through any  
21 office of the Governing Commission or a public facility such as  
22 a local public library located within the territory of the  
23 Program. In addition, and in an effort to increase transparency  
24 of public programming, the Governing Commission shall  
25 effectively create and operate a publicly accessible website,  
26 which shall publish results of all audits for a period of no

1 less than six months after the initial disclosure of the  
2 results and findings of each audit.

3 (Source: P.A. 96-1548, eff. 1-1-12; revised 11-18-11.)

4 Section 525. The Community Services Act is amended by  
5 changing Section 4 as follows:

6 (405 ILCS 30/4) (from Ch. 91 1/2, par. 904)

7 Sec. 4. Financing for Community Services.

8 (a) The Department of Human Services is authorized to  
9 provide financial reimbursement to eligible private service  
10 providers, corporations, local government entities or  
11 voluntary associations for the provision of services to persons  
12 with mental illness, persons with a developmental disability  
13 and alcohol and drug dependent persons living in the community  
14 for the purpose of achieving the goals of this Act.

15 The Department shall utilize the following funding  
16 mechanisms for community services:

17 (1) Purchase of Care Contracts: services purchased on a  
18 predetermined fee per unit of service basis from private  
19 providers or governmental entities. Fee per service rates  
20 are set by an established formula which covers some portion  
21 of personnel, supplies, and other allowable costs, and  
22 which makes some allowance for geographic variations in  
23 costs as well as for additional program components.

24 (2) Grants: sums of money which the Department grants

1 to private providers or governmental entities pursuant to  
2 the grant recipient's agreement to provide certain  
3 services, as defined by departmental grant guidelines, to  
4 an approximate number of service recipients. Grant levels  
5 are set through consideration of personnel, supply and  
6 other allowable costs, as well as other funds available to  
7 the program.

8 (3) Other Funding Arrangements: funding mechanisms may  
9 be established on a pilot basis in order to examine the  
10 feasibility of alternative financing arrangements for the  
11 provision of community services.

12 The Department shall establish and maintain an equitable  
13 system of payment which allows providers to improve persons  
14 with disabilities' capabilities for independence and reduces  
15 their reliance on State-operated services.

16 For services classified as entitlement services under  
17 federal law or guidelines, caps may not be placed on the total  
18 amount of payment a provider may receive in a fiscal year and  
19 the Department shall not require that a portion of the payments  
20 due be made in a subsequent fiscal year based on a yearly  
21 payment cap.

22 (b) The Governor shall create a commission by September 1,  
23 2009, or as soon thereafter as possible, to review funding  
24 methodologies, identify gaps in funding, identify revenue, and  
25 prioritize use of that revenue for community developmental  
26 disability services, mental health services, alcohol and

1 substance abuse services, rehabilitation services, and early  
2 intervention services. The Office of the Governor shall provide  
3 staff support for the commission.

4 (c) The first meeting of the commission shall be held  
5 within the first month after the creation and appointment of  
6 the commission, and a final report summarizing the commission's  
7 recommendations must be issued within 12 months after the first  
8 meeting, and no later than September 1, 2010, to the Governor  
9 and the General Assembly.

10 (d) The commission shall have the following 13 voting  
11 members:

12 (A) one member of the House of Representatives,  
13 appointed by the Speaker of the House of Representatives;

14 (B) one member of the House of Representatives,  
15 appointed by the House Minority Leader;

16 (C) one member of the Senate, appointed by the  
17 President of the Senate;

18 (D) one member of the Senate, appointed by the Senate  
19 Minority Leader;

20 (E) one person with a developmental disability, or a  
21 family member or guardian of such a person, appointed by  
22 the Governor;

23 (F) one person with a mental illness, or a family  
24 member or guardian of such a person, appointed by the  
25 Governor;

26 (G) two persons from unions that represent employees of



1 community providers that serve people with developmental  
2 disabilities, mental illness, and alcohol and substance  
3 abuse disorders, appointed by the Governor; and

4 (H) five persons from statewide associations that  
5 represent community providers that provide residential,  
6 day training, and other developmental disability services,  
7 mental health services, alcohol and substance abuse  
8 services, rehabilitation services, or early intervention  
9 services, or any combination of those, appointed by the  
10 Governor.

11 The commission shall also have the following ex-officio,  
12 nonvoting members:

13 (I) the Director of the Governor's Office of Management  
14 and Budget or his or her designee;

15 (J) the Chief Financial Officer of the Department of  
16 Human Services or his or her designee;

17 (K) the Administrator of the Department of Healthcare  
18 and Family Services Division of Finance or his or her  
19 designee;

20 (L) the Director of the Department of Human Services  
21 Division of Developmental Disabilities or his or her  
22 designee;

23 (M) the Director of the Department of Human Services  
24 Division of Mental Health or his or her designee; and

25 (N) the Director of the Department of Human Services  
26 Division of Alcoholism ~~Alcohol~~ and Substance Abuse or his

1 or her designee.

2 (e) The funding methodologies must reflect economic  
3 factors inherent in providing services and supports, recognize  
4 individual disability needs, and consider geographic  
5 differences, transportation costs, required staffing ratios,  
6 and mandates not currently funded.

7 (f) In accepting Department funds, providers shall  
8 recognize their responsibility to be accountable to the  
9 Department and the State for the delivery of services which are  
10 consistent with the philosophies and goals of this Act and the  
11 rules and regulations promulgated under it.

12 (Source: P.A. 95-682, eff. 10-11-07; 96-652, eff. 8-24-09;  
13 96-1472, eff. 8-23-10; revised 11-18-11.)

14 Section 530. The Protection and Advocacy for Mentally Ill  
15 Persons Act is amended by changing Section 3 as follows:

16 (405 ILCS 45/3) (from Ch. 91 1/2, par. 1353)

17 Sec. 3. Powers and Duties.

18 (A) In order to properly exercise its powers and duties,  
19 the agency shall have the authority to:

20 (1) Investigate incidents of abuse and neglect of  
21 mentally ill persons if the incidents are reported to the  
22 agency or if there is probable cause to believe that the  
23 incidents occurred. In case of conflict with provisions of  
24 the Abused and Neglected Child Reporting Act or the Nursing

1 Home Care Act, the provisions of those Acts shall apply.

2 (2) Pursue administrative, legal and other appropriate  
3 remedies to ensure the protection of the rights of mentally  
4 ill persons who are receiving care and treatment in this  
5 State.

6 (3) Pursue administrative, legal and other remedies on  
7 behalf of an individual who:

8 (a) was a mentally ill individual; and

9 (b) is a resident of this State, but only with  
10 respect to matters which occur within 90 days after the  
11 date of the discharge of such individual from a  
12 facility providing care and treatment.

13 (4) Establish a board which shall:

14 (a) advise the protection and advocacy system on  
15 policies and priorities to be carried out in protecting  
16 and advocating the rights of mentally ill individuals;  
17 and

18 (b) include attorneys, mental health  
19 professionals, individuals from the public who are  
20 knowledgeable about mental illness, a provider of  
21 mental health services, individuals who have received  
22 or are receiving mental health services and family  
23 members of such individuals. At least one-half the  
24 members of the board shall be individuals who have  
25 received or are receiving mental health services or who  
26 are family members of such individuals.

1           (5) On January 1, 1988, and on January 1 of each  
2           succeeding year, prepare and transmit to the Secretary of  
3           the United States Department of Health and Human Services  
4           and to the Illinois Secretary of Human Services a report  
5           describing the activities, accomplishments and  
6           expenditures of the protection and advocacy system during  
7           the most recently completed fiscal year.

8           (B) The agency shall have access to all mental health  
9           facilities as defined in Sections 1-107 and 1-114 of the Mental  
10          Health and Developmental Disabilities Code, all facilities as  
11          defined in Section 1-113 of the Nursing Home Care Act, all  
12          facilities as defined in Section 1-113 of the Specialized  
13          Mental Health Rehabilitation Act, all facilities as defined in  
14          Section 1-113 of the ID/DD Community Care Act, all facilities  
15          as defined in Section 2.06 of the Child Care Act of 1969, as  
16          now or hereafter amended, and all other facilities providing  
17          care or treatment to mentally ill persons. Such access shall be  
18          granted for the purposes of meeting with residents and staff,  
19          informing them of services available from the agency,  
20          distributing written information about the agency and the  
21          rights of persons who are mentally ill, conducting scheduled  
22          and unscheduled visits, and performing other activities  
23          designed to protect the rights of mentally ill persons.

24          (C) The agency shall have access to all records of mentally  
25          ill persons who are receiving care or treatment from a  
26          facility, subject to the limitations of this Act, the Mental

1 Health and Developmental Disabilities Confidentiality Act, the  
2 Nursing Home Care Act and the Child Care Act of 1969, as now or  
3 hereafter amended. If the mentally ill person has a legal  
4 guardian other than the State or a designee of the State, the  
5 facility director shall disclose the guardian's name, address  
6 and telephone number to the agency upon its request. In cases  
7 of conflict with provisions of the Abused and Neglected Child  
8 Reporting Act and the Nursing Home Care Act, the provisions of  
9 the Abused and Neglected Child Reporting Act and the Nursing  
10 Home Care Act shall apply. The agency shall also have access,  
11 for the purpose of inspection and copying, to the records of a  
12 mentally ill person (i) who by reason of his or her mental or  
13 physical condition is unable to authorize the agency to have  
14 such access; (ii) who does not have a legal guardian or for  
15 whom the State or a designee of the State is the legal  
16 guardian; and (iii) with respect to whom a complaint has been  
17 received by the agency or with respect to whom there is  
18 probable cause to believe that such person has been subjected  
19 to abuse or neglect.

20 The agency shall provide written notice to the mentally ill  
21 person and the State guardian of the nature of the complaint  
22 based upon which the agency has gained access to the records.  
23 No record or the contents of the record shall be redisclosed by  
24 the agency unless the person who is mentally ill and the State  
25 guardian are provided 7 days advance written notice, except in  
26 emergency situations, of the agency's intent to redisclose such

1 record. Within such 7-day period, the mentally ill person or  
2 the State guardian may seek an injunction prohibiting the  
3 agency's redisclosure of such record on the grounds that such  
4 redisclosure is contrary to the interests of the mentally ill  
5 person.

6       Upon request, the authorized agency shall be entitled to  
7 inspect and copy any clinical or trust fund records of mentally  
8 ill persons which may further the agency's investigation of  
9 alleged problems affecting numbers of mentally ill persons.  
10 When required by law, any personally identifiable information  
11 of mentally ill persons shall be removed from the records.  
12 However, the agency may not inspect or copy any records or  
13 other materials when the removal of personally identifiable  
14 information imposes an unreasonable burden on any facility as  
15 defined by the Mental Health and Developmental Disabilities  
16 Code, the Nursing Home Care Act, the Specialized Mental Health  
17 Rehabilitation Act, or the Child Care Act of 1969, or any other  
18 facility providing care or treatment to mentally ill persons.

19       (D) Prior to instituting any legal action in a federal or  
20 State court on behalf of a mentally ill individual, an eligible  
21 protection and advocacy system, or a State agency or nonprofit  
22 organization which entered into a contract with such an  
23 eligible system under Section 104(a) of the federal Protection  
24 and Advocacy for Mentally Ill Individuals Act of 1986, shall  
25 exhaust in a timely manner all administrative remedies where  
26 appropriate. If, in pursuing administrative remedies, the

1 system, State agency or organization determines that any matter  
2 with respect to such individual will not be resolved within a  
3 reasonable time, the system, State agency or organization may  
4 pursue alternative remedies, including the initiation of  
5 appropriate legal action.

6 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
7 eff. 1-1-12; revised 10-4-11.)

8 Section 535. The Developmental Disability and Mental  
9 Disability Services Act is amended by changing Sections 2-3 and  
10 5-1 as follows:

11 (405 ILCS 80/2-3) (from Ch. 91 1/2, par. 1802-3)

12 Sec. 2-3. As used in this Article, unless the context  
13 requires otherwise:

14 (a) "Agency" means an agency or entity licensed by the  
15 Department pursuant to this Article or pursuant to the  
16 Community Residential Alternatives Licensing Act.

17 (b) "Department" means the Department of Human Services, as  
18 successor to the Department of Mental Health and Developmental  
19 Disabilities.

20 (c) "Home-based services" means services provided to a  
21 mentally disabled adult who lives in his or her own home. These  
22 services include but are not limited to:

23 (1) home health services;

24 (2) case management;

- 1 (3) crisis management;
- 2 (4) training and assistance in self-care;
- 3 (5) personal care services;
- 4 (6) habilitation and rehabilitation services;
- 5 (7) employment-related services;
- 6 (8) respite care; and
- 7 (9) other skill training that enables a person to
- 8 become self-supporting.

9 (d) "Legal guardian" means a person appointed by a court of  
10 competent jurisdiction to exercise certain powers on behalf of  
11 a mentally disabled adult.

12 (e) "Mentally disabled adult" means a person over the age  
13 of 18 years who lives in his or her own home; who needs  
14 home-based services, but does not require 24-hour-a-day  
15 supervision; and who has one of the following conditions:  
16 severe autism, severe mental illness, a severe or profound  
17 intellectual disability, or severe and multiple impairments.

18 (f) In one's "own home" means that a mentally disabled  
19 adult lives alone; or that a mentally disabled adult is in  
20 full-time residence with his or her parents, legal guardian, or  
21 other relatives; or that a mentally disabled adult is in  
22 full-time residence in a setting not subject to licensure under  
23 the Nursing Home Care Act, the Specialized Mental Health  
24 Rehabilitation Act, the ID/DD Community Care Act, or the Child  
25 Care Act of 1969, as now or hereafter amended, with 3 or fewer  
26 other adults unrelated to the mentally disabled adult who do



1 not provide home-based services to the mentally disabled adult.

2 (g) "Parent" means the biological or adoptive parent of a  
3 mentally disabled adult, or a person licensed as a foster  
4 parent under the laws of this State who acts as a mentally  
5 disabled adult's foster parent.

6 (h) "Relative" means any of the following relationships by  
7 blood, marriage or adoption: parent, son, daughter, brother,  
8 sister, grandparent, uncle, aunt, nephew, niece, great  
9 grandparent, great uncle, great aunt, stepbrother, stepsister,  
10 stepson, stepdaughter, stepparent or first cousin.

11 (i) "Severe autism" means a lifelong developmental  
12 disability which is typically manifested before 30 months of  
13 age and is characterized by severe disturbances in reciprocal  
14 social interactions; verbal and nonverbal communication and  
15 imaginative activity; and repertoire of activities and  
16 interests. A person shall be determined severely autistic, for  
17 purposes of this Article, if both of the following are present:

18 (1) Diagnosis consistent with the criteria for  
19 autistic disorder in the current edition of the Diagnostic  
20 and Statistical Manual of Mental Disorders.

21 (2) Severe disturbances in reciprocal social  
22 interactions; verbal and nonverbal communication and  
23 imaginative activity; repertoire of activities and  
24 interests. A determination of severe autism shall be based  
25 upon a comprehensive, documented assessment with an  
26 evaluation by a licensed clinical psychologist or

1           psychiatrist. A determination of severe autism shall not be  
2           based solely on behaviors relating to environmental,  
3           cultural or economic differences.

4           (j) "Severe mental illness" means the manifestation of all  
5           of the following characteristics:

6                   (1) A primary diagnosis of one of the major mental  
7                   disorders in the current edition of the Diagnostic and  
8                   Statistical Manual of Mental Disorders listed below:

9                           (A) Schizophrenia disorder.

10                           (B) Delusional disorder.

11                           (C) Schizo-affective disorder.

12                           (D) Bipolar affective disorder.

13                           (E) Atypical psychosis.

14                           (F) Major depression, recurrent.

15                   (2) The individual's mental illness must substantially  
16                   impair his or her functioning in at least 2 of the  
17                   following areas:

18                           (A) Self-maintenance.

19                           (B) Social functioning.

20                           (C) Activities of community living.

21                           (D) Work skills.

22                   (3) Disability must be present or expected to be  
23                   present for at least one year.

24           A determination of severe mental illness shall be based  
25           upon a comprehensive, documented assessment with an evaluation  
26           by a licensed clinical psychologist or psychiatrist, and shall

1 not be based solely on behaviors relating to environmental,  
2 cultural or economic differences.

3 (k) "Severe or profound intellectual disability" means a  
4 manifestation of all of the following characteristics:

5 (1) A diagnosis which meets Classification in Mental  
6 Retardation or criteria in the current edition of the  
7 Diagnostic and Statistical Manual of Mental Disorders for  
8 severe or profound mental retardation (an IQ of 40 or  
9 below). This must be measured by a standardized instrument  
10 for general intellectual functioning.

11 (2) A severe or profound level of disturbed adaptive  
12 behavior. This must be measured by a standardized adaptive  
13 behavior scale or informal appraisal by the professional in  
14 keeping with illustrations in Classification in Mental  
15 Retardation, 1983.

16 (3) Disability diagnosed before age of 18.

17 A determination of a severe or profound intellectual  
18 disability shall be based upon a comprehensive, documented  
19 assessment with an evaluation by a licensed clinical  
20 psychologist or certified school psychologist or a  
21 psychiatrist, and shall not be based solely on behaviors  
22 relating to environmental, cultural or economic differences.

23 (l) "Severe and multiple impairments" means the  
24 manifestation of all of the following characteristics:

25 (1) The evaluation determines the presence of a  
26 developmental disability which is expected to continue

1 indefinitely, constitutes a substantial handicap and is  
2 attributable to any of the following:

3 (A) Intellectual disability, which is defined as  
4 general intellectual functioning that is 2 or more  
5 standard deviations below the mean concurrent with  
6 impairment of adaptive behavior which is 2 or more  
7 standard deviations below the mean. Assessment of the  
8 individual's intellectual functioning must be measured  
9 by a standardized instrument for general intellectual  
10 functioning.

11 (B) Cerebral palsy.

12 (C) Epilepsy.

13 (D) Autism.

14 (E) Any other condition which results in  
15 impairment similar to that caused by an intellectual  
16 disability and which requires services similar to  
17 those required by intellectually disabled persons.

18 (2) The evaluation determines multiple handicaps in  
19 physical, sensory, behavioral or cognitive functioning  
20 which constitute a severe or profound impairment  
21 attributable to one or more of the following:

22 (A) Physical functioning, which severely impairs  
23 the individual's motor performance that may be due to:

24 (i) Neurological, psychological or physical  
25 involvement resulting in a variety of disabling  
26 conditions such as hemiplegia, quadriplegia or

1           ataxia,

2                   (ii) Severe organ systems involvement such as  
3           congenital heart defect,

4                   (iii) Physical abnormalities resulting in the  
5           individual being non-mobile and non-ambulatory or  
6           confined to bed and receiving assistance in  
7           transferring, or

8                   (iv) The need for regular medical or nursing  
9           supervision such as gastrostomy care and feeding.

10           Assessment of physical functioning must be based  
11           on clinical medical assessment by a physician licensed  
12           to practice medicine in all its branches, using the  
13           appropriate instruments, techniques and standards of  
14           measurement required by the professional.

15           (B) Sensory, which involves severe restriction due  
16           to hearing or visual impairment limiting the  
17           individual's movement and creating dependence in  
18           completing most daily activities. Hearing impairment  
19           is defined as a loss of 70 decibels aided or speech  
20           discrimination of less than 50% aided. Visual  
21           impairment is defined as 20/200 corrected in the better  
22           eye or a visual field of 20 degrees or less. Sensory  
23           functioning must be based on clinical medical  
24           assessment by a physician licensed to practice  
25           medicine in all its branches using the appropriate  
26           instruments, techniques and standards of measurement

1 required by the professional.

2 (C) Behavioral, which involves behavior that is  
3 maladaptive and presents a danger to self or others, is  
4 destructive to property by deliberately breaking,  
5 destroying or defacing objects, is disruptive by  
6 fighting, or has other socially offensive behaviors in  
7 sufficient frequency or severity to seriously limit  
8 social integration. Assessment of behavioral  
9 functioning may be measured by a standardized scale or  
10 informal appraisal by a clinical psychologist or  
11 psychiatrist.

12 (D) Cognitive, which involves intellectual  
13 functioning at a measured IQ of 70 or below. Assessment  
14 of cognitive functioning must be measured by a  
15 standardized instrument for general intelligence.

16 (3) The evaluation determines that development is  
17 substantially less than expected for the age in cognitive,  
18 affective or psychomotor behavior as follows:

19 (A) Cognitive, which involves intellectual  
20 functioning at a measured IQ of 70 or below. Assessment  
21 of cognitive functioning must be measured by a  
22 standardized instrument for general intelligence.

23 (B) Affective behavior, which involves over and  
24 under responding to stimuli in the environment and may  
25 be observed in mood, attention to awareness, or in  
26 behaviors such as euphoria, anger or sadness that

1 seriously limit integration into society. Affective  
2 behavior must be based on clinical assessment using the  
3 appropriate instruments, techniques and standards of  
4 measurement required by the professional.

5 (C) Psychomotor, which includes a severe  
6 developmental delay in fine or gross motor skills so  
7 that development in self-care, social interaction,  
8 communication or physical activity will be greatly  
9 delayed or restricted.

10 (4) A determination that the disability originated  
11 before the age of 18 years.

12 A determination of severe and multiple impairments shall be  
13 based upon a comprehensive, documented assessment with an  
14 evaluation by a licensed clinical psychologist or  
15 psychiatrist.

16 If the examiner is a licensed clinical psychologist,  
17 ancillary evaluation of physical impairment, cerebral palsy or  
18 epilepsy must be made by a physician licensed to practice  
19 medicine in all its branches.

20 Regardless of the discipline of the examiner, ancillary  
21 evaluation of visual impairment must be made by an  
22 ophthalmologist or a licensed optometrist.

23 Regardless of the discipline of the examiner, ancillary  
24 evaluation of hearing impairment must be made by an  
25 otolaryngologist or an audiologist with a certificate of  
26 clinical competency.

1           The only exception to the above is in the case of a person  
2 with cerebral palsy or epilepsy who, according to the  
3 eligibility criteria listed below, has multiple impairments  
4 which are only physical and sensory. In such a case, a  
5 physician licensed to practice medicine in all its branches may  
6 serve as the examiner.

7           (m)       "Twenty-four-hour-a-day supervision" means  
8 24-hour-a-day care by a trained mental health or developmental  
9 disability professional on an ongoing basis.

10       (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
11 eff. 1-1-12; revised 10-4-11.)

12           (405 ILCS 80/5-1) (from Ch. 91 1/2, par. 1805-1)

13       Sec. 5-1. As the mental health and developmental  
14 disabilities or intellectual disabilities authority for the  
15 State of Illinois, the Department of Human Services shall have  
16 the authority to license, certify and prescribe standards  
17 governing the programs and services provided under this Act, as  
18 well as all other agencies or programs which provide home-based  
19 or community-based services to the mentally disabled, except  
20 those services, programs or agencies established under or  
21 otherwise subject to the Child Care Act of 1969, the  
22 Specialized Mental Health Rehabilitation Act, or the ID/DD  
23 Community Care Act, as now or hereafter amended, and this Act  
24 shall not be construed to limit the application of those Acts.

25       (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,



1 eff. 1-1-12; revised 10-4-11.)

2 Section 540. The Crematory Regulation Act is amended by  
3 changing Section 10 as follows:

4 (410 ILCS 18/10)

5 (Text of Section before amendment by P.A. 96-863)

6 (Section scheduled to be repealed on January 1, 2021)

7 Sec. 10. Establishment of crematory and licensing of  
8 crematory authority.

9 (a) Any person doing business in this State, or any  
10 cemetery, funeral establishment, corporation, partnership,  
11 joint venture, voluntary organization or any other entity, may  
12 erect, maintain, and operate a crematory in this State and  
13 provide the necessary appliances and facilities for the  
14 cremation of human remains in accordance with this Act.

15 (b) A crematory shall be subject to all local, State, and  
16 federal health and environmental protection requirements and  
17 shall obtain all necessary licenses and permits from the  
18 Department, the federal Department of Health and Human  
19 Services, and the Illinois and federal Environmental  
20 Protection Agencies, or such other appropriate local, State, or  
21 federal agencies.

22 (c) A crematory may be constructed on or adjacent to any  
23 cemetery, on or adjacent to any funeral establishment, or at  
24 any other location consistent with local zoning regulations.

1 (d) An application for licensure as a crematory authority  
2 shall be in writing on forms furnished by the Comptroller.  
3 Applications shall be accompanied by a fee of \$50 and shall  
4 contain all of the following:

5 (1) The full name and address, both residence and  
6 business, of the applicant if the applicant is an  
7 individual; the full name and address of every member if  
8 the applicant is a partnership; the full name and address  
9 of every member of the board of directors if the applicant  
10 is an association; and the name and address of every  
11 officer, director, and shareholder holding more than 25% of  
12 the corporate stock if the applicant is a corporation.

13 (2) The address and location of the crematory.

14 (3) A description of the type of structure and  
15 equipment to be used in the operation of the crematory,  
16 including the operating permit number issued to the  
17 cremation device by the Illinois Environmental Protection  
18 Agency.

19 (3.5) Attestation by the owner that cremation services  
20 shall be by a person trained in accordance with the  
21 requirements of Section 22 of this Act.

22 (3.10) A copy of the certification or certifications  
23 issued by the certification program to the person or  
24 persons who will operate the cremation device.

25 (4) Any further information that the Comptroller  
26 reasonably may require.

1           (e) Each crematory authority shall file an annual report  
2 with the Comptroller, accompanied with a \$25 fee, providing (i)  
3 an affidavit signed by the owner of the crematory authority  
4 that at the time of the report the cremation device was in  
5 proper operating condition, (ii) the total number of all  
6 cremations performed at the crematory during the past year,  
7 (iii) attestation by the licensee that all applicable permits  
8 and certifications are valid, and (iv) either (A) any changes  
9 required in the information provided under subsection (d) or  
10 (B) an indication that no changes have occurred. The annual  
11 report shall be filed by a crematory authority on or before  
12 March 15 of each calendar year, in the Office of the  
13 Comptroller. If the fiscal year of a crematory authority is  
14 other than on a calendar year basis, then the crematory  
15 authority shall file the report required by this Section within  
16 75 days after the end of its fiscal year. The Comptroller  
17 shall, for good cause shown, grant an extension for the filing  
18 of the annual report upon the written request of the crematory  
19 authority. An extension shall not exceed 60 days. If a  
20 crematory authority fails to submit an annual report to the  
21 Comptroller within the time specified in this Section, the  
22 Comptroller shall impose upon the crematory authority a penalty  
23 of \$5 for each and every day the crematory authority remains  
24 delinquent in submitting the annual report. The Comptroller may  
25 abate all or part of the \$5 daily penalty for good cause shown.

26           (f) All records required to be maintained under this Act,

1 including but not limited to those relating to the license and  
2 annual report of the crematory authority required to be filed  
3 under this Section, shall be subject to inspection by the  
4 Comptroller upon reasonable notice.

5 (g) The Comptroller may inspect crematory records at the  
6 crematory authority's place of business to review the  
7 licensee's compliance with this Act. The inspection must  
8 include verification that:

9 (1) the crematory authority has complied with  
10 record-keeping requirements of this Act;

11 (2) a crematory device operator's certification of  
12 training is conspicuously displayed at the crematory;

13 (3) the cremation device has a current operating permit  
14 issued by the Illinois Environmental Protection Agency and  
15 the permit is conspicuously displayed in the crematory;

16 (4) the crematory authority is in compliance with local  
17 zoning requirements; and

18 (5) the crematory authority license issued by the  
19 Comptroller is conspicuously displayed at the crematory.

20 (h) The Comptroller shall issue licenses under this Act to  
21 the crematories that are registered with the Comptroller as of  
22 July 1, 2003 without requiring the previously registered  
23 crematories to complete license applications.

24 (Source: P.A. 92-419, eff. 1-1-02; 92-675, eff. 7-1-03.)

25 (Text of Section after amendment by P.A. 96-863)

1 (Section scheduled to be repealed on January 1, 2021)

2 Sec. 10. Establishment of crematory and licensing of  
3 crematory authority.

4 (a) Any person doing business in this State, or any  
5 cemetery, funeral establishment, corporation, partnership,  
6 joint venture, voluntary organization or any other entity, may  
7 erect, maintain, and operate a crematory in this State and  
8 provide the necessary appliances and facilities for the  
9 cremation of human remains in accordance with this Act.

10 (b) A crematory shall be subject to all local, State, and  
11 federal health and environmental protection requirements and  
12 shall obtain all necessary licenses and permits from the  
13 Department of Financial and Professional Regulation, the  
14 Department of Public Health, the federal Department of Health  
15 and Human Services, and the Illinois and federal Environmental  
16 Protection Agencies, or such other appropriate local, State, or  
17 federal agencies.

18 (c) A crematory may be constructed on or adjacent to any  
19 cemetery, on or adjacent to any funeral establishment, or at  
20 any other location consistent with local zoning regulations.

21 (d) An application for licensure as a crematory authority  
22 shall be in writing on forms furnished by the Department.  
23 Applications shall be accompanied by a reasonable fee  
24 determined by rule and shall contain all of the following:

25 (1) The full name and address, both residence and  
26 business, of the applicant if the applicant is an

1 individual; the full name and address of every member if  
2 the applicant is a partnership; the full name and address  
3 of every member of the board of directors if the applicant  
4 is an association; and the name and address of every  
5 officer, director, and shareholder holding more than 25% of  
6 the corporate stock if the applicant is a corporation.

7 (2) The address and location of the crematory.

8 (3) A description of the type of structure and  
9 equipment to be used in the operation of the crematory,  
10 including the operating permit number issued to the  
11 cremation device by the Illinois Environmental Protection  
12 Agency.

13 (4) Any further information that the Department  
14 reasonably may require as established by rule.

15 (e) Each crematory authority shall file an annual report  
16 with the Department, accompanied with a reasonable fee  
17 determined by rule, providing (i) an affidavit signed by the  
18 owner of the crematory authority that at the time of the report  
19 the cremation device was in proper operating condition, (ii)  
20 the total number of all cremations performed at the crematory  
21 during the past year, (iii) attestation by the licensee that  
22 all applicable permits and certifications are valid, (iv)  
23 either (A) any changes required in the information provided  
24 under subsection (d) or (B) an indication that no changes have  
25 occurred, and (v) any other information that the Department may  
26 require as established by rule. The annual report shall be

1 filed by a crematory authority on or before March 15 of each  
2 calendar year. If the fiscal year of a crematory authority is  
3 other than on a calendar year basis, then the crematory  
4 authority shall file the report required by this Section within  
5 75 days after the end of its fiscal year. If a crematory  
6 authority fails to submit an annual report to the Department  
7 within the time specified in this Section, the Department shall  
8 impose upon the crematory authority a penalty as provided for  
9 by rule for each and every day the crematory authority remains  
10 delinquent in submitting the annual report. The Department may  
11 abate all or part of the penalty for good cause shown.

12 (f) All records required to be maintained under this Act,  
13 including but not limited to those relating to the license and  
14 annual report of the crematory authority required to be filed  
15 under this Section, shall be subject to inspection by the  
16 Comptroller upon reasonable notice.

17 (g) The Department may inspect crematory records at the  
18 crematory authority's place of business to review the  
19 licensee's compliance with this Act. The inspection must  
20 include verification that:

21 (1) the crematory authority has complied with  
22 record-keeping requirements of this Act;

23 (2) a crematory device operator's certification of  
24 training is conspicuously displayed at the crematory;

25 (3) the cremation device has a current operating permit  
26 issued by the Illinois Environmental Protection Agency and

1 the permit is conspicuously displayed in the crematory;

2 (4) the crematory authority is in compliance with local  
3 zoning requirements; ~~and~~

4 (5) the crematory authority license issued by the  
5 Department is conspicuously displayed at the crematory;  
6 and-

7 (6) other details as determined by rule.

8 (h) The Department shall issue licenses under this Act to  
9 the crematories that are registered with the Comptroller as of  
10 on March 1, 2012 without requiring the previously registered  
11 crematories to complete license applications.

12 (Source: P.A. 96-863, eff. 3-1-12; revised 11-18-11.)

13 Section 545. The Newborn Metabolic Screening Act is amended  
14 by changing Section 2 as follows:

15 (410 ILCS 240/2) (from Ch. 111 1/2, par. 4904)

16 Sec. 2. The Department of Public Health shall administer  
17 the provisions of this Act and shall:

18 (a) Institute and carry on an intensive educational program  
19 among physicians, hospitals, public health nurses and the  
20 public concerning the diseases phenylketonuria,  
21 hypothyroidism, galactosemia and other metabolic diseases.  
22 This educational program shall include information about the  
23 nature of the diseases and examinations for the detection of  
24 the diseases in early infancy in order that measures may be



1 taken to prevent the intellectual disabilities resulting from  
2 the diseases.

3 (a-5) Beginning July 1, 2002, provide all newborns with  
4 expanded screening tests for the presence of genetic,  
5 endocrine, or other metabolic disorders, including  
6 phenylketonuria, galactosemia, hypothyroidism, congenital  
7 adrenal hyperplasia, biotinidase deficiency, and sickling  
8 disorders, as well as other amino acid disorders, organic acid  
9 disorders, fatty acid oxidation disorders, and other  
10 abnormalities detectable through the use of a tandem mass  
11 spectrometer. If by July 1, 2002, the Department is unable to  
12 provide expanded screening using the State Laboratory, it shall  
13 temporarily provide such screening through an accredited  
14 laboratory selected by the Department until the Department has  
15 the capacity to provide screening through the State Laboratory.  
16 If expanded screening is provided on a temporary basis through  
17 an accredited laboratory, the Department shall substitute the  
18 fee charged by the accredited laboratory, plus a 5% surcharge  
19 for documentation and handling, for the fee authorized in  
20 subsection (e) of this Section.

21 (a-6) In accordance with the timetable specified in this  
22 subsection, provide all newborns with expanded screening tests  
23 for the presence of certain Lysosomal Storage Disorders known  
24 as Krabbe, Pompe, Gaucher, Fabry, and Niemann-Pick. The testing  
25 shall begin within 6 months following the occurrence of all of  
26 the following:

1 (i) the establishment and verification of relevant and  
2 appropriate performance specifications as defined under  
3 the federal Clinical Laboratory Improvement Amendments and  
4 regulations thereunder for Federal Drug  
5 Administration-cleared or in-house developed methods,  
6 performed under an institutional review board approved  
7 protocol, if required;

8 (ii) the availability of quality assurance testing  
9 methodology for these processes;

10 (iii) the acquisition and installment by the  
11 Department of the equipment necessary to implement the  
12 expanded screening tests;

13 (iv) establishment of precise threshold values  
14 ensuring defined disorder identification for each  
15 screening test;

16 (v) authentication of pilot testing achieving each  
17 milestone described in items (i) through (iv) of this  
18 subsection (a-6) for each disorder screening test; and

19 (vi) authentication achieving potentiality of high  
20 throughput standards for statewide volume of each disorder  
21 screening test concomitant with each milestone described  
22 in items (i) through (iv) of this subsection (a-6).

23 It is the goal of Public Act 97-532 ~~this amendatory Act of~~  
24 ~~the 97th General Assembly~~ that the expanded screening for the  
25 specified Lysosomal Storage Disorders begins within 2 years  
26 after August 23, 2011 (the effective date of Public Act 97-532)

1 ~~this amendatory Act of the 97th General Assembly.~~ The  
2 Department is authorized to implement an additional fee for the  
3 screening prior to beginning the testing in order to accumulate  
4 the resources for start-up and other costs associated with  
5 implementation of the screening and thereafter to support the  
6 costs associated with screening and follow-up programs for the  
7 specified Lysosomal Storage Disorders.

8 (a-7) In accordance with the timetable specified in this  
9 subsection (a-7), provide all newborns with expanded screening  
10 tests for the presence of Severe Combined Immunodeficiency  
11 Disease (SCID). The testing shall begin within 12 months  
12 following the occurrence of all of the following:

13 (i) the establishment and verification of relevant and  
14 appropriate performance specifications as defined under  
15 the federal Clinical Laboratory Improvement Amendments and  
16 regulations thereunder for Federal Drug  
17 Administration-cleared or in-house developed methods,  
18 performed under an institutional review board approved  
19 protocol, if required;

20 (ii) the availability of quality assurance testing and  
21 comparative threshold values for SCID;

22 (iii) the acquisition and installment by the  
23 Department of the equipment necessary to implement the  
24 initial pilot and expanded statewide volume of screening  
25 tests for SCID;

26 (iv) establishment of precise threshold values

1 ensuring defined disorder identification for SCID;

2 (v) authentication of pilot testing achieving each  
3 milestone described in items (i) through (iv) of this  
4 subsection (a-7) for SCID; and

5 (vi) authentication achieving potentiality of high  
6 throughput standards for statewide volume of the SCID  
7 screening test concomitant with each milestone described  
8 in items (i) through (iv) of this subsection (a-7).

9 It is the goal of Public Act 97-532 ~~this amendatory Act of~~  
10 ~~the 97th General Assembly~~ that the expanded screening for  
11 Severe Combined Immunodeficiency Disease begins within 2 years  
12 after August 23, 2011 (the effective date of Public Act 97-532)  
13 ~~this amendatory Act of the 97th General Assembly~~. The  
14 Department is authorized to implement an additional fee for the  
15 screening prior to beginning the testing in order to accumulate  
16 the resources for start-up and other costs associated with  
17 implementation of the screening and thereafter to support the  
18 costs associated with screening and follow-up programs for  
19 Severe Combined Immunodeficiency Disease.

20 (a-8) In accordance with the timetable specified in this  
21 subsection (a-8), provide all newborns with expanded screening  
22 tests for the presence of certain Lysosomal Storage Disorders  
23 known as Mucopolysaccharidosis I (Hurlers) and  
24 Mucopolysaccharidosis II (Hunters). The testing shall begin  
25 within 12 months following the occurrence of all of the  
26 following:

1 (i) the establishment and verification of relevant and  
2 appropriate performance specifications as defined under  
3 the federal Clinical Laboratory Improvement Amendments and  
4 regulations thereunder for Federal Drug  
5 Administration-cleared or in-house developed methods,  
6 performed under an institutional review board approved  
7 protocol, if required;

8 (ii) the availability of quality assurance testing and  
9 comparative threshold values for each screening test and  
10 accompanying disorder;

11 (iii) the acquisition and installment by the  
12 Department of the equipment necessary to implement the  
13 initial pilot and expanded statewide volume of screening  
14 tests for each disorder;

15 (iv) establishment of precise threshold values  
16 ensuring defined disorder identification for each  
17 screening test;

18 (v) authentication of pilot testing achieving each  
19 milestone described in items (i) through (iv) of this  
20 subsection (a-8) for each disorder screening test; and

21 (vi) authentication achieving potentiality of high  
22 throughput standards for statewide volume of each disorder  
23 screening test concomitant with each milestone described  
24 in items (i) through (iv) of this subsection (a-8).

25 It is the goal of Public Act 97-532 ~~this amendatory Act of~~  
26 ~~the 97th General Assembly~~ that the expanded screening for the

1 specified Lysosomal Storage Disorders begins within 3 years  
2 after August 23, 2011 (the effective date of Public Act 97-532)  
3 ~~this amendatory Act of the 97th General Assembly~~. The  
4 Department is authorized to implement an additional fee for the  
5 screening prior to beginning the testing in order to accumulate  
6 the resources for start-up and other costs associated with  
7 implementation of the screening and thereafter to support the  
8 costs associated with screening and follow-up programs for the  
9 specified Lysosomal Storage Disorders.

10 (b) Maintain a registry of cases including information of  
11 importance for the purpose of follow-up services to prevent  
12 intellectual disabilities.

13 (c) Supply the necessary metabolic treatment formulas  
14 where practicable for diagnosed cases of amino acid metabolism  
15 disorders, including phenylketonuria, organic acid disorders,  
16 and fatty acid oxidation disorders for as long as medically  
17 indicated, when the product is not available through other  
18 State agencies.

19 (d) Arrange for or provide public health nursing, nutrition  
20 and social services and clinical consultation as indicated.

21 (e) Require that all specimens collected pursuant to this  
22 Act or the rules and regulations promulgated hereunder be  
23 submitted for testing to the nearest Department of Public  
24 Health laboratory designated to perform such tests. The  
25 Department may develop a reasonable fee structure and may levy  
26 fees according to such structure to cover the cost of providing

1 this testing service. Fees collected from the provision of this  
2 testing service shall be placed in a special fund in the State  
3 Treasury, hereafter known as the Metabolic Screening and  
4 Treatment Fund. Other State and federal funds for expenses  
5 related to metabolic screening, follow-up and treatment  
6 programs may also be placed in such Fund. Moneys shall be  
7 appropriated from such Fund to the Department of Public Health  
8 solely for the purposes of providing metabolic screening,  
9 follow-up and treatment programs. Nothing in this Act shall be  
10 construed to prohibit any licensed medical facility from  
11 collecting additional specimens for testing for metabolic or  
12 neonatal diseases or any other diseases or conditions, as it  
13 deems fit. Any person violating the provisions of this  
14 subsection (e) is guilty of a petty offense.

15 (Source: P.A. 97-227, eff. 1-1-12; 97-532, eff. 8-23-11;  
16 revised 10-4-11.)

17 Section 550. The Sanitary Food Preparation Act is amended  
18 by changing Section 11 as follows:

19 (410 ILCS 650/11) (from Ch. 56 1/2, par. 77)

20 Sec. 11. Except as hereinafter provided and as provided in  
21 Sections ~~Section~~ 3.3 and 4 of the Food Handling Regulation  
22 Enforcement Act, the Department of Public Health shall enforce  
23 this Act, and for that purpose it may at all times enter every  
24 such building, room, basement, inclosure or premises occupied

1 or used or suspected of being occupied or used for the  
2 production, preparation or manufacture for sale, or the  
3 storage, sale, distribution or transportation of such food, to  
4 inspect the premises and all utensils, fixtures, furniture and  
5 machinery used as aforesaid; and if upon inspection any such  
6 food producing or distribution establishment, conveyance, or  
7 employer, employee, clerk, driver or other person is found to  
8 be violating any of the provisions of this Act, or if the  
9 production, preparation, manufacture, packing, storage, sale,  
10 distribution or transportation of such food is being conducted  
11 in a manner detrimental to the health of the employees and  
12 operatives, or to the character or quality of the food therein  
13 being produced, manufactured, packed, stored, sold,  
14 distributed or conveyed, the officer or inspector making the  
15 inspection or examination shall report such conditions and  
16 violations to the Department. The Department of Agriculture  
17 shall have exclusive jurisdiction for the enforcement of this  
18 Act insofar as it relates to establishments defined by Section  
19 2.5 of "The Meat and Poultry Inspection Act", approved July 22,  
20 1959, as heretofore or hereafter amended. The Department of  
21 Agriculture or Department of Public Health, as the case may be,  
22 shall thereupon issue a written order to the person, firm or  
23 corporation responsible for the violation or condition  
24 aforesaid to abate such condition or violation or to make such  
25 changes or improvements as may be necessary to abate them,  
26 within such reasonable time as may be required. Notice of the



1 order may be served by delivering a copy thereof to the person,  
2 firm or corporation, or by sending a copy thereof by registered  
3 mail, and the receipt thereof through the post office shall be  
4 prima facie evidence that notice of the order has been  
5 received. Such person, firm or corporation may appear in person  
6 or by attorney before the Department of Agriculture or the  
7 Department of Public Health, as the case may be, within the  
8 time limited in the order, and shall be given an opportunity to  
9 be heard and to show why such order or instructions should not  
10 be obeyed. The hearing shall be under such rules and  
11 regulations as may be prescribed by the Department of  
12 Agriculture or the Department of Public Health, as the case may  
13 be. If after such hearing it appears that this Act has not been  
14 violated, the order shall be rescinded. If it appears that this  
15 Act is being violated, and that the person, firm or corporation  
16 notified is responsible therefor, the previous order shall be  
17 confirmed or amended, as the facts shall warrant, and shall  
18 thereupon be final, but such additional time as is necessary  
19 may be granted within which to comply with the final order. If  
20 such person, firm or corporation is not present or represented  
21 when such final order is made, notice thereof shall be given as  
22 above provided. On failure of the party or parties to comply  
23 with the first order of the Department of Agriculture or the  
24 Department of Public Health, as the case may be, within the  
25 time prescribed, when no hearing is demanded, or upon failure  
26 to comply with the final order within the time specified, the

1 Department shall certify the facts to the State's Attorney of  
2 the county in which such violation occurred, and such State's  
3 Attorney shall proceed against the party or parties for the  
4 fines and penalties provided by this Act, and also for the  
5 abatement of the nuisance: Provided, that the proceedings  
6 herein prescribed for the abatement of nuisances as defined in  
7 this Act shall not in any manner relieve the violator from  
8 prosecution in the first instance for every such violation, nor  
9 from the penalties for such violation prescribed by Section 13.  
10 (Source: P.A. 97-393, eff. 1-1-12; 97-394, eff. 8-16-11;  
11 revised 10-4-11.)

12 Section 555. The Environmental Protection Act is amended by  
13 changing Sections 22.38 and 44 as follows:

14 (415 ILCS 5/22.38)

15 Sec. 22.38. Facilities accepting exclusively general  
16 construction or demolition debris for transfer, storage, or  
17 treatment.

18 (a) Facilities accepting exclusively general construction  
19 or demolition debris for transfer, storage, or treatment shall  
20 be subject to local zoning, ordinance, and land use  
21 requirements. Those facilities shall be located in accordance  
22 with local zoning requirements or, in the absence of local  
23 zoning requirements, shall be located so that no part of the  
24 facility boundary is closer than 1,320 feet from the nearest

1 property zoned for primarily residential use.

2 (b) An owner or operator of a facility accepting  
3 exclusively general construction or demolition debris for  
4 transfer, storage, or treatment shall:

5 (1) Within 48 hours after receipt of the general  
6 construction or demolition debris at the facility, sort the  
7 general construction or demolition debris to separate the  
8 recyclable general construction or demolition debris,  
9 recovered wood that is processed for use as fuel, and  
10 general construction or demolition debris that is  
11 processed for use at a landfill from the non-recyclable  
12 general construction or demolition debris that is to be  
13 disposed of or discarded.

14 (2) Transport off site for disposal, in accordance with  
15 all applicable federal, State, and local requirements  
16 within 72 hours after its receipt at the facility, all  
17 non-usable or non-recyclable general construction or  
18 demolition debris that is not recyclable general  
19 construction or demolition debris, recovered wood that is  
20 processed for use as fuel, or general construction or  
21 demolition debris that is processed for use at a landfill.

22 (3) Limit the percentage of incoming non-recyclable  
23 general construction or demolition debris to 25% or less of  
24 the total incoming general construction or demolition  
25 debris, so that 75% or more of the general construction or  
26 demolition debris accepted, as calculated monthly on a

1 rolling 12-month average, consists of recyclable general  
2 construction or demolition debris, recovered wood that is  
3 processed for use as fuel, or general construction or  
4 demolition debris that is processed for use at a landfill  
5 except that general construction or demolition debris  
6 processed for use at a landfill shall not exceed 35% of the  
7 general construction or demolition debris accepted on a  
8 rolling 12-month average basis. The percentages in this  
9 paragraph (3) of subsection (b) shall be calculated by  
10 weight, using scales located at the facility that are  
11 certified under the Weights and Measures Act.

12 (4) Within 6 months after its receipt at the facility,  
13 transport:

14 (A) all non-putrescible recyclable general  
15 construction or demolition debris for recycling or  
16 disposal; and

17 (B) all non-putrescible general construction or  
18 demolition debris that is processed for use at a  
19 landfill to a MSWLF unit for use or disposal.

20 (5) Within 45 days after its receipt at the facility,  
21 transport:

22 (A) all putrescible or combustible recyclable  
23 general construction or demolition debris (excluding  
24 recovered wood that is processed for use as fuel) for  
25 recycling or disposal;

26 (B) all recovered wood that is processed for use as

1 fuel to an intermediate processing facility for  
2 sizing, to a combustion facility for use as fuel, or to  
3 a disposal facility; and

4 (C) all putrescible general construction or  
5 demolition debris that is processed for use at a  
6 landfill to a MSWLF unit for use or disposal.

7 (6) Employ tagging and recordkeeping procedures to (i)  
8 demonstrate compliance with this Section and (ii) identify  
9 the source and transporter of material accepted by the  
10 facility.

11 (7) Control odor, noise, combustion of materials,  
12 disease vectors, dust, and litter.

13 (8) Control, manage, and dispose of any storm water  
14 runoff and leachate generated at the facility in accordance  
15 with applicable federal, State, and local requirements.

16 (9) Control access to the facility.

17 (10) Comply with all applicable federal, State, or  
18 local requirements for the handling, storage,  
19 transportation, or disposal of asbestos-containing  
20 material or other material accepted at the facility that is  
21 not general construction or demolition debris.

22 (11) Prior to August 24, 2009 (the effective date of  
23 Public Act 96-611), submit to the Agency at least 30 days  
24 prior to the initial acceptance of general construction or  
25 demolition debris at the facility, on forms provided by the  
26 Agency, the following information:

1 (A) the name, address, and telephone number of both  
2 the facility owner and operator;

3 (B) the street address and location of the  
4 facility;

5 (C) a description of facility operations;

6 (D) a description of the tagging and recordkeeping  
7 procedures the facility will employ to (i) demonstrate  
8 compliance with this Section and (ii) identify the  
9 source and transporter of any material accepted by the  
10 facility;

11 (E) the name and location of the disposal sites to  
12 be used for the disposal of any general construction or  
13 demolition debris received at the facility that must be  
14 disposed of;

15 (F) the name and location of an individual,  
16 facility, or business to which recyclable materials  
17 will be transported;

18 (G) the name and location of intermediate  
19 processing facilities or combustion facilities to  
20 which recovered wood that is processed for use as fuel  
21 will be transported; and

22 (H) other information as specified on the form  
23 provided by the Agency.

24 (12) On or after August 24, 2009 (the effective date of  
25 Public Act 96-611), obtain a permit issued by the Agency  
26 prior to the initial acceptance of general construction or

1 demolition debris at the facility.

2 When any of the information contained or processes  
3 described in the initial notification form submitted to the  
4 Agency under paragraph (11) of subsection (b) of this  
5 Section changes, the owner and operator shall submit an  
6 updated form within 14 days of the change.

7 (c) For purposes of this Section, the term "recyclable  
8 general construction or demolition debris" means general  
9 construction or demolition debris that has been rendered  
10 reusable and is reused or that would otherwise be disposed of  
11 or discarded but is collected, separated, or processed and  
12 returned to the economic mainstream in the form of raw  
13 materials or products. "Recyclable general construction or  
14 demolition debris" does not include (i) general construction or  
15 demolition debris processed for use as fuel, incinerated,  
16 burned, buried, or otherwise used as fill material or (ii)  
17 general construction or demolition debris that is processed for  
18 use at a landfill.

19 (d) For purposes of this Section, "treatment" means  
20 processing designed to alter the physical nature of the general  
21 construction or demolition debris, including but not limited to  
22 size reduction, crushing, grinding, or homogenization, but  
23 does not include processing designed to change the chemical  
24 nature of the general construction or demolition debris.

25 (e) For purposes of this Section, "recovered wood that is  
26 processed for use as fuel" means wood that has been salvaged

1 from general construction or demolition debris and processed  
2 for use as fuel, as authorized by the applicable state or  
3 federal environmental regulatory authority, and supplied only  
4 to intermediate processing facilities for sizing, or to  
5 combustion facilities for use as fuel, that have obtained all  
6 necessary waste management and air permits for handling and  
7 combustion of the fuel.

8 (f) For purposes of this Section, "non-recyclable general  
9 construction or demolition debris" does not include "recovered  
10 wood that is processed for use as fuel" or general construction  
11 or demolition debris that is processed for use at a landfill.

12 (g) Recyclable general construction or demolition debris,  
13 recovered wood that is processed for use as fuel, and general  
14 construction or demolition debris that is processed for use at  
15 a landfill shall not be considered as meeting the 75% diversion  
16 requirement for purposes of subdivision (b) (3) of this Section  
17 if sent for disposal at the end of the applicable retention  
18 period.

19 (h) For the purposes of this Section, "general construction  
20 or demolition debris that is processed for use at a landfill"  
21 means general construction or demolition debris that is  
22 processed for use at a MSWLF unit as alternative daily cover,  
23 road building material, or drainage structure building  
24 material in accordance with the MSWLF unit's waste disposal  
25 permit issued by the Agency under this Act.

26 (i) ~~(h)~~ For purposes of the 75% diversion requirement under



1 subdivision (b)(3) of this Section, owners and operators of  
2 facilities accepting exclusively general construction or  
3 demolition debris for transfer, storage, or treatment may  
4 multiply by 2 the amount of accepted asphalt roofing shingles  
5 that are transferred to a facility for recycling in accordance  
6 with a beneficial use determination issued under Section 22.54  
7 of this Act. The owner or operator of the facility accepting  
8 exclusively general construction or demolition debris for  
9 transfer, storage, or treatment must maintain receipts from the  
10 shingle recycling facility that document the amounts of asphalt  
11 roofing shingles transferred for recycling in accordance with  
12 the beneficial use determination. All receipts must be  
13 maintained for a minimum of 3 years and must be made available  
14 to the Agency for inspection and copying during normal business  
15 hours.

16 (Source: P.A. 96-235, eff. 8-11-09; 96-611, eff. 8-24-09;  
17 96-1000, eff. 7-2-10; 97-230, eff. 7-28-11; 97-314, eff.  
18 1-1-12; revised 10-4-11.)

19 (415 ILCS 5/44) (from Ch. 111 1/2, par. 1044)

20 Sec. 44. Criminal acts; penalties.

21 (a) Except as otherwise provided in this Section, it shall  
22 be a Class A misdemeanor to violate this Act or regulations  
23 thereunder, or any permit or term or condition thereof, or  
24 knowingly to submit any false information under this Act or  
25 regulations adopted thereunder, or under any permit or term or

1 condition thereof. A court may, in addition to any other  
2 penalty herein imposed, order a person convicted of any  
3 violation of this Act to perform community service for not less  
4 than 100 hours and not more than 300 hours if community service  
5 is available in the jurisdiction. It shall be the duty of all  
6 State and local law-enforcement officers to enforce such Act  
7 and regulations, and all such officers shall have authority to  
8 issue citations for such violations.

9 (b) Calculated Criminal Disposal of Hazardous Waste.

10 (1) A person commits the offense of Calculated Criminal  
11 Disposal of Hazardous Waste when, without lawful  
12 justification, he knowingly disposes of hazardous waste  
13 while knowing that he thereby places another person in  
14 danger of great bodily harm or creates an immediate or  
15 long-term danger to the public health or the environment.

16 (2) Calculated Criminal Disposal of Hazardous Waste is  
17 a Class 2 felony. In addition to any other penalties  
18 prescribed by law, a person convicted of the offense of  
19 Calculated Criminal Disposal of Hazardous Waste is subject  
20 to a fine not to exceed \$500,000 for each day of such  
21 offense.

22 (c) Criminal Disposal of Hazardous Waste.

23 (1) A person commits the offense of Criminal Disposal  
24 of Hazardous Waste when, without lawful justification, he

1 knowingly disposes of hazardous waste.

2 (2) Criminal Disposal of Hazardous Waste is a Class 3  
3 felony. In addition to any other penalties prescribed by  
4 law, a person convicted of the offense of Criminal Disposal  
5 of Hazardous Waste is subject to a fine not to exceed  
6 \$250,000 for each day of such offense.

7 (d) Unauthorized Use of Hazardous Waste.

8 (1) A person commits the offense of Unauthorized Use of  
9 Hazardous Waste when he, being required to have a permit,  
10 registration, or license under this Act or any other law  
11 regulating the treatment, transportation, or storage of  
12 hazardous waste, knowingly:

13 (A) treats, transports, or stores any hazardous  
14 waste without such permit, registration, or license;

15 (B) treats, transports, or stores any hazardous  
16 waste in violation of the terms and conditions of such  
17 permit or license;

18 (C) transports any hazardous waste to a facility  
19 which does not have a permit or license required under  
20 this Act; or

21 (D) transports by vehicle any hazardous waste  
22 without having in each vehicle credentials issued to  
23 the transporter by the transporter's base state  
24 pursuant to procedures established under the Uniform  
25 Program.

1           (2) A person who is convicted of a violation of  
2           subparagraph (A), (B), or (C) of paragraph (1) of this  
3           subsection is guilty of a Class 4 felony. A person who is  
4           convicted of a violation of subparagraph (D) of paragraph  
5           (1) of this subsection is guilty of a Class A misdemeanor.  
6           In addition to any other penalties prescribed by law, a  
7           person convicted of violating subparagraph (A), (B), or (C)  
8           of paragraph (1) of this subsection is subject to a fine  
9           not to exceed \$100,000 for each day of such violation, and  
10          a person who is convicted of violating subparagraph (D) of  
11          paragraph (1) of this subsection is subject to a fine not  
12          to exceed \$1,000.

13           (e) Unlawful Delivery of Hazardous Waste.

14           (1) Except as authorized by this Act or the federal  
15           Resource Conservation and Recovery Act, and the  
16           regulations promulgated thereunder, it is unlawful for any  
17           person to knowingly deliver hazardous waste.

18           (2) Unlawful Delivery of Hazardous Waste is a Class 3  
19           felony. In addition to any other penalties prescribed by  
20           law, a person convicted of the offense of Unlawful Delivery  
21           of Hazardous Waste is subject to a fine not to exceed  
22           \$250,000 for each such violation.

23           (3) For purposes of this Section, "deliver" or  
24           "delivery" means the actual, constructive, or attempted  
25           transfer of possession of hazardous waste, with or without

1 consideration, whether or not there is an agency  
2 relationship.

3 (f) Reckless Disposal of Hazardous Waste.

4 (1) A person commits Reckless Disposal of Hazardous  
5 Waste if he disposes of hazardous waste, and his acts which  
6 cause the hazardous waste to be disposed of, whether or not  
7 those acts are undertaken pursuant to or under color of any  
8 permit or license, are performed with a conscious disregard  
9 of a substantial and unjustifiable risk that such disposing  
10 of hazardous waste is a gross deviation from the standard  
11 of care which a reasonable person would exercise in the  
12 situation.

13 (2) Reckless Disposal of Hazardous Waste is a Class 4  
14 felony. In addition to any other penalties prescribed by  
15 law, a person convicted of the offense of Reckless Disposal  
16 of Hazardous Waste is subject to a fine not to exceed  
17 \$50,000 for each day of such offense.

18 (g) Concealment of Criminal Disposal of Hazardous Waste.

19 (1) A person commits the offense of Concealment of  
20 Criminal Disposal of Hazardous Waste when he conceals,  
21 without lawful justification, the disposal of hazardous  
22 waste with the knowledge that such hazardous waste has been  
23 disposed of in violation of this Act.

24 (2) Concealment of Criminal Disposal of a Hazardous

1 Waste is a Class 4 felony. In addition to any other  
2 penalties prescribed by law, a person convicted of the  
3 offense of Concealment of Criminal Disposal of Hazardous  
4 Waste is subject to a fine not to exceed \$50,000 for each  
5 day of such offense.

6 (h) Violations; False Statements.

7 (1) Any person who knowingly makes a false material  
8 statement in an application for a permit or license  
9 required by this Act to treat, transport, store, or dispose  
10 of hazardous waste commits the offense of perjury and shall  
11 be subject to the penalties set forth in Section 32-2 of  
12 the Criminal Code of 1961.

13 (2) Any person who knowingly makes a false material  
14 statement or representation in any label, manifest,  
15 record, report, permit or license, or other document filed,  
16 maintained, or used for the purpose of compliance with this  
17 Act in connection with the generation, disposal,  
18 treatment, storage, or transportation of hazardous waste  
19 commits a Class 4 felony. A second or any subsequent  
20 offense after conviction hereunder is a Class 3 felony.

21 (3) Any person who knowingly destroys, alters, or  
22 conceals any record required to be made by this Act in  
23 connection with the disposal, treatment, storage, or  
24 transportation of hazardous waste commits a Class 4 felony.  
25 A second or any subsequent offense after a conviction

1 hereunder is a Class 3 felony.

2 (4) Any person who knowingly makes a false material  
3 statement or representation in any application, bill,  
4 invoice, or other document filed, maintained, or used for  
5 the purpose of receiving money from the Underground Storage  
6 Tank Fund commits a Class 4 felony. A second or any  
7 subsequent offense after conviction hereunder is a Class 3  
8 felony.

9 (5) Any person who knowingly destroys, alters, or  
10 conceals any record required to be made or maintained by  
11 this Act or required to be made or maintained by Board or  
12 Agency rules for the purpose of receiving money from the  
13 Underground Storage Tank Fund commits a Class 4 felony. A  
14 second or any subsequent offense after a conviction  
15 hereunder is a Class 3 felony.

16 (6) A person who knowingly and falsely certifies under  
17 Section 22.48 that an industrial process waste or pollution  
18 control waste is not special waste commits a Class 4 felony  
19 for a first offense and commits a Class 3 felony for a  
20 second or subsequent offense.

21 (7) In addition to any other penalties prescribed by  
22 law, a person convicted of violating this subsection (h) is  
23 subject to a fine not to exceed \$50,000 for each day of  
24 such violation.

25 (8) Any person who knowingly makes a false, fictitious,  
26 or fraudulent material statement, orally or in writing, to

1 the Agency, or to a unit of local government to which the  
2 Agency has delegated authority under subsection (r) of  
3 Section 4 of this Act, related to or required by this Act,  
4 a regulation adopted under this Act, any federal law or  
5 regulation for which the Agency has responsibility, or any  
6 permit, term, or condition thereof, commits a Class 4  
7 felony, and each such statement or writing shall be  
8 considered a separate Class 4 felony. A person who, after  
9 being convicted under this paragraph (8), violates this  
10 paragraph (8) a second or subsequent time, commits a Class  
11 3 felony.

12 (i) Verification.

13 (1) Each application for a permit or license to dispose  
14 of, transport, treat, store, or generate hazardous waste  
15 under this Act shall contain an affirmation that the facts  
16 are true and are made under penalty of perjury as defined  
17 in Section 32-2 of the Criminal Code of 1961. It is perjury  
18 for a person to sign any such application for a permit or  
19 license which contains a false material statement, which he  
20 does not believe to be true.

21 (2) Each request for money from the Underground Storage  
22 Tank Fund shall contain an affirmation that the facts are  
23 true and are made under penalty of perjury as defined in  
24 Section 32-2 of the Criminal Code of 1961. It is perjury  
25 for a person to sign any request that contains a false



1 material statement that he does not believe to be true.

2 (j) Violations of Other Provisions.

3 (1) It is unlawful for a person knowingly to violate:

4 (A) subsection (f) of Section 12 of this Act;

5 (B) subsection (g) of Section 12 of this Act;

6 (C) any term or condition of any Underground  
7 Injection Control (UIC) permit;

8 (D) any filing requirement, regulation, or order  
9 relating to the State Underground Injection Control  
10 (UIC) program;

11 (E) any provision of any regulation, standard, or  
12 filing requirement under subsection (b) of Section 13  
13 of this Act;

14 (F) any provision of any regulation, standard, or  
15 filing requirement under subsection (b) of Section 39  
16 of this Act;

17 (G) any National Pollutant Discharge Elimination  
18 System (NPDES) permit issued under this Act or any term  
19 or condition of such permit;

20 (H) subsection (h) of Section 12 of this Act;

21 (I) subsection 6 of Section 39.5 of this Act;

22 (J) any provision of any regulation, standard or  
23 filing requirement under Section 39.5 of this Act;

24 (K) a provision of the Procedures for Asbestos  
25 Emission Control in subsection (c) of Section 61.145 of

1 Title 40 of the Code of Federal Regulations; or  
2 (L) the standard for waste disposal for  
3 manufacturing, fabricating, demolition, renovation,  
4 and spraying operations in Section 61.150 of Title 40  
5 of the Code of Federal Regulations.

6 (2) A person convicted of a violation of subdivision  
7 (1) of this subsection commits a Class 4 felony, and in  
8 addition to any other penalty prescribed by law is subject  
9 to a fine not to exceed \$25,000 for each day of such  
10 violation.

11 (3) A person who negligently violates the following  
12 shall be subject to a fine not to exceed \$10,000 for each  
13 day of such violation:

14 (A) subsection (f) of Section 12 of this Act;

15 (B) subsection (g) of Section 12 of this Act;

16 (C) any provision of any regulation, standard, or  
17 filing requirement under subsection (b) of Section 13  
18 of this Act;

19 (D) any provision of any regulation, standard, or  
20 filing requirement under subsection (b) of Section 39  
21 of this Act;

22 (E) any National Pollutant Discharge Elimination  
23 System (NPDES) permit issued under this Act;

24 (F) subsection 6 of Section 39.5 of this Act; or

25 (G) any provision of any regulation, standard, or  
26 filing requirement under Section 39.5 of this Act.

1 (4) It is unlawful for a person knowingly to:

2 (A) make any false statement, representation, or  
3 certification in an application form, or form  
4 pertaining to, a National Pollutant Discharge  
5 Elimination System (NPDES) permit;

6 (B) render inaccurate any monitoring device or  
7 record required by the Agency or Board in connection  
8 with any such permit or with any discharge which is  
9 subject to the provisions of subsection (f) of Section  
10 12 of this Act;

11 (C) make any false statement, representation, or  
12 certification in any form, notice, or report  
13 pertaining to a CAAPP permit under Section 39.5 of this  
14 Act;

15 (D) render inaccurate any monitoring device or  
16 record required by the Agency or Board in connection  
17 with any CAAPP permit or with any emission which is  
18 subject to the provisions of Section 39.5 of this Act;  
19 or

20 (E) violate subsection 6 of Section 39.5 of this  
21 Act or any CAAPP permit, or term or condition thereof,  
22 or any fee or filing requirement.

23 (5) A person convicted of a violation of paragraph (4)  
24 of this subsection commits a Class A misdemeanor, and in  
25 addition to any other penalties provided by law is subject  
26 to a fine not to exceed \$10,000 for each day of violation.

1           (k) Criminal operation of a hazardous waste or PCB  
2 incinerator.

3           (1) A person commits the offense of criminal operation  
4 of a hazardous waste or PCB incinerator when, in the course  
5 of operating a hazardous waste or PCB incinerator, he  
6 knowingly and without justification operates the  
7 incinerator (i) without an Agency permit, or in knowing  
8 violation of the terms of an Agency permit, and (ii) as a  
9 result of such violation, knowingly places any person in  
10 danger of great bodily harm or knowingly creates an  
11 immediate or long term material danger to the public health  
12 or the environment.

13           (2) Any person who commits the offense of criminal  
14 operation of a hazardous waste or PCB incinerator for the  
15 first time commits a Class 4 felony and, in addition to any  
16 other penalties prescribed by law, shall be subject to a  
17 fine not to exceed \$100,000 for each day of the offense.

18           Any person who commits the offense of criminal  
19 operation of a hazardous waste or PCB incinerator for a  
20 second or subsequent time commits a Class 3 felony and, in  
21 addition to any other penalties prescribed by law, shall be  
22 subject to a fine not to exceed \$250,000 for each day of  
23 the offense.

24           (3) For the purpose of this subsection (k), the term  
25 "hazardous waste or PCB incinerator" means a pollution

1 control facility at which either hazardous waste or PCBs,  
2 or both, are incinerated. "PCBs" means any substance or  
3 mixture of substances that contains one or more  
4 polychlorinated biphenyls in detectable amounts.

5 (l) It shall be the duty of all State and local law  
6 enforcement officers to enforce this Act and the regulations  
7 adopted hereunder, and all such officers shall have authority  
8 to issue citations for such violations.

9 (m) Any action brought under this Section shall be brought  
10 by the State's Attorney of the county in which the violation  
11 occurred, or by the Attorney General, and shall be conducted in  
12 accordance with the applicable provisions of the Code of  
13 Criminal Procedure of 1963.

14 (n) For an offense described in this Section, the period  
15 for commencing prosecution prescribed by the statute of  
16 limitations shall not begin to run until the offense is  
17 discovered by or reported to a State or local agency having the  
18 authority to investigate violations of this Act.

19 (o) In addition to any other penalties provided under this  
20 Act, if a person is convicted of (or agrees to a settlement in  
21 an enforcement action over) illegal dumping of waste on the  
22 person's own property, the Attorney General, the Agency, or

1 local prosecuting authority shall file notice of the  
2 conviction, finding, or agreement in the office of the Recorder  
3 in the county in which the landowner lives.

4 (p) Criminal Disposal of Waste.

5 (1) A person commits the offense of Criminal Disposal  
6 of Waste when he or she:

7 (A) if required to have a permit under subsection  
8 (d) of Section 21 of this Act, knowingly conducts a  
9 waste-storage, waste-treatment, or waste-disposal  
10 operation in a quantity that exceeds 250 cubic feet of  
11 waste without a permit; or

12 (B) knowingly conducts open dumping of waste in  
13 violation of subsection (a) of Section 21 of this Act.

14 (2) (A) A person who is convicted of a violation of  
15 subparagraph (A) of paragraph (1) of this subsection is  
16 guilty of a Class 4 felony for a first offense and, in  
17 addition to any other penalties provided by law, is subject  
18 to a fine not to exceed \$25,000 for each day of violation.  
19 A person who is convicted of a violation of subparagraph  
20 (A) of paragraph (1) of this subsection is guilty of a  
21 Class 3 felony for a second or subsequent offense and, in  
22 addition to any other penalties provided by law, is subject  
23 to a fine not to exceed \$50,000 for each day of violation.

24 (B) A person who is convicted of a violation of  
25 subparagraph (B) of paragraph (1) of this subsection is

1 guilty of a Class A misdemeanor. However, a person who  
2 is convicted of a violation of subparagraph (B) of  
3 paragraph (1) of this subsection for the open dumping  
4 of waste in a quantity that exceeds 250 cubic feet or  
5 that exceeds 50 waste tires is guilty of a Class 4  
6 felony and, in addition to any other penalties provided  
7 by law, is subject to a fine not to exceed \$25,000 for  
8 each day of violation.

9 (q) Criminal Damage to a Public Water Supply.

10 (1) A person commits the offense of Criminal Damage to  
11 a Public Water Supply when, without lawful justification,  
12 he knowingly alters, damages, or otherwise tampers with the  
13 equipment or property of a public water supply, or  
14 knowingly introduces a contaminant into the distribution  
15 system of a public water supply so as to cause, threaten,  
16 or allow the distribution of water from any public water  
17 supply of such quality or quantity as to be injurious to  
18 human health or the environment.

19 (2) Criminal Damage to a Public Water Supply is a Class  
20 4 felony. In addition to any other penalties prescribed by  
21 law, a person convicted of the offense of Criminal Damage  
22 to a Public Water Supply is subject to a fine not to exceed  
23 \$250,000 for each day of such offense.

24 (r) Aggravated Criminal Damage to a Public Water Supply.

1           (1) A person commits the offense of Aggravated Criminal  
2           Damage to a Public Water Supply when, without lawful  
3           justification, he commits Criminal Damage to a Public Water  
4           Supply while knowing that he thereby places another person  
5           in danger of serious illness or great bodily harm, or  
6           creates an immediate or long-term danger to public health  
7           or the environment.

8           (2) Aggravated Criminal Damage to a Public Water Supply  
9           is a Class 2 felony. In addition to any other penalties  
10          prescribed by law, a person convicted of the offense of  
11          Aggravated Criminal Damage to a Public Water Supply is  
12          subject to a fine not to exceed \$500,000 for each day of  
13          such offense.

14          (Source: P.A. 96-603, eff. 8-24-09; 97-220, eff. 7-28-11;  
15          97-286, eff. 8-10-11; revised 9-2-11.)

16          Section 560. The Drycleaner Environmental Response Trust  
17          Fund Act is amended by changing Section 60 as follows:

18           (415 ILCS 135/60)

19           (Section scheduled to be repealed on January 1, 2020)

20          Sec. 60. Drycleaning facility license.

21           (a) On and after January 1, 1998, no person shall operate a  
22          drycleaning facility in this State without a license issued by  
23          the Council.

24           (b) The Council shall issue an initial or renewal license



1 to a drycleaning facility on submission by an applicant of a  
2 completed form prescribed by the Council, proof of payment of  
3 the required fee to the Department of Revenue, and, if the  
4 drycleaning facility has previously received or is currently  
5 receiving reimbursement for the costs of a remedial action, as  
6 defined in this Act, proof of compliance with subsection (j) of  
7 Section 40.

8 (c) On or after January 1, 2004, the annual fees for  
9 licensure are as follows:

10 (1) \$500 for a facility that uses (i) 50 gallons or  
11 less of chlorine-based or green drycleaning solvents  
12 annually, (ii) 250 or less gallons annually of  
13 hydrocarbon-based drycleaning solvents in a drycleaning  
14 machine equipped with a solvent reclaimer, or (iii) 500  
15 gallons or less annually of hydrocarbon-based drycleaning  
16 solvents in a drycleaning machine without a solvent  
17 reclaimer.

18 (2) \$500 for a facility that uses (i) more than 50  
19 gallons but not more than 100 gallons of chlorine-based or  
20 green drycleaning solvents annually, (ii) more than 250  
21 gallons but not more 500 gallons annually of  
22 hydrocarbon-based solvents in a drycleaning machine  
23 equipped with a solvent reclaimer, or (iii) more than 500  
24 gallons but not more than 1,000 gallons annually of  
25 hydrocarbon-based drycleaning solvents in a drycleaning  
26 machine without a solvent reclaimer.

1           (3) \$500 for a facility that uses (i) more than 100  
2 gallons but not more than 150 gallons of chlorine-based or  
3 green drycleaning solvents annually, (ii) more than 500  
4 gallons but not more than 750 gallons annually of  
5 hydrocarbon-based solvents in a drycleaning machine  
6 equipped with a solvent reclaimer, or (iii) more than 1,000  
7 gallons but not more than 1,500 gallons annually of  
8 hydrocarbon-based drycleaning solvents in a drycleaning  
9 machine without a solvent reclaimer.

10           (4) \$1,000 for a facility that uses (i) more than 150  
11 gallons but not more than 200 gallons of chlorine-based or  
12 green drycleaning solvents annually, (ii) more than 750  
13 gallons but not more than 1,000 gallons annually of  
14 hydrocarbon-based solvents in a drycleaning machine  
15 equipped with a solvent reclaimer, or (iii) more than 1,500  
16 gallons but not more than 2,000 gallons annually of  
17 hydrocarbon-based drycleaning solvents in a drycleaning  
18 machine without a solvent reclaimer.

19           (5) \$1,000 for a facility that uses (i) more than 200  
20 gallons but not more than 250 gallons of chlorine-based or  
21 green drycleaning solvents annually, (ii) more than 1,000  
22 gallons but not more than 1,250 gallons annually of  
23 hydrocarbon-based solvents in a drycleaning machine  
24 equipped with a solvent reclaimer, or (iii) more than 2,000  
25 gallons but not more than 2,500 gallons annually of  
26 hydrocarbon-based drycleaning solvents in a drycleaning

1 machine without a solvent reclaimer.

2 (6) \$1,000 for a facility that uses (i) more than 250  
3 gallons but not more than 300 gallons of chlorine-based or  
4 green drycleaning solvents annually, (ii) more than 1,250  
5 gallons but not more than 1,500 gallons annually of  
6 hydrocarbon-based solvents in a drycleaning machine  
7 equipped with a solvent reclaimer, or (iii) more than 2,500  
8 gallons but not more than 3,000 gallons annually of  
9 hydrocarbon-based drycleaning solvents in a drycleaning  
10 machine without a solvent reclaimer.

11 (7) \$1,000 for a facility that uses (i) more than 300  
12 gallons but not more than 350 gallons of chlorine-based or  
13 green drycleaning solvents annually, (ii) more than 1,500  
14 gallons but not more than 1,750 gallons annually of  
15 hydrocarbon-based solvents in a drycleaning machine  
16 equipped with a solvent reclaimer, or (iii) more than 3,000  
17 gallons but not more than 3,500 gallons annually of  
18 hydrocarbon-based drycleaning solvents in a drycleaning  
19 machine without a solvent reclaimer.

20 (8) \$1,500 for a facility that uses (i) more than 350  
21 gallons but not more than 400 gallons of chlorine-based or  
22 green drycleaning solvents annually, (ii) more than 1,750  
23 gallons but not more than 2,000 gallons annually of  
24 hydrocarbon-based solvents in a drycleaning machine  
25 equipped with a solvent reclaimer, or (iii) more than 3,500  
26 gallons but not more than 4,000 gallons annually of

1 hydrocarbon-based drycleaning solvents in a drycleaning  
2 machine without a solvent reclaimer.

3 (9) \$1,500 for a facility that uses (i) more than 400  
4 gallons but not more than 450 gallons of chlorine-based or  
5 green drycleaning solvents annually, (ii) more than 2,000  
6 gallons but not more than 2,250 gallons annually of  
7 hydrocarbon-based solvents in a drycleaning machine  
8 equipped with a solvent reclaimer, or (iii) more than 4,000  
9 gallons but not more than 4,500 gallons annually of  
10 hydrocarbon-based drycleaning solvents in a drycleaning  
11 machine without a solvent reclaimer.

12 (10) \$1,500 for a facility that uses (i) more than 450  
13 gallons but not more than 500 gallons of chlorine-based or  
14 green drycleaning solvents annually, (ii) more than 2,250  
15 gallons but not more than 2,500 gallons annually of  
16 hydrocarbon-based solvents used in a drycleaning machine  
17 equipped with a solvent reclaimer, or (iii) more than 4,500  
18 gallons but not more than 5,000 gallons annually of  
19 hydrocarbon-based drycleaning solvents in a drycleaning  
20 machine without a solvent reclaimer.

21 (11) \$1,500 for a facility that uses (i) more than 500  
22 gallons but not more than 550 gallons of chlorine-based or  
23 green drycleaning solvents annually, (ii) more than 2,500  
24 gallons but not more than 2,750 gallons annually of  
25 hydrocarbon-based solvents in a drycleaning machine  
26 equipped with a solvent reclaimer, or (iii) more than 5,000

1 gallons but not more than 5,500 gallons annually of  
2 hydrocarbon-based drycleaning solvents in a drycleaning  
3 machine without a solvent reclaimer.

4 (12) \$1,500 for a facility that uses (i) more than 550  
5 gallons but not more than 600 gallons of chlorine-based or  
6 green drycleaning solvents annually, (ii) more than 2,750  
7 gallons but not more than 3,000 gallons annually of  
8 hydrocarbon-based solvents in a drycleaning machine  
9 equipped with a solvent reclaimer, or (iii) more than 5,500  
10 gallons but not more than 6,000 gallons annually of  
11 hydrocarbon-based drycleaning solvents in a drycleaning  
12 machine without a solvent reclaimer.

13 (13) \$1,500 for a facility that uses (i) more than 600  
14 gallons of chlorine-based or green drycleaning solvents  
15 annually, (ii) more than 3,000 gallons but not more than  
16 3,250 gallons annually of hydrocarbon-based solvents in a  
17 drycleaning machine equipped with a solvent reclaimer, or  
18 (iii) more than 6,000 gallons of hydrocarbon-based  
19 drycleaning solvents annually in a drycleaning machine  
20 equipped without a solvent reclaimer.

21 (14) \$1,500 for a facility that uses more than 3,250  
22 gallons but not more than 3,500 gallons annually of  
23 hydrocarbon-based solvents in a drycleaning machine  
24 equipped with a solvent reclaimer.

25 (15) \$1,500 for a facility that uses more than 3,500  
26 gallons but not more than 3,750 gallons annually of

1 hydrocarbon-based solvents used in a drycleaning machine  
2 equipped with a solvent reclaimer.

3 (16) \$1,500 for a facility that uses more than 3,750  
4 gallons but not more than 4,000 gallons annually of  
5 hydrocarbon-based solvents in a drycleaning machine  
6 equipped with a solvent reclaimer.

7 (17) \$1,500 for a facility that uses more than 4,000  
8 gallons annually of hydrocarbon-based solvents in a  
9 drycleaning machine equipped with a solvent reclaimer.

10 For purpose of this subsection, the quantity of drycleaning  
11 solvents used annually shall be determined as follows:

12 (1) in the case of an initial applicant, the quantity  
13 of drycleaning solvents that the applicant estimates will  
14 be used during his or her initial license year. A fee  
15 assessed under this subdivision is subject to audited  
16 adjustment for that year; or

17 (2) in the case of a renewal applicant, the quantity of  
18 drycleaning solvents actually purchased in the preceding  
19 license year.

20 The Council may adjust licensing fees annually based on the  
21 published Consumer Price Index - All Urban Consumers ("CPI-U")  
22 or as otherwise determined by the Council.

23 (d) A license issued under this Section shall expire one  
24 year after the date of issuance and may be renewed on  
25 reapplication to the Council and submission of proof of payment  
26 of the appropriate fee to the Department of Revenue in

1 accordance with subsections (c) and (e). At least 30 days  
2 before payment of a renewal licensing fee is due, the Council  
3 shall attempt to:

4 (1) notify the operator of each licensed drycleaning  
5 facility concerning the requirements of this Section; and

6 (2) submit a license fee payment form to the licensed  
7 operator of each drycleaning facility.

8 (e) An operator of a drycleaning facility shall submit the  
9 appropriate application form provided by the Council with the  
10 license fee in the form of cash, credit card, business check,  
11 or guaranteed remittance, ~~or credit card~~ to the Department of  
12 Revenue. The license fee payment form and the actual license  
13 fee payment shall be administered by the Department of Revenue  
14 under rules adopted by that Department.

15 (f) The Department of Revenue shall issue a proof of  
16 payment receipt to each operator of a drycleaning facility who  
17 has paid the appropriate fee in cash or by guaranteed  
18 remittance, ~~or~~ credit card, or business check. However, the  
19 Department of Revenue shall not issue a proof of payment  
20 receipt to a drycleaning facility that is liable to the  
21 Department of Revenue for a tax imposed under this Act. The  
22 original receipt shall be presented to the Council by the  
23 operator of a drycleaning facility.

24 (g) (Blank).

25 (h) The Council and the Department of Revenue may adopt  
26 rules as necessary to administer the licensing requirements of

1 this Act.

2 (Source: P.A. 96-774, eff. 1-1-10; 97-332, eff. 8-12-11;  
3 97-377, eff. 1-1-12; revised 10-4-11.)

4 Section 565. The Facilities Requiring Smoke Detectors Act  
5 is amended by changing Section 1 as follows:

6 (425 ILCS 10/1) (from Ch. 127 1/2, par. 821)

7 Sec. 1. For purposes of this Act, unless the context  
8 requires otherwise:

9 (a) "Facility" means:

10 (1) Any long-term care facility as defined in Section  
11 1-113 of the Nursing Home Care Act or any facility as  
12 defined in Section 1-113 of the ID/DD Community Care Act or  
13 the Specialized Mental Health Rehabilitation Act, as  
14 amended;

15 (2) Any community residential alternative as defined  
16 in paragraph (4) of Section 3 of the Community Residential  
17 Alternatives Licensing Act, as amended; and

18 (3) Any child care facility as defined in Section 2.05  
19 of the Child Care Act of 1969, as amended.

20 (b) "Approved smoke detector" or "detector" means a smoke  
21 detector of the ionization or photoelectric type which complies  
22 with all the requirements of the rules and regulations of the  
23 Illinois State Fire Marshal.

24 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,



1 eff. 1-1-12; revised 10-4-11.)

2 Section 570. The Firearm Owners Identification Card Act is  
3 amended by changing Sections 4 and 8 as follows:

4 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

5 Sec. 4. (a) Each applicant for a Firearm Owner's  
6 Identification Card must:

7 (1) Make application on blank forms prepared and  
8 furnished at convenient locations throughout the State by  
9 the Department of State Police, or by electronic means, if  
10 and when made available by the Department of State Police;  
11 and

12 (2) Submit evidence to the Department of State Police  
13 that:

14 (i) He or she is 21 years of age or over, or if he  
15 or she is under 21 years of age that he or she has the  
16 written consent of his or her parent or legal guardian  
17 to possess and acquire firearms and firearm ammunition  
18 and that he or she has never been convicted of a  
19 misdemeanor other than a traffic offense or adjudged  
20 delinquent, provided, however, that such parent or  
21 legal guardian is not an individual prohibited from  
22 having a Firearm Owner's Identification Card and files  
23 an affidavit with the Department as prescribed by the  
24 Department stating that he or she is not an individual

1 prohibited from having a Card;

2 (ii) He or she has not been convicted of a felony  
3 under the laws of this or any other jurisdiction;

4 (iii) He or she is not addicted to narcotics;

5 (iv) He or she has not been a patient in a mental  
6 institution within the past 5 years and he or she has  
7 not been adjudicated as a mental defective;

8 (v) He or she is not intellectually disabled;

9 (vi) He or she is not an alien who is unlawfully  
10 present in the United States under the laws of the  
11 United States;

12 (vii) He or she is not subject to an existing order  
13 of protection prohibiting him or her from possessing a  
14 firearm;

15 (viii) He or she has not been convicted within the  
16 past 5 years of battery, assault, aggravated assault,  
17 violation of an order of protection, or a substantially  
18 similar offense in another jurisdiction, in which a  
19 firearm was used or possessed;

20 (ix) He or she has not been convicted of domestic  
21 battery, aggravated domestic battery, or a  
22 substantially similar offense in another jurisdiction  
23 committed before, on or after January 1, 2012 (the  
24 effective date of Public Act 97-158) ~~this amendatory~~  
25 ~~Act of the 97th General Assembly;~~

26 (x) (Blank);

1           (xi) He or she is not an alien who has been  
2 admitted to the United States under a non-immigrant  
3 visa (as that term is defined in Section 101(a)(26) of  
4 the Immigration and Nationality Act (8 U.S.C.  
5 1101(a)(26))), or that he or she is an alien who has  
6 been lawfully admitted to the United States under a  
7 non-immigrant visa if that alien is:

8           (1) admitted to the United States for lawful  
9 hunting or sporting purposes;

10           (2) an official representative of a foreign  
11 government who is:

12           (A) accredited to the United States  
13 Government or the Government's mission to an  
14 international organization having its  
15 headquarters in the United States; or

16           (B) en route to or from another country to  
17 which that alien is accredited;

18           (3) an official of a foreign government or  
19 distinguished foreign visitor who has been so  
20 designated by the Department of State;

21           (4) a foreign law enforcement officer of a  
22 friendly foreign government entering the United  
23 States on official business; or

24           (5) one who has received a waiver from the  
25 Attorney General of the United States pursuant to  
26 18 U.S.C. 922(y)(3);

1           (xii) He or she is not a minor subject to a  
2           petition filed under Section 5-520 of the Juvenile  
3           Court Act of 1987 alleging that the minor is a  
4           delinquent minor for the commission of an offense that  
5           if committed by an adult would be a felony; and

6           (xiii) He or she is not an adult who had been  
7           adjudicated a delinquent minor under the Juvenile  
8           Court Act of 1987 for the commission of an offense that  
9           if committed by an adult would be a felony; and

10          (3) Upon request by the Department of State Police,  
11          sign a release on a form prescribed by the Department of  
12          State Police waiving any right to confidentiality and  
13          requesting the disclosure to the Department of State Police  
14          of limited mental health institution admission information  
15          from another state, the District of Columbia, any other  
16          territory of the United States, or a foreign nation  
17          concerning the applicant for the sole purpose of  
18          determining whether the applicant is or was a patient in a  
19          mental health institution and disqualified because of that  
20          status from receiving a Firearm Owner's Identification  
21          Card. No mental health care or treatment records may be  
22          requested. The information received shall be destroyed  
23          within one year of receipt.

24          (a-5) Each applicant for a Firearm Owner's Identification  
25          Card who is over the age of 18 shall furnish to the Department  
26          of State Police either his or her driver's license number or

1 Illinois Identification Card number.

2 (a-10) Each applicant for a Firearm Owner's Identification  
3 Card, who is employed as an armed security officer at a nuclear  
4 energy, storage, weapons, or development facility regulated by  
5 the Nuclear Regulatory Commission and who is not an Illinois  
6 resident, shall furnish to the Department of State Police his  
7 or her driver's license number or state identification card  
8 number from his or her state of residence. The Department of  
9 State Police may promulgate rules to enforce the provisions of  
10 this subsection (a-10).

11 (b) Each application form shall include the following  
12 statement printed in bold type: "Warning: Entering false  
13 information on an application for a Firearm Owner's  
14 Identification Card is punishable as a Class 2 felony in  
15 accordance with subsection (d-5) of Section 14 of the Firearm  
16 Owners Identification Card Act."

17 (c) Upon such written consent, pursuant to Section 4,  
18 paragraph (a)(2)(i), the parent or legal guardian giving the  
19 consent shall be liable for any damages resulting from the  
20 applicant's use of firearms or firearm ammunition.

21 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; revised  
22 10-4-11.)

23 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

24 Sec. 8. The Department of State Police has authority to  
25 deny an application for or to revoke and seize a Firearm

1 Owner's Identification Card previously issued under this Act  
2 only if the Department finds that the applicant or the person  
3 to whom such card was issued is or was at the time of issuance:

4 (a) A person under 21 years of age who has been convicted  
5 of a misdemeanor other than a traffic offense or adjudged  
6 delinquent;

7 (b) A person under 21 years of age who does not have the  
8 written consent of his parent or guardian to acquire and  
9 possess firearms and firearm ammunition, or whose parent or  
10 guardian has revoked such written consent, or where such parent  
11 or guardian does not qualify to have a Firearm Owner's  
12 Identification Card;

13 (c) A person convicted of a felony under the laws of this  
14 or any other jurisdiction;

15 (d) A person addicted to narcotics;

16 (e) A person who has been a patient of a mental institution  
17 within the past 5 years or has been adjudicated as a mental  
18 defective;

19 (f) A person whose mental condition is of such a nature  
20 that it poses a clear and present danger to the applicant, any  
21 other person or persons or the community;

22 For the purposes of this Section, "mental condition" means  
23 a state of mind manifested by violent, suicidal, threatening or  
24 assaultive behavior.

25 (g) A person who is intellectually disabled;

26 (h) A person who intentionally makes a false statement in

1 the Firearm Owner's Identification Card application;

2 (i) An alien who is unlawfully present in the United States  
3 under the laws of the United States;

4 (i-5) An alien who has been admitted to the United States  
5 under a non-immigrant visa (as that term is defined in Section  
6 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.  
7 1101(a)(26))), except that this subsection (i-5) does not apply  
8 to any alien who has been lawfully admitted to the United  
9 States under a non-immigrant visa if that alien is:

10 (1) admitted to the United States for lawful hunting or  
11 sporting purposes;

12 (2) an official representative of a foreign government  
13 who is:

14 (A) accredited to the United States Government or  
15 the Government's mission to an international  
16 organization having its headquarters in the United  
17 States; or

18 (B) en route to or from another country to which  
19 that alien is accredited;

20 (3) an official of a foreign government or  
21 distinguished foreign visitor who has been so designated by  
22 the Department of State;

23 (4) a foreign law enforcement officer of a friendly  
24 foreign government entering the United States on official  
25 business; or

26 (5) one who has received a waiver from the Attorney

1 General of the United States pursuant to 18 U.S.C.

2 922 (y) (3);

3 (j) (Blank);

4 (k) A person who has been convicted within the past 5 years  
5 of battery, assault, aggravated assault, violation of an order  
6 of protection, or a substantially similar offense in another  
7 jurisdiction, in which a firearm was used or possessed;

8 (l) A person who has been convicted of domestic battery,  
9 aggravated domestic battery, or a substantially similar  
10 offense in another jurisdiction committed before, on or after  
11 January 1, 2012 (the effective date of Public Act 97-158) ~~this~~  
12 ~~amendatory Act of the 97th General Assembly;~~

13 (m) (Blank);

14 (n) A person who is prohibited from acquiring or possessing  
15 firearms or firearm ammunition by any Illinois State statute or  
16 by federal law;

17 (o) A minor subject to a petition filed under Section 5-520  
18 of the Juvenile Court Act of 1987 alleging that the minor is a  
19 delinquent minor for the commission of an offense that if  
20 committed by an adult would be a felony; or

21 (p) An adult who had been adjudicated a delinquent minor  
22 under the Juvenile Court Act of 1987 for the commission of an  
23 offense that if committed by an adult would be a felony.

24 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,  
25 eff. 1-1-12; revised 10-4-11.)



1 Section 575. The Illinois Commercial Feed Act of 1961 is  
2 amended by changing Section 14 as follows:

3 (505 ILCS 30/14) (from Ch. 56 1/2, par. 66.14)

4 Sec. 14. Constitutionality. If any clause, sentence,  
5 paragraph or part of this Act shall for any reason be adjudged  
6 invalid by any court of competent jurisdiction, such judgment  
7 shall not affect ~~effect~~, impair or invalidate the remainder  
8 thereof but shall be confined in its operation to the cause,  
9 sentence, paragraph or part thereof directly involved in the  
10 controversy in which such judgement shall have been rendered.

11 (Source: Laws 1961, p. 2289; revised 11-18-11.)

12 Section 580. The Illinois Corn Marketing Act is amended by  
13 changing Section 10 as follows:

14 (505 ILCS 40/10) (from Ch. 5, par. 710)

15 Sec. 10. The corn marketing program established by this Act  
16 shall remain in effect for 5 years. Thereafter, the program  
17 shall automatically be extended from year to year unless a  
18 referendum for continued approval is required by written  
19 petition of no less than ~~that~~ 10% of the affected producers  
20 from each respective district. The referendum shall be in  
21 accordance with Section 9 of this Act to determine the  
22 continued approval of such corn marketing program.  
23 Continuation or termination shall be determined by the same

1 voting requirements for adoption of the corn marketing program  
2 set forth in Section 7.

3 (Source: P.A. 81-189; revised 11-18-11.)

4 Section 585. The Humane Euthanasia in Animal Shelters Act  
5 is amended by changing Section 65 as follows:

6 (510 ILCS 72/65)

7 Sec. 65. Refused issuance, suspension, or revocation of  
8 certification. The Department may refuse to issue, renew, or  
9 restore a certification or may revoke or suspend a  
10 certification, or place on probation, reprimand, impose a fine  
11 not to exceed \$10,000 for each violation, or take other  
12 disciplinary or non-disciplinary action as the Department may  
13 deem proper with regard to a certified euthanasia agency or a  
14 certified euthanasia technician for any one or combination of  
15 the following reasons:

16 (1) in the case of a certified euthanasia technician,  
17 failing to carry out the duties of a euthanasia technician  
18 set forth in this Act or rules adopted under this Act;

19 (2) abusing the use of any controlled substance or  
20 euthanasia drug;

21 (3) selling, stealing, or giving controlled substances  
22 or euthanasia drugs away;

23 (4) abetting anyone in violating item (1) or (2) of  
24 this Section;

1 (5) violating any provision of this Act, the Illinois  
2 Controlled Substances Act, the Illinois Food, Drug and  
3 Cosmetic Act, the federal Food, Drug, and Cosmetic Act, the  
4 federal Controlled Substances Act, the rules adopted under  
5 these Acts, or any rules adopted by the Department of  
6 Professional Regulation concerning the euthanizing of  
7 animals;

8 (6) in the case of a euthanasia technician, acting as a  
9 euthanasia technician outside of the scope of his or her  
10 employment with a certified euthanasia agency; and

11 (7) in the case of a euthanasia technician, being  
12 convicted of or entering a plea of guilty ~~guilty~~ or nolo  
13 contendere to any crime that is (i) a felony under the laws  
14 of the United States or any state or territory thereof,  
15 (ii) a misdemeanor under the laws of the United States or  
16 any state or territory an essential element of which is  
17 dishonesty, or (iii) directly related to the practice of  
18 the profession.

19 (Source: P.A. 96-780, eff. 8-28-09; revised 11-18-11.)

20 Section 590. The Wildlife Code is amended by changing  
21 Sections 2.33a and 2.37 as follows:

22 (520 ILCS 5/2.33a) (from Ch. 61, par. 2.33a)

23 Sec. 2.33a. Trapping.

24 (a) It is unlawful to fail to visit and remove all animals

1 from traps staked out, set, used, tended, placed or maintained  
2 at least once each calendar day.

3 (b) It is unlawful for any person to place, set, use, or  
4 maintain a leghold trap or one of similar construction on land,  
5 that has a jaw spread of larger than 6 1/2 inches (16.6 CM), or  
6 a body-gripping trap or one of similar construction having a  
7 jaw spread larger than 7 inches (17.8 CM) on a side if square  
8 and 8 inches (20.4 CM) if round.†

9 (c) It is unlawful for any person to place, set, use, or  
10 maintain a leghold trap or one of similar construction in  
11 water, that has a jaw spread of larger than 7 1/2 inches (19.1  
12 CM), or a body-gripping trap or one of similar construction  
13 having a jaw spread larger than 10 inches (25.4 CM) on a side  
14 if square and 12 inches (30.5 CM) if round.†

15 (d) It is unlawful to use any trap with saw-toothed,  
16 spiked, or toothed jaws.†

17 (e) It is unlawful to destroy, disturb or in any manner  
18 interfere with dams, lodges, burrows or feed beds of beaver  
19 while trapping for beaver or to set a trap inside a muskrat  
20 house or beaver lodge, except that this shall not apply to  
21 Drainage Districts who are acting pursuant to the provisions of  
22 Section 2.37.†

23 (f) It is unlawful to trap beaver or river otter with: (1)  
24 a leghold trap or one of similar construction having a jaw  
25 spread of less than 5 1/2 inches (13.9 CM) or more than 7 1/2  
26 inches (19.1 CM), or (2) a body-gripping trap or one of similar

1 construction having a jaw spread of less than 7 inches (17.7  
2 CM) or more than 10 inches (25.4 CM) on a side if square and 12  
3 inches (30.5 CM) if round, except that these restrictions shall  
4 not apply during the open season for trapping raccoons.†

5 (g) It is unlawful to set traps closer than 10 feet (3.05  
6 M) from any hole or den which may be occupied by a game mammal  
7 or fur-bearing mammal except that this restriction shall not  
8 apply to water sets.

9 (h) It is unlawful to trap or attempt to trap any  
10 fur-bearing mammal with any colony, cage, box, or stove-pipe  
11 trap designed to take more than one mammal at a single setting.

12 (i) It is unlawful for any person to set or place any trap  
13 designed to take any fur-bearing mammal protected by this Act  
14 during the closed trapping season. Proof that any trap was  
15 placed during the closed trapping season shall be deemed prima  
16 facie evidence of a violation of this provision.

17 (j) It is unlawful to place, set, or maintain any leghold  
18 trap or one of similar construction within thirty (30) feet  
19 (9.14 m) of bait placed in such a manner or position that it is  
20 not completely covered and concealed from sight, except that  
21 this shall not apply to underwater sets. Bait shall mean and  
22 include any bait composed of mammal, bird, or fish flesh, fur,  
23 hide, entrails or feathers.

24 (k) It shall be unlawful for hunters or trappers to have  
25 the green hides of fur-bearing mammals, protected by this Act,  
26 in their possession except during the open season and for an

1 additional period of 10 days succeeding such open season.

2 (1) It is unlawful for any person to place, set, use or  
3 maintain a snare trap or one of similar construction in water,  
4 that has a loop diameter exceeding 15 inches (38.1 CM) or a  
5 cable or wire diameter of more than 1/8 inch (3.2 MM) or less  
6 than 5/64 inch (2.0 MM), that is constructed of stainless steel  
7 metal cable or wire, and that does not have a mechanical lock,  
8 anchor swivel and stop device to prevent the mechanical lock  
9 from closing the noose loop to a diameter of less than 2 1/2  
10 inches (6.4 CM).

11 (m) It is unlawful to trap muskrat or mink with (1) a  
12 leghold trap or one of similar construction or (2) a  
13 body-gripping trap or one of similar construction unless the  
14 body-gripping trap or similar trap is completely submerged  
15 underwater when set. These restrictions shall not apply during  
16 the open season for trapping raccoons.

17 (Source: P.A. 97-19, eff. 6-28-11; 97-31, eff. 6-28-11; revised  
18 9-15-11.)

19 (520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

20 Sec. 2.37. Authority to kill wildlife responsible for  
21 damage. Subject to federal regulations and Section 3 of the  
22 Illinois Endangered Species Act, the Department may authorize  
23 owners and tenants of lands or their agents to remove or  
24 destroy any wild bird or wild mammal when the wild bird or wild  
25 mammal is known to be destroying property or causing a risk to

1 human health or safety upon his or her land.

2 Upon receipt by the Department of information from the  
3 owner, tenant, or sharecropper that any one or more species of  
4 wildlife is damaging dams, levees, ditches, or other property  
5 on the land on which he resides or controls, together with a  
6 statement regarding location of the property damages, the  
7 nature and extent of the damage, and the particular species of  
8 wildlife committing the damage, the Department shall make an  
9 investigation.

10 If, after investigation, the Department finds that damage  
11 does exist and can be abated only by removing or destroying  
12 that wildlife, a permit shall be issued by the Department to  
13 remove or destroy the species responsible for causing the  
14 damage.

15 A permit to control the damage shall be for a period of up  
16 to 90 days, shall specify the means and methods by which and  
17 the person or persons by whom the wildlife may be removed or  
18 destroyed, and shall set forth the disposition procedure to be  
19 made of all wildlife taken and other restrictions the Director  
20 considers necessary and appropriate in the circumstances of the  
21 particular case. Whenever possible, the specimens destroyed  
22 shall be given to a bona-fide public or State scientific,  
23 educational, or zoological institution.

24 The permittee shall advise the Department in writing,  
25 within 10 days after the expiration date of the permit, of the  
26 number of individual species of wildlife taken, disposition

1 made of them, and any other information which the Department  
2 may consider necessary.

3 Subject to federal regulations and Section 3 of the  
4 Illinois Endangered Species Act, the Department may grant to an  
5 individual, corporation, association or a governmental body  
6 the authority to control species protected by this Code. The  
7 Department shall set forth applicable regulations in an  
8 Administrative Order and may require periodic reports listing  
9 species taken, numbers of each species taken, dates when taken,  
10 and other pertinent information.

11 Drainage Districts shall have the authority to control  
12 beaver provided that they must notify the Department in writing  
13 that a problem exists and of their intention to trap the  
14 animals at least 7 days before the trapping begins. The  
15 District must identify traps used in beaver control outside the  
16 dates of the furbearer trapping season with metal tags with the  
17 district's name legibly inscribed upon them. During the  
18 furtrapping season, traps must be identified as prescribed by  
19 law. Conibear traps at least size 330 shall be used except  
20 during the statewide furbearer trapping season. During that  
21 time trappers may use any device that is legal according to the  
22 Wildlife Code. Except during the statewide furbearer trapping  
23 season, beaver traps must be set in water at least 10 inches  
24 deep. Except during the statewide furbearer trapping season,  
25 traps must be set within 10 feet of an inhabited bank burrow or  
26 house and within 10 feet of a dam maintained by a beaver. No



1 beaver or other furbearer taken outside of the dates for the  
2 furbearer trapping season may be sold. All animals must be  
3 given to the nearest conservation officer or other Department  
4 of Natural Resources representative within 48 hours after they  
5 are caught. Furbearers taken during the fur trapping season may  
6 be sold provided that they are taken by persons who have valid  
7 trapping licenses in their possession and are lawfully taken.  
8 The District must submit an annual report showing the species  
9 and numbers of animals caught. The report must indicate all  
10 species which were taken.

11 (Source: P.A. 91-654, eff. 12-15-99; revised 11-18-11.)

12 Section 595. The Illinois Highway Code is amended by  
13 changing Sections 9-119.5 and 9-119.6 as follows:

14 (605 ILCS 5/9-119.5)

15 Sec. 9-119.5. Hay harvesting permit.

16 (a) The Department may issue a hay harvesting permit  
17 authorizing the mowing and harvesting of hay on a specified  
18 right-of-way in this State. An owner or owner's designee has  
19 priority until July 30 of each year to receive a permit for the  
20 portion of right-of-way that is adjacent to the owner's land.  
21 After July 30 of each year, a permit may be issued to an  
22 applicant that is not the owner of the land adjacent to the  
23 right-of-way for a maximum distance of 5 miles each year. A  
24 permit issued under this subsection may be valid from July 15

1 of each year until September 15 of each year, and the  
2 Department must include the timeframe that the permit is valid  
3 on every permit issued under this subsection. Commencement of  
4 harvesting activity notice instructions must be included on  
5 every permit under this subsection in accordance with paragraph  
6 (1) of subsection (c) of this Section. The non-refundable  
7 application fee for every permit under this subsection is \$40,  
8 and all fees collected by the Department shall be deposited  
9 into the Road Fund.

10 (b) An applicant for a permit in subsection (a) must:

11 (1) sign a release acknowledging that the applicant (i)  
12 assumes all risk for the quality of the hay harvested under  
13 the permit, (ii) assumes all liability for accidents or  
14 injury that results from the activities permitted by the  
15 Department, (iii) is liable for any damage to the  
16 right-of-way described in paragraphs (5) and (6) of  
17 subsection (c), and (iv) understands that the State or any  
18 instrumentality thereof assumes no risk or liability for  
19 the activities permitted by the Department;

20 (2) demonstrate proof that a liability insurance  
21 policy in the amount of not less than \$1,000,000 is in  
22 force to cover any accident, damage, or loss that may occur  
23 to persons or property as a result of the activities  
24 permitted by the Department; and

25 (3) pay a non-refundable application fee of \$40.

26 (c) The usage of a permit in subsection (a) is subject to

1 the following limitations:

2 (1) The permittee must give the Department 48 hours  
3 notice prior to commencing any activities permitted by the  
4 Department;

5 (2) The permittee must identify the location of noxious  
6 weeds pursuant to the Noxious Weed Law. Noxious weeds may  
7 be mowed but may not be windrowed or baled;

8 (3) The permittee may use the permit only during the  
9 timeframes specified on the permit;

10 (4) The permittee must carry a copy of the permit at  
11 all times while performing the activities permitted by the  
12 Department;

13 (5) The permittee may use the permit only when soil in  
14 the right-of-way is dry enough to prevent rutting or other  
15 similar type of damage to the right-of-way; and

16 (6) The permittee ~~permittee~~ may not alter, damage, or  
17 remove any right-of-way markers, land monuments, fences,  
18 signs, trees, shrubbery or similar landscape vegetation,  
19 or other highway features or structures.

20 (d) The Department may immediately terminate a permit in  
21 subsection (a) issued to a permittee for failure to comply with  
22 the use limitations of subsection (c).

23 (e) The Department or the permittee may cancel the permit  
24 at any time upon 3 days written notice.

25 (f) The Department may promulgate rules for the  
26 administration of this Section.

1 (Source: P.A. 96-415, eff. 8-13-09; revised 11-21-11.)

2 (605 ILCS 5/9-119.6)

3 Sec. 9-119.6. Switchgrass production permit.

4 (a) The Department may issue a switchgrass production  
5 permit authorizing the planting and harvesting of switchgrass  
6 on a specified right-of-way in this State. An owner or owner's  
7 designee has priority until March 1 of each year to receive a  
8 permit for the portion of right-of-way that is adjacent to the  
9 owner's land and for which no permit is in effect. After March  
10 1 of each year, a permit may be issued to an applicant that is  
11 not the owner of the land adjacent to the right-of-way for a  
12 maximum distance of 5 miles. A permit issued under this  
13 subsection may be valid for a period of 5 years, and the  
14 Department must include the timeframe that the permit is valid  
15 on every permit issued under this subsection. Commencement of  
16 harvesting activity notice instructions must be included on  
17 every permit under this subsection in accordance with paragraph  
18 (1) of subsection (c) of this Section. The non-refundable  
19 application fee for every permit under this subsection is \$200,  
20 and all fees collected by the Department shall be deposited  
21 into the Road Fund.

22 (b) An applicant for a permit in subsection (a) must:

23 (1) sign a release acknowledging that the applicant (i)  
24 assumes all risk for the quality of the switchgrass  
25 produced under the permit, (ii) assumes all liability for

1 accidents or injury that results from the activities  
2 permitted by the Department, (iii) is liable for any damage  
3 to the right-of-way described in paragraphs (3) and (4) of  
4 subsection (c), and (iv) understands that the State or any  
5 instrumentality thereof assumes no risk or liability for  
6 the activities permitted by the Department;

7 (2) demonstrate proof that a liability insurance  
8 policy in the amount of not less than \$1,000,000 is in  
9 force to cover any accident, damage, or loss that may occur  
10 to persons or property as a result of the activities  
11 permitted by the Department; and

12 (3) pay a non-refundable application fee of \$200.

13 (c) The usage of a permit in subsection (a) is subject to  
14 the following limitations:

15 (1) The permittee must give the Department 48 hours  
16 notice prior to commencing any activities permitted by the  
17 Department;

18 (2) The permittee must carry a copy of the permit at  
19 all times while performing the activities permitted by the  
20 Department;

21 (3) The permittee may use the permit only when soil in  
22 the right-of-way is dry enough to prevent rutting or other  
23 similar type of damage to the right-of-way; and

24 (4) The permittee ~~permi-tee~~ may not alter, damage, or  
25 remove any right-of-way markers, land monuments, fences,  
26 signs, trees, shrubbery or similar landscape vegetation,

1 or other highway features or structures.

2 (d) The Department may immediately terminate a permit in  
3 subsection (a) issued to a permittee for failure to comply with  
4 the use limitations of subsection (c).

5 (e) The Department or the permittee may cancel the permit  
6 at any time upon 3 days written notice.

7 (f) The Department may promulgate rules for the  
8 administration of this Section.

9 (Source: P.A. 97-134, eff. 1-1-12; revised 10-4-11.)

10 Section 600. The O'Hare Modernization Act is amended by  
11 changing Section 25 as follows:

12 (620 ILCS 65/25)

13 Sec. 25. Jurisdiction over airport property. Airport  
14 property shall not be subject to the ~~the~~ laws of any unit of  
15 local government except as provided by ordinance of the City.  
16 Plans of all public agencies that may affect the O'Hare  
17 Modernization Program shall be consistent with the O'Hare  
18 Modernization Program, and to the extent that any plan of any  
19 public agency or unit or division of State or local government  
20 is inconsistent with the O'Hare Modernization Program, that  
21 plan is and shall be void and of no effect.

22 (Source: P.A. 93-450, eff. 8-6-03; revised 11-21-11.)

23 Section 605. The Illinois Vehicle Code is amended by

1 changing Sections 3-651, 6-201, 6-206.1, 6-507, 11-212,  
2 11-501.2, 11-1505, 12-215, 13-101, 13C-15, 15-301, 18a-405,  
3 and 18a-407 and by setting forth and renumbering multiple  
4 versions of Sections 3-694 and 3-696 as follows:

5 (625 ILCS 5/3-651)

6 Sec. 3-651. U.S. Marine Corps license plates.

7 (a) In addition to any other special license plate, the  
8 Secretary, upon receipt of all applicable fees and applications  
9 made in the form prescribed by the Secretary of State, may  
10 issue special registration plates designated as U.S. Marine  
11 Corps license plates to residents of Illinois who meet  
12 eligibility requirements prescribed by the Secretary of State.  
13 The special plate issued under this Section shall be affixed  
14 only to passenger vehicles of the first division, motorcycles,  
15 motor vehicles of the second division weighing not more than  
16 8,000 pounds, and recreational vehicles as defined by Section  
17 1-169 of this Code. Plates issued under this Section shall  
18 expire according to the staggered multi-year procedure  
19 established by Section 3-414.1 of this Code.

20 (b) The design, color, and format of the plates shall be  
21 wholly within the discretion of the Secretary of State, except  
22 that the U.S. Marine Corps emblem shall appear on the plates.  
23 The Secretary may, in his or her discretion, allow the plates  
24 to be issued as vanity or personalized plates in accordance  
25 with Section 3-405.1 of this Code. The plates are not required

1 to designate "Land Of Lincoln", as prescribed in subsection (b)  
2 of Section 3-412 of this Code. The Secretary shall prescribe  
3 the eligibility requirements and, in his or her discretion,  
4 shall approve and prescribe stickers or decals as provided  
5 under Section 3-412.

6 (c) An applicant shall be charged a \$5 fee for original  
7 issuance in addition to the applicable registration fee. This  
8 additional fee shall be deposited into the Marine Corps  
9 Scholarship Fund. For each registration renewal period, an \$18  
10 fee, in addition to the appropriate registration fee, shall be  
11 charged. This additional fee shall be deposited into the Marine  
12 Corps Scholarship Fund.

13 (d) The Marine Corps Scholarship Fund is created as a  
14 special fund in the State treasury. All moneys in the Marine  
15 Corps Scholarship Fund shall, subject to appropriation by the  
16 General Assembly and distribution by the Secretary, be used by  
17 the Marine Corps Scholarship Foundation, Inc., a recognized  
18 charitable organization that meets the requirements of Title  
19 26, Section 501(c)(3) of the United States Code, to provide  
20 grants for scholarships for higher education. The scholarship  
21 recipients must be the children of current or former members of  
22 the United States Marine Corps who meet the academic,  
23 financial, and other requirements established by the Marine  
24 Corps Scholarship Foundation. In addition, the recipients must  
25 be Illinois residents and must attend a college or university  
26 located within the State of Illinois.



1 (Source: P.A. 97-306, eff. 1-1-12; 97-409; eff. 1-1-12; revised  
2 10-4-11.)

3 (625 ILCS 5/3-694)

4 Sec. 3-694. 4-H license plates.

5 (a) The Secretary, upon receipt of all applicable fees and  
6 applications made in the form prescribed by the Secretary, may  
7 issue special registration plates designated as 4-H license  
8 plates. The special plates issued under this Section shall be  
9 affixed only to passenger vehicles of the first division and  
10 motor vehicles of the second division weighing not more than  
11 8,000 pounds. Plates issued under this Section shall expire  
12 according to the multi-year procedure established by Section  
13 3-414.1 of this Code.

14 (b) The design and color of the plates is wholly within the  
15 discretion of the Secretary of State. Appropriate  
16 documentation, as determined by the Secretary, shall accompany  
17 the application. The Secretary, in his or her discretion, may  
18 allow the plates to be issued as vanity or personalized plates  
19 under Section 3-405.1 of this Code. The Secretary shall  
20 prescribe stickers or decals as provided under Section 3-412 of  
21 this Code.

22 (c) An applicant for the special plate shall be charged a  
23 \$40 fee for original issuance in addition to the appropriate  
24 registration fee. Of this fee, \$25 shall be deposited into the  
25 4-H Fund and \$15 shall be deposited into the Secretary of State

1 Special License Plate Fund, to be used by the Secretary to help  
2 defray the administrative processing costs.

3 For each registration renewal period, a \$12 fee, in  
4 addition to the appropriate registration fee, shall be charged.  
5 Of this fee, \$10 shall be deposited into the 4-H Fund and \$2  
6 shall be deposited into the Secretary of State Special License  
7 Plate Fund.

8 (d) The 4-H Fund is created as a special fund in the State  
9 treasury. All money in the 4-H Fund shall be paid, subject to  
10 appropriation by the General Assembly and distribution by the  
11 Secretary of State, as grants to the Illinois 4-H Foundation, a  
12 tax exempt entity under Section 501(c)(3) of the Internal  
13 Revenue Code, for the funding of 4-H programs in Illinois.

14 (Source: P.A. 96-1449, eff. 1-1-11; 97-333, eff. 8-12-11;  
15 97-409, eff. 1-1-12.)

16 (625 ILCS 5/3-696)

17 Sec. 3-696. Corporate-sponsored license plate study. The  
18 Secretary of State shall complete a feasibility study for the  
19 implementation of a program for corporate-sponsored license  
20 plates. The study shall include, but not be limited to,  
21 findings on how to maximize profits to the State, how to  
22 provide for a discounted registration fee for Illinois  
23 residents who display a corporate-sponsored license plate;  
24 public interest in such a program; and the cost to the State  
25 for implementation of such a program. The Secretary of State

1 shall report the findings of the feasibility study to the  
2 General Assembly no later than January 1, 2012.

3 (Source: P.A. 97-221, eff. 7-28-11.)

4 (625 ILCS 5/3-697)

5 Sec. 3-697 ~~3-694~~. Chicago Police Memorial Foundation  
6 license plates.

7 (a) The Secretary, upon receipt of all applicable fees and  
8 applications made in the form prescribed by the Secretary, may  
9 issue special registration plates designated as Chicago Police  
10 Memorial Foundation license plates to active or retired law  
11 enforcement officers and their family members, surviving  
12 family members of deceased law enforcement officers, and  
13 members of or donors to the Chicago Police Memorial Foundation.

14 The special plates issued under this Section shall be  
15 affixed only to passenger vehicles of the first division or  
16 motor vehicles of the second division weighing not more than  
17 8,000 pounds.

18 Plates issued under this Section shall expire according to  
19 the multi-year procedure established by Section 3-414.1 of this  
20 Code.

21 (b) The design and color of the plates is wholly within the  
22 discretion of the Secretary. The Secretary may allow the plates  
23 to be issued as vanity plates or personalized under Section  
24 3-405.1 of the Code. Appropriate documentation, as determined  
25 by the Secretary, shall accompany each application. The

1 Secretary shall prescribe stickers or decals as provided under  
2 Section 3-412 of this Code.

3 (c) An applicant for the special plate shall be charged a  
4 \$25 fee for original issuance in addition to the appropriate  
5 registration fee. Of this fee, \$10 shall be deposited into the  
6 Chicago Police Memorial Foundation Fund and \$15 shall be  
7 deposited into the Secretary of State Special License Plate  
8 Fund, to be used by the Secretary to help defray the  
9 administrative processing costs.

10 For each registration renewal period, a \$25 fee, in  
11 addition to the appropriate registration fee, shall be charged.  
12 Of this fee, \$23 shall be deposited into the Chicago Police  
13 Memorial Foundation Fund and \$2 shall be deposited into the  
14 Secretary of State Special License Plate Fund.

15 (d) The Chicago Police Memorial Foundation Fund is created  
16 as a special fund in the State treasury. All moneys in the  
17 Chicago Police Memorial Foundation Fund shall be paid, subject  
18 to appropriation by the General Assembly and approval by the  
19 Secretary, as grants to the Chicago Police Memorial Foundation  
20 for maintenance of a memorial and park, holding an annual  
21 memorial commemoration, giving scholarships to children of  
22 police officers killed or catastrophically injured in the line  
23 of duty, providing financial assistance to police officers and  
24 their families when a police officer is killed or injured in  
25 the line of duty, and paying the insurance premiums for police  
26 officers who are terminally ill.

1 (Source: P.A. 96-1547, eff. 3-10-11; revised 10-6-11.)

2 (625 ILCS 5/3-698)

3 Sec. 3-698 ~~3-696~~. U.S. Air Force License Plates.

4 (a) The Secretary, upon receipt of all applicable fees and  
5 applications made in the form prescribed by the Secretary of  
6 State, may issue special registration plates designated as U.S.  
7 Air Force license plates to residents of Illinois who meet  
8 eligibility requirements prescribed by the Secretary of State.  
9 The special plate issued under this Section shall be affixed  
10 only to passenger vehicles of the first division, motor  
11 vehicles of the second division weighing not more than 8,000  
12 pounds, and recreational vehicles as defined by Section 1-169  
13 of this Code. Plates issued under this Section shall expire  
14 according to the multi-year procedure established by Section  
15 3-414.1 of this Code.

16 (b) The design, color, and format of the plates shall be  
17 wholly within the discretion of the Secretary of State, except  
18 that the U.S. Air Force emblem shall appear on the plates. The  
19 Secretary may, in his or her discretion, allow the plates to be  
20 issued as vanity or personalized plates in accordance with  
21 Section 3-405.1 of this Code. The plates are not required to  
22 designate "Land Of Lincoln", as prescribed in subsection (b) of  
23 Section 3-412 of this Code. The Secretary shall prescribe the  
24 eligibility requirements and, in his or her discretion, shall  
25 approve and prescribe stickers or decals as provided under

1 Section 3-412.

2 (c) An applicant shall be charged a \$20 fee for original  
3 issuance in addition to the applicable registration fee. Of  
4 this additional fee, \$15 shall be deposited into the Secretary  
5 of State Special License Plate Fund and \$5 shall be deposited  
6 into the Octave Chanute Aerospace Heritage Fund. For each  
7 registration renewal period, a \$20 fee, in addition to the  
8 appropriate registration fee, shall be charged. Of this  
9 additional fee, \$2 shall be deposited into the Secretary of  
10 State Special License Plate Fund and \$18 shall be deposited  
11 into the Octave Chanute Aerospace Heritage Fund.

12 (d) The Octave Chanute Aerospace Heritage Fund is created  
13 as a special fund in the State treasury. All moneys in the  
14 Octave Chanute Aerospace Heritage Fund shall be paid, subject  
15 to appropriation by the General Assembly and approval by the  
16 Secretary, as grants to the Octave Chanute Aerospace Heritage  
17 Foundation of Illinois for operational and program expenses of  
18 the Chanute Air Museum.

19 (Source: P.A. 97-243, eff. 8-4-11; revised 10-6-11.)

20 (625 ILCS 5/6-201)

21 Sec. 6-201. Authority to cancel licenses and permits.

22 (a) The Secretary of State is authorized to cancel any  
23 license or permit upon determining that the holder thereof:

24 1. was not entitled to the issuance thereof hereunder;

25 or

1           2. failed to give the required or correct information  
2           in his application; or

3           3. failed to pay any fees, civil penalties owed to the  
4           Illinois Commerce Commission, or taxes due under this Act  
5           and upon reasonable notice and demand; or

6           4. committed any fraud in the making of such  
7           application; or

8           5. is ineligible therefor under the provisions of  
9           Section 6-103 of this Act, as amended; or

10          6. has refused or neglected to submit an alcohol, drug,  
11          and intoxicating compound evaluation or to submit to  
12          examination or re-examination as required under this Act;  
13          or

14          7. has been convicted of violating the Cannabis Control  
15          Act, the Illinois Controlled Substances Act, the  
16          Methamphetamine Control and Community Protection Act, or  
17          the Use of Intoxicating Compounds Act while that individual  
18          was in actual physical control of a motor vehicle. For  
19          purposes of this Section, any person placed on probation  
20          under Section 10 of the Cannabis Control Act, Section 410  
21          of the Illinois Controlled Substances Act, or Section 70 of  
22          the Methamphetamine Control and Community Protection Act  
23          shall not be considered convicted. Any person found guilty  
24          of this offense, while in actual physical control of a  
25          motor vehicle, shall have an entry made in the court record  
26          by the judge that this offense did occur while the person

1 was in actual physical control of a motor vehicle and order  
2 the clerk of the court to report the violation to the  
3 Secretary of State as such. After the cancellation, the  
4 Secretary of State shall not issue a new license or permit  
5 for a period of one year after the date of cancellation.  
6 However, upon application, the Secretary of State may, if  
7 satisfied that the person applying will not endanger the  
8 public safety, or welfare, issue a restricted driving  
9 permit granting the privilege of driving a motor vehicle  
10 between the petitioner's residence and petitioner's place  
11 of employment or within the scope of the petitioner's  
12 employment related duties, or to allow transportation for  
13 the petitioner or a household member of the petitioner's  
14 family for the receipt of necessary medical care, or  
15 provide transportation for the petitioner to and from  
16 alcohol or drug remedial or rehabilitative activity  
17 recommended by a licensed service provider, or for the  
18 petitioner to attend classes, as a student, in an  
19 accredited educational institution. The petitioner must  
20 demonstrate that no alternative means of transportation is  
21 reasonably available; provided that the Secretary's  
22 discretion shall be limited to cases where undue hardship,  
23 as defined by the rules of the Secretary of State, would  
24 result from a failure to issue such restricted driving  
25 permit. In each case the Secretary of State may issue such  
26 restricted driving permit for such period as he deems



1 appropriate, except that such permit shall expire within  
2 one year from the date of issuance. A restricted driving  
3 permit issued hereunder shall be subject to cancellation,  
4 revocation and suspension by the Secretary of State in like  
5 manner and for like cause as a driver's license issued  
6 hereunder may be cancelled, revoked or suspended; except  
7 that a conviction upon one or more offenses against laws or  
8 ordinances regulating the movement of traffic shall be  
9 deemed sufficient cause for the revocation, suspension or  
10 cancellation of a restricted driving permit. The Secretary  
11 of State may, as a condition to the issuance of a  
12 restricted driving permit, require the applicant to  
13 participate in a driver remedial or rehabilitative  
14 program. In accordance with 49 C.F.R. 384, the Secretary of  
15 State may not issue a restricted driving permit for the  
16 operation of a commercial motor vehicle to a person holding  
17 a CDL whose driving privileges have been revoked,  
18 suspended, cancelled, or disqualified under this Code; or

19 8. failed to submit a report as required by Section  
20 6-116.5 of this Code; or

21 9. has been convicted of a sex offense as defined in  
22 the Sex Offender Registration Act. The driver's license  
23 shall remain cancelled until the driver registers as a sex  
24 offender as required by the Sex Offender Registration Act,  
25 proof of the registration is furnished to the Secretary of  
26 State and the sex offender provides proof of current

1 address to the Secretary; or

2 10. is ineligible for a license or permit under Section  
3 6-107, 6-107.1, or 6-108 of this Code; or

4 11. refused or neglected to appear at a Driver Services  
5 facility to have the license or permit corrected and a new  
6 license or permit issued or to present documentation for  
7 verification of identity; or

8 12. failed to submit a medical examiner's certificate  
9 or medical variance as required by 49 C.F.R. 383.71 or  
10 submitted a fraudulent medical examiner's certificate or  
11 medical variance.

12 (b) Upon such cancellation the licensee or permittee must  
13 surrender the license or permit so cancelled to the Secretary  
14 of State.

15 (c) Except as provided in Sections 6-206.1 and 7-702.1, the  
16 Secretary of State shall have exclusive authority to grant,  
17 issue, deny, cancel, suspend and revoke driving privileges,  
18 drivers' licenses and restricted driving permits.

19 (d) The Secretary of State may adopt rules to implement  
20 this Section.

21 (Source: P.A. 97-208, eff. 1-1-12; 97-229; eff. 7-28-11;  
22 revised 10-4-11.)

23 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

24 Sec. 6-206.1. Monitoring Device Driving Permit.  
25 Declaration of Policy. It is hereby declared a policy of the

1 State of Illinois that the driver who is impaired by alcohol,  
2 other drug or drugs, or intoxicating compound or compounds is a  
3 threat to the public safety and welfare. Therefore, to provide  
4 a deterrent to such practice, a statutory summary driver's  
5 license suspension is appropriate. It is also recognized that  
6 driving is a privilege and therefore, that the granting of  
7 driving privileges, in a manner consistent with public safety,  
8 is warranted during the period of suspension in the form of a  
9 monitoring device driving permit. A person who drives and fails  
10 to comply with the requirements of the monitoring device  
11 driving permit commits a violation of Section 6-303 of this  
12 Code.

13 The following procedures shall apply whenever a first  
14 offender, as defined in Section 11-500 of this Code, is  
15 arrested for any offense as defined in Section 11-501 or a  
16 similar provision of a local ordinance and is subject to the  
17 provisions of Section 11-501.1:

18 (a) Upon mailing of the notice of suspension of driving  
19 privileges as provided in subsection (h) of Section 11-501.1 of  
20 this Code, the Secretary shall also send written notice  
21 informing the person that he or she will be issued a monitoring  
22 device driving permit (MDDP). The notice shall include, at  
23 minimum, information summarizing the procedure to be followed  
24 for issuance of the MDDP, installation of the breath alcohol  
25 ignition installation device (BAIID), as provided in this  
26 Section, exemption from BAIID installation requirements, and

1 procedures to be followed by those seeking indigent status, as  
2 provided in this Section. The notice shall also include  
3 information summarizing the procedure to be followed if the  
4 person wishes to decline issuance of the MDDP. A copy of the  
5 notice shall also be sent to the court of venue together with  
6 the notice of suspension of driving privileges, as provided in  
7 subsection (h) of Section 11-501. However, a MDDP shall not be  
8 issued if the Secretary finds that:

9 (1) The offender's driver's license is otherwise  
10 invalid;

11 (2) Death or great bodily harm resulted from the arrest  
12 for Section 11-501;

13 (3) The offender has been previously convicted of  
14 reckless homicide or aggravated driving under the  
15 influence involving death; or

16 (4) The offender is less than 18 years of age.

17 Any offender participating in the MDDP program must pay the  
18 Secretary a MDDP Administration Fee in an amount not to exceed  
19 \$30 per month, to be deposited into the Monitoring Device  
20 Driving Permit Administration Fee Fund. The Secretary shall  
21 establish by rule the amount and the procedures, terms, and  
22 conditions relating to these fees. The offender must have an  
23 ignition interlock device installed within 14 days of the date  
24 the Secretary issues the MDDP. The ignition interlock device  
25 provider must notify the Secretary, in a manner and form  
26 prescribed by the Secretary, of the installation. If the

1 Secretary does not receive notice of installation, the  
2 Secretary shall cancel the MDDP.

3 A MDDP shall not become effective prior to the 31st day of  
4 the original statutory summary suspension.

5 Upon receipt of the notice, as provided in paragraph (a) of  
6 this Section, the person may file a petition to decline  
7 issuance of the MDDP with the court of venue. The court shall  
8 admonish the offender of all consequences of declining issuance  
9 of the MDDP including, but not limited to, the enhanced  
10 penalties for driving while suspended. After being so  
11 admonished, the offender shall be permitted, in writing, to  
12 execute a notice declining issuance of the MDDP. This notice  
13 shall be filed with the court and forwarded by the clerk of the  
14 court to the Secretary. The offender may, at any time  
15 thereafter, apply to the Secretary for issuance of a MDDP.

16 (a-1) A person issued a MDDP may drive for any purpose and  
17 at any time, subject to the rules adopted by the Secretary  
18 under subsection (g). The person must, at his or her own  
19 expense, drive only vehicles equipped with an ignition  
20 interlock device as defined in Section 1-129.1, but in no event  
21 shall such person drive a commercial motor vehicle.

22 (a-2) Persons who are issued a MDDP and must drive  
23 employer-owned vehicles in the course of their employment  
24 duties may seek permission to drive an employer-owned vehicle  
25 that does not have an ignition interlock device. The employer  
26 shall provide to the Secretary a form, as prescribed by the

1 Secretary, completed by the employer verifying that the  
2 employee must drive an employer-owned vehicle in the course of  
3 employment. If approved by the Secretary, the form must be in  
4 the driver's possession while operating an employer-owner  
5 vehicle not equipped with an ignition interlock device. No  
6 person may use this exemption to drive a school bus, school  
7 vehicle, or a vehicle designed to transport more than 15  
8 passengers. No person may use this exemption to drive an  
9 employer-owned motor vehicle that is owned by an entity that is  
10 wholly or partially owned by the person holding the MDDP, or by  
11 a family member of the person holding the MDDP. No person may  
12 use this exemption to drive an employer-owned vehicle that is  
13 made available to the employee for personal use. No person may  
14 drive the exempted vehicle more than 12 hours per day, 6 days  
15 per week.

16 (a-3) Persons who are issued a MDDP and who must drive a  
17 farm tractor to and from a farm, within 50 air miles from the  
18 originating farm are exempt from installation of a BAIID on the  
19 farm tractor, so long as the farm tractor is being used for the  
20 exclusive purpose of conducting farm operations.

21 (b) (Blank).

22 (c) (Blank).

23 (c-1) If the holder of the MDDP is convicted of or receives  
24 court supervision for a violation of Section 6-206.2, 6-303,  
25 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar  
26 provision of a local ordinance or a similar out-of-state

1 offense or is convicted of or receives court supervision for  
2 any offense for which alcohol or drugs is an element of the  
3 offense and in which a motor vehicle was involved (for an  
4 arrest other than the one for which the MDDP is issued), or  
5 de-installs the BAIID without prior authorization from the  
6 Secretary, the MDDP shall be cancelled.

7 (c-5) If the Secretary determines that the person seeking  
8 the MDDP is indigent, the Secretary shall provide the person  
9 with a written document as evidence of that determination, and  
10 the person shall provide that written document to an ignition  
11 interlock device provider. The provider shall install an  
12 ignition interlock device on that person's vehicle without  
13 charge to the person, and seek reimbursement from the Indigent  
14 BAIID Fund. If the Secretary has deemed an offender indigent,  
15 the BAIID provider shall also provide the normal monthly  
16 monitoring services and the de-installation without charge to  
17 the offender and seek reimbursement from the Indigent BAIID  
18 Fund. Any other monetary charges, such as a lockout fee or  
19 reset fee, shall be the responsibility of the MDDP holder. A  
20 BAIID provider may not seek a security deposit from the  
21 Indigent BAIID Fund.

22 (d) MDDP information shall be available only to the courts,  
23 police officers, and the Secretary, except during the actual  
24 period the MDDP is valid, during which time it shall be a  
25 public record.

26 (e) (Blank).

1 (f) (Blank).

2 (g) The Secretary shall adopt rules for implementing this  
3 Section. The rules adopted shall address issues including, but  
4 not limited to: compliance with the requirements of the MDDP;  
5 methods for determining compliance with those requirements;  
6 the consequences of noncompliance with those requirements;  
7 what constitutes a violation of the MDDP; methods for  
8 determining indigency; and the duties of a person or entity  
9 that supplies the ignition interlock device.

10 (h) The rules adopted under subsection (g) shall provide,  
11 at a minimum, that the person is not in compliance with the  
12 requirements of the MDDP if he or she:

13 (1) tampers or attempts to tamper with or circumvent  
14 the proper operation of the ignition interlock device;

15 (2) provides valid breath samples that register blood  
16 alcohol levels in excess of the number of times allowed  
17 under the rules;

18 (3) fails to provide evidence sufficient to satisfy the  
19 Secretary that the ignition interlock device has been  
20 installed in the designated vehicle or vehicles; or

21 (4) fails to follow any other applicable rules adopted  
22 by the Secretary.

23 (i) Any person or entity that supplies an ignition  
24 interlock device as provided under this Section shall, in  
25 addition to supplying only those devices which fully comply  
26 with all the rules adopted under subsection (g), provide the



1 Secretary, within 7 days of inspection, all monitoring reports  
2 of each person who has had an ignition interlock device  
3 installed. These reports shall be furnished in a manner or form  
4 as prescribed by the Secretary.

5 (j) Upon making a determination that a violation of the  
6 requirements of the MDDP has occurred, the Secretary shall  
7 extend the summary suspension period for an additional 3 months  
8 beyond the originally imposed summary suspension period,  
9 during which time the person shall only be allowed to drive  
10 vehicles equipped with an ignition interlock device; provided  
11 further there are no limitations on the total number of times  
12 the summary suspension may be extended. The Secretary may,  
13 however, limit the number of extensions imposed for violations  
14 occurring during any one monitoring period, as set forth by  
15 rule. Any person whose summary suspension is extended pursuant  
16 to this Section shall have the right to contest the extension  
17 through a hearing with the Secretary, pursuant to Section 2-118  
18 of this Code. If the summary suspension has already terminated  
19 prior to the Secretary receiving the monitoring report that  
20 shows a violation, the Secretary shall be authorized to suspend  
21 the person's driving privileges for 3 months, provided that the  
22 Secretary may, by rule, limit the number of suspensions to be  
23 entered pursuant to this paragraph for violations occurring  
24 during any one monitoring period. Any person whose license is  
25 suspended pursuant to this paragraph, after the summary  
26 suspension had already terminated, shall have the right to

1 contest the suspension through a hearing with the Secretary,  
2 pursuant to Section 2-118 of this Code. The only permit the  
3 person shall be eligible for during this new suspension period  
4 is a MDDP.

5 (k) A person who has had his or her summary suspension  
6 extended for the third time, or has any combination of 3  
7 extensions and new suspensions, entered as a result of a  
8 violation that occurred while holding the MDDP, so long as the  
9 extensions and new suspensions relate to the same summary  
10 suspension, shall have his or her vehicle impounded for a  
11 period of 30 days, at the person's own expense. A person who  
12 has his or her summary suspension extended for the fourth time,  
13 or has any combination of 4 extensions and new suspensions,  
14 entered as a result of a violation that occurred while holding  
15 the MDDP, so long as the extensions and new suspensions relate  
16 to the same summary suspension, shall have his or her vehicle  
17 subject to seizure and forfeiture. The Secretary shall notify  
18 the prosecuting authority of any third or fourth extensions or  
19 new suspension entered as a result of a violation that occurred  
20 while the person held a MDDP. Upon receipt of the notification,  
21 the prosecuting authority shall impound or forfeit the vehicle.  
22 The impoundment or forfeiture of a vehicle shall be conducted  
23 pursuant to the procedure specified in Article 36 of the  
24 Criminal Code of 1961.

25 (l) A person whose driving privileges have been suspended  
26 under Section 11-501.1 of this Code and who had a MDDP that was

1 cancelled, or would have been cancelled had notification of a  
2 violation been received prior to expiration of the MDDP,  
3 pursuant to subsection (c-1) of this Section, shall not be  
4 eligible for reinstatement when the summary suspension is  
5 scheduled to terminate. Instead, the person's driving  
6 privileges shall be suspended for a period of not less than  
7 twice the original summary suspension period, or for the length  
8 of any extensions entered under subsection (j), whichever is  
9 longer. During the period of suspension, the person shall be  
10 eligible only to apply for a restricted driving permit. If a  
11 restricted driving permit is granted, the offender may only  
12 operate vehicles equipped with a BAIID in accordance with this  
13 Section.

14 (m) Any person or entity that supplies an ignition  
15 interlock device under this Section shall, for each ignition  
16 interlock device installed, pay 5% of the total gross revenue  
17 received for the device, including monthly monitoring fees,  
18 into the Indigent BAIID Fund. This 5% shall be clearly  
19 indicated as a separate surcharge on each invoice that is  
20 issued. The Secretary shall conduct an annual review of the  
21 fund to determine whether the surcharge is sufficient to  
22 provide for indigent users. The Secretary may increase or  
23 decrease this surcharge requirement as needed.

24 (n) Any person or entity that supplies an ignition  
25 interlock device under this Section that is requested to  
26 provide an ignition interlock device to a person who presents

1 written documentation of indigency from the Secretary, as  
2 provided in subsection (c-5) of this Section, shall install the  
3 device on the person's vehicle without charge to the person and  
4 shall seek reimbursement from the Indigent BAIID Fund.

5 (o) The Indigent BAIID Fund is created as a special fund in  
6 the State treasury. The Secretary shall, subject to  
7 appropriation by the General Assembly, use all money in the  
8 Indigent BAIID Fund to reimburse ignition interlock device  
9 providers who have installed devices in vehicles of indigent  
10 persons. The Secretary shall make payments to such providers  
11 every 3 months. If the amount of money in the fund at the time  
12 payments are made is not sufficient to pay all requests for  
13 reimbursement submitted during that 3 month period, the  
14 Secretary shall make payments on a pro-rata basis, and those  
15 payments shall be considered payment in full for the requests  
16 submitted.

17 (p) The Monitoring Device Driving Permit Administration  
18 Fee Fund is created as a special fund in the State treasury.  
19 The Secretary shall, subject to appropriation by the General  
20 Assembly, use the money paid into this fund to offset its  
21 administrative costs for administering MDDPs.

22 (q) The Secretary is authorized to prescribe such forms as  
23 it deems necessary to carry out the provisions of this Section.  
24 (Source: P.A. 96-184, eff. 8-10-09; 96-1526, eff. 2-14-11;  
25 97-229; eff. 7-28-11; revised 10-4-11.)

1 (625 ILCS 5/6-507) (from Ch. 95 1/2, par. 6-507)

2 Sec. 6-507. Commercial Driver's License (CDL) Required.

3 (a) Except as expressly permitted by this UCCLA, or when  
4 driving pursuant to the issuance of a commercial driver  
5 instruction permit and accompanied by the holder of a CDL valid  
6 for the vehicle being driven; no person shall drive a  
7 commercial motor vehicle on the highways without:

8 (1) a CDL in the driver's possession;

9 (2) having obtained a CDL;

10 (3) the proper class of CDL or endorsements or both for  
11 the specific vehicle group being operated or for the  
12 passengers or type of cargo being transported; or

13 (4) a copy of a medical variance document, if one  
14 exists, such as an exemption letter or a skill performance  
15 evaluation certificate.

16 (b) Except as otherwise provided by this Code, no person  
17 may drive a commercial motor vehicle on the highways while such  
18 person's driving privilege, license, or permit is:

19 (1) Suspended, revoked, cancelled, or subject to  
20 disqualification. Any person convicted of violating this  
21 provision or a similar provision of this or any other state  
22 shall have their driving privileges revoked under  
23 paragraph 12 of subsection (a) of Section 6-205 of this  
24 Code.

25 (2) Subject to or in violation of an "out-of-service"  
26 order. Any person who has been issued a CDL and is

1 convicted of violating this provision or a similar  
2 provision of any other state shall be disqualified from  
3 operating a commercial motor vehicle under subsection (i)  
4 of Section 6-514 of this Code.

5 (3) Subject to or in violation of a driver or vehicle  
6 "out of service" order while operating a vehicle designed  
7 to transport 16 or more passengers, including the driver,  
8 or transporting hazardous materials required to be  
9 placarded. Any person who has been issued a CDL and is  
10 convicted of violating this provision or a similar  
11 provision of this or any other state shall be disqualified  
12 from operating a commercial motor vehicle under subsection  
13 (i) of Section 6-514 of this Code.

14 (b-3) Except as otherwise provided by this Code, no person  
15 may drive a commercial motor vehicle on the highways during a  
16 period which the commercial motor vehicle or the motor carrier  
17 operation is subject to an "out-of-service" order. Any person  
18 who is convicted of violating this provision or a similar  
19 provision of any other state shall be disqualified from  
20 operating a commercial motor vehicle under subsection (i) of  
21 Section 6-514 of this Code.

22 (b-5) Except as otherwise provided by this Code, no person  
23 may operate a vehicle designed to transport 16 or more  
24 passengers including the driver or hazardous materials of a  
25 type or quantity that requires the vehicle to be placarded  
26 during a period in which the commercial motor vehicle or the

1 motor carrier operation is subject to an "out-of-service"  
2 order. Any person who is convicted of violating this provision  
3 or a similar provision of any other state shall be disqualified  
4 from operating a commercial motor vehicle under subsection (i)  
5 of Section 6-514 of this Code.

6 (c) Pursuant to the options provided to the States by FHWA  
7 Docket No. MC-88-8, the driver of any motor vehicle controlled  
8 or operated by or for a farmer is waived from the requirements  
9 of this Section, when such motor vehicle is being used to  
10 transport: agricultural products; implements of husbandry; or  
11 farm supplies; to and from a farm, as long as such movement is  
12 not over 150 air miles from the originating farm. This waiver  
13 does not apply to the driver of any motor vehicle being used in  
14 a common or contract carrier type operation. However, for those  
15 drivers of any truck-tractor semitrailer combination or  
16 combinations registered under subsection (c) of Section 3-815  
17 of this Code, this waiver shall apply only when the driver is a  
18 farmer or a member of the farmer's family and the driver is 21  
19 years of age or more and has successfully completed any tests  
20 the Secretary of State deems necessary.

21 In addition, the farmer or a member of the farmer's family  
22 who operates a truck-tractor semitrailer combination or  
23 combinations pursuant to this waiver shall be granted all of  
24 the rights and shall be subject to all of the duties and  
25 restrictions with respect to Sections 6-514 and 6-515 of this  
26 Code applicable to the driver who possesses a commercial

1 driver's license issued under this Code, except that the driver  
2 shall not be subject to any additional duties or restrictions  
3 contained in Part 382 of the Federal Motor Carrier Safety  
4 Regulations that are not otherwise imposed under Section 6-514  
5 or 6-515 of this Code.

6 For purposes of this subsection (c), a member of the  
7 farmer's family is a natural or in-law spouse, child, parent,  
8 or sibling.

9 (c-5) An employee of a township or road district with a  
10 population of less than 3,000 operating a vehicle within the  
11 boundaries of the township or road district for the purpose of  
12 removing snow or ice from a roadway by plowing, sanding, or  
13 salting is waived from the requirements of this Section when  
14 the employee is needed to operate the vehicle because the  
15 employee of the township or road district who ordinarily  
16 operates the vehicle and who has a commercial driver's license  
17 is unable to operate the vehicle or is in need of additional  
18 assistance due to a snow emergency.

19 (c-10) A driver of a commercial motor vehicle used  
20 primarily in the transportation of propane winter heating fuel  
21 or a driver of a motor vehicle used to respond to a pipeline  
22 emergency is waived from the requirements of this Section if  
23 such requirements would prevent the driver from responding to  
24 an emergency condition requiring immediate response as defined  
25 in 49 C.F.R. Part 390.5.

26 (d) Any person convicted of violating this Section, shall



1 be guilty of a Class A misdemeanor.

2 (e) Any person convicted of violating paragraph (1) of  
3 subsection (b) of this Section, shall have all driving  
4 privileges revoked by the Secretary of State.

5 (f) This Section shall not apply to:

6 (1) A person who currently holds a valid Illinois  
7 driver's license, for the type of vehicle being operated,  
8 until the expiration of such license or April 1, 1992,  
9 whichever is earlier; or

10 (2) A non-Illinois domiciliary who is properly  
11 licensed in another State, until April 1, 1992. A  
12 non-Illinois domiciliary, if such domiciliary is properly  
13 licensed in another State or foreign jurisdiction, until  
14 April 1, 1992.

15 (Source: P.A. 96-544, eff. 1-1-10; 97-208, eff. 1-1-12; 97-229,  
16 eff. 7-28-11; revised 10-4-11.)

17 (625 ILCS 5/11-212)

18 (Text of Section before amendment by P.A. 97-469)

19 Sec. 11-212. Traffic stop statistical study.

20 (a) Whenever a State or local law enforcement officer  
21 issues a uniform traffic citation or warning citation for an  
22 alleged violation of the Illinois Vehicle Code, he or she shall  
23 record at least the following:

24 (1) the name, address, gender, and the officer's  
25 subjective determination of the race of the person stopped;

1 the person's race shall be selected from the following  
2 list: American Indian or Alaska Native, Asian, Black or  
3 African American, Hispanic or Latino, Native Hawaiian or  
4 Other Pacific Islander, or White;

5 (2) the alleged traffic violation that led to the stop  
6 of the motorist;

7 (3) the make and year of the vehicle stopped;

8 (4) the date and time of the stop, beginning when the  
9 vehicle was stopped and ending when the driver is free to  
10 leave or taken into physical custody;

11 (5) the location of the traffic stop;

12 (5.5) whether or not a consent search contemporaneous  
13 to the stop was requested of the vehicle, driver,  
14 passenger, or passengers; and, if so, whether consent was  
15 given or denied;

16 (6) whether or not a search contemporaneous to the stop  
17 was conducted of the vehicle, driver, passenger, or  
18 passengers; and, if so, whether it was with consent or by  
19 other means;

20 (6.5) whether or not contraband was found during a  
21 search; and, if so, the type and amount of contraband  
22 seized; and

23 (7) the name and badge number of the issuing officer.

24 (b) Whenever a State or local law enforcement officer stops  
25 a motorist for an alleged violation of the Illinois Vehicle  
26 Code and does not issue a uniform traffic citation or warning

1 citation for an alleged violation of the Illinois Vehicle Code,  
2 he or she shall complete a uniform stop card, which includes  
3 field contact cards, or any other existing form currently used  
4 by law enforcement containing information required pursuant to  
5 this Act, that records at least the following:

6 (1) the name, address, gender, and the officer's  
7 subjective determination of the race of the person stopped;  
8 the person's race shall be selected from the following  
9 list: American Indian or Alaska Native, Asian, Black or  
10 African American, Hispanic or Latino, Native Hawaiian or  
11 Other Pacific Islander, or White;

12 (2) the reason that led to the stop of the motorist;

13 (3) the make and year of the vehicle stopped;

14 (4) the date and time of the stop, beginning when the  
15 vehicle was stopped and ending when the driver is free to  
16 leave or taken into physical custody;

17 (5) the location of the traffic stop;

18 (5.5) whether or not a consent search contemporaneous  
19 to the stop was requested of the vehicle, driver,  
20 passenger, or passengers; and, if so, whether consent was  
21 given or denied;

22 (6) whether or not a search contemporaneous to the stop  
23 was conducted of the vehicle, driver, passenger, or  
24 passengers; and, if so, whether it was with consent or by  
25 other means;

26 (6.5) whether or not contraband was found during a

1 search; and, if so, the type and amount of contraband  
2 seized; and

3 (7) the name and badge number of the issuing officer.

4 (c) The Illinois Department of Transportation shall  
5 provide a standardized law enforcement data compilation form on  
6 its website.

7 (d) Every law enforcement agency shall, by March 1 with  
8 regard to data collected during July through December of the  
9 previous calendar year and by August 1 with regard to data  
10 collected during January through June of the current calendar  
11 year, compile the data described in subsections (a) and (b) on  
12 the standardized law enforcement data compilation form  
13 provided by the Illinois Department of Transportation and  
14 transmit the data to the Department.

15 (e) The Illinois Department of Transportation shall  
16 analyze the data provided by law enforcement agencies required  
17 by this Section and submit a report of the previous year's  
18 findings to the Governor, the General Assembly, the Racial  
19 Profiling Prevention and Data Oversight Board, and each law  
20 enforcement agency no later than July 1 of each year. The  
21 Illinois Department of Transportation may contract with an  
22 outside entity for the analysis of the data provided. In  
23 analyzing the data collected under this Section, the analyzing  
24 entity shall scrutinize the data for evidence of statistically  
25 significant aberrations. The following list, which is  
26 illustrative, and not exclusive, contains examples of areas in

1 which statistically significant aberrations may be found:

2 (1) The percentage of minority drivers or passengers  
3 being stopped in a given area is substantially higher than  
4 the proportion of the overall population in or traveling  
5 through the area that the minority constitutes.

6 (2) A substantial number of false stops including stops  
7 not resulting in the issuance of a traffic ticket or the  
8 making of an arrest.

9 (3) A disparity between the proportion of citations  
10 issued to minorities and proportion of minorities in the  
11 population.

12 (4) A disparity among the officers of the same law  
13 enforcement agency with regard to the number of minority  
14 drivers or passengers being stopped in a given area.

15 (5) A disparity between the frequency of searches  
16 performed on minority drivers and the frequency of searches  
17 performed on non-minority drivers.

18 (f) Any law enforcement officer identification information  
19 or driver identification information that is compiled by any  
20 law enforcement agency or the Illinois Department of  
21 Transportation pursuant to this Act for the purposes of  
22 fulfilling the requirements of this Section shall be  
23 confidential and exempt from public inspection and copying, as  
24 provided under Section 7 of the Freedom of Information Act, and  
25 the information shall not be transmitted to anyone except as  
26 needed to comply with this Section. This Section shall not

1 exempt those materials that, prior to the effective date of  
2 this amendatory Act of the 93rd General Assembly, were  
3 available under the Freedom of Information Act. This subsection  
4 (f) shall not preclude law enforcement agencies from reviewing  
5 data to perform internal reviews.

6 (g) Funding to implement this Section shall come from  
7 federal highway safety funds available to Illinois, as directed  
8 by the Governor.

9 (h) The Illinois Department of Transportation, in  
10 consultation with law enforcement agencies, officials, and  
11 organizations, including Illinois chiefs of police, the  
12 Department of State Police, the Illinois Sheriffs Association,  
13 and the Chicago Police Department, and community groups and  
14 other experts, shall undertake a study to determine the best  
15 use of technology to collect, compile, and analyze the traffic  
16 stop statistical study data required by this Section. The  
17 Department shall report its findings and recommendations to the  
18 Governor and the General Assembly by March 1, 2004.

19 (h-5) For purposes of this Section:

20 (1) "American Indian or Alaska Native" means a person  
21 having origins in any of the original peoples of North and  
22 South America, including Central America, and who  
23 maintains tribal affiliation or community attachment.

24 (2) "Asian" means a person having origins in any of the  
25 original peoples of the Far East, Southeast Asia, or the  
26 Indian subcontinent, including, but not limited to,

1 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,  
2 the Philippine Islands, Thailand, and Vietnam.

3 (3) "Black or African American" means a person having  
4 origins in any of the black racial groups of Africa. Terms  
5 such as "Haitian" or "Negro" can be used in addition to  
6 "Black or African American".

7 (4) "Hispanic or Latino" means a person of Cuban,  
8 Mexican, Puerto Rican, South or Central American, or other  
9 Spanish culture or origin, regardless of race.

10 (5) "Native Hawaiian or Other Pacific Islander" means a  
11 person having origins in any of the original peoples of  
12 Hawaii, Guam, Samoa, or other Pacific Islands.

13 (6) "White" means a person having origins in any of the  
14 original peoples of Europe, the Middle East, or North  
15 Africa.

16 (i) This Section is repealed on July 1, 2015.

17 (Source: P.A. 96-658, eff. 1-1-10; 97-396, eff. 1-1-12.)

18 (Text of Section after amendment by P.A. 97-469)

19 Sec. 11-212. Traffic stop statistical study.

20 (a) Whenever a State or local law enforcement officer  
21 issues a uniform traffic citation or warning citation for an  
22 alleged violation of the Illinois Vehicle Code, he or she shall  
23 record at least the following:

24 (1) the name, address, gender, and the officer's  
25 subjective determination of the race of the person stopped;

1 the person's race shall be selected from the following  
2 list: American Indian or Alaska Native, Asian, Black or  
3 African American, Hispanic or Latino, Native Hawaiian or  
4 Other Pacific Islander, or White;

5 (2) the alleged traffic violation that led to the stop  
6 of the motorist;

7 (3) the make and year of the vehicle stopped;

8 (4) the date and time of the stop, beginning when the  
9 vehicle was stopped and ending when the driver is free to  
10 leave or taken into physical custody;

11 (5) the location of the traffic stop;

12 (5.5) whether or not a consent search contemporaneous  
13 to the stop was requested of the vehicle, driver,  
14 passenger, or passengers; and, if so, whether consent was  
15 given or denied;

16 (6) whether or not a search contemporaneous to the stop  
17 was conducted of the vehicle, driver, passenger, or  
18 passengers; and, if so, whether it was with consent or by  
19 other means;

20 (6.2) whether or not a police dog performed a sniff of  
21 the vehicle; and, if so, whether or not the dog alerted to  
22 the presence of contraband; and, if so, whether or not an  
23 officer searched the vehicle; and, if so, whether or not  
24 contraband was discovered; and, if so, the type and amount  
25 of contraband;

26 (6.5) whether or not contraband was found during a



1 search; and, if so, the type and amount of contraband  
2 seized; and

3 (7) the name and badge number of the issuing officer.

4 (b) Whenever a State or local law enforcement officer stops  
5 a motorist for an alleged violation of the Illinois Vehicle  
6 Code and does not issue a uniform traffic citation or warning  
7 citation for an alleged violation of the Illinois Vehicle Code,  
8 he or she shall complete a uniform stop card, which includes  
9 field contact cards, or any other existing form currently used  
10 by law enforcement containing information required pursuant to  
11 this Act, that records at least the following:

12 (1) the name, address, gender, and the officer's  
13 subjective determination of the race of the person stopped;  
14 the person's race shall be selected from the following  
15 list: American Indian or Alaska Native, Asian, Black or  
16 African American, Hispanic or Latino, Native Hawaiian or  
17 Other Pacific Islander, or White;

18 (2) the reason that led to the stop of the motorist;

19 (3) the make and year of the vehicle stopped;

20 (4) the date and time of the stop, beginning when the  
21 vehicle was stopped and ending when the driver is free to  
22 leave or taken into physical custody;

23 (5) the location of the traffic stop;

24 (5.5) whether or not a consent search contemporaneous  
25 to the stop was requested of the vehicle, driver,  
26 passenger, or passengers; and, if so, whether consent was

1 given or denied;

2 (6) whether or not a search contemporaneous to the stop  
3 was conducted of the vehicle, driver, passenger, or  
4 passengers; and, if so, whether it was with consent or by  
5 other means;

6 (6.2) whether or not a police dog performed a sniff of  
7 the vehicle; and, if so, whether or not the dog alerted to  
8 the presence of contraband; and, if so, whether or not an  
9 officer searched the vehicle; and, if so, whether or not  
10 contraband was discovered; and, if so, the type and amount  
11 of contraband;

12 (6.5) whether or not contraband was found during a  
13 search; and, if so, the type and amount of contraband  
14 seized; and

15 (7) the name and badge number of the issuing officer.

16 (c) The Illinois Department of Transportation shall  
17 provide a standardized law enforcement data compilation form on  
18 its website.

19 (d) Every law enforcement agency shall, by March 1 with  
20 regard to data collected during July through December of the  
21 previous calendar year and by August 1 with regard to data  
22 collected during January through June of the current calendar  
23 year, compile the data described in subsections (a) and (b) on  
24 the standardized law enforcement data compilation form  
25 provided by the Illinois Department of Transportation and  
26 transmit the data to the Department.

1           (e) The Illinois Department of Transportation shall  
2 analyze the data provided by law enforcement agencies required  
3 by this Section and submit a report of the previous year's  
4 findings to the Governor, the General Assembly, the Racial  
5 Profiling Prevention and Data Oversight Board, and each law  
6 enforcement agency no later than July 1 of each year. The  
7 Illinois Department of Transportation may contract with an  
8 outside entity for the analysis of the data provided. In  
9 analyzing the data collected under this Section, the analyzing  
10 entity shall scrutinize the data for evidence of statistically  
11 significant aberrations. The following list, which is  
12 illustrative, and not exclusive, contains examples of areas in  
13 which statistically significant aberrations may be found:

14           (1) The percentage of minority drivers or passengers  
15 being stopped in a given area is substantially higher than  
16 the proportion of the overall population in or traveling  
17 through the area that the minority constitutes.

18           (2) A substantial number of false stops including stops  
19 not resulting in the issuance of a traffic ticket or the  
20 making of an arrest.

21           (3) A disparity between the proportion of citations  
22 issued to minorities and proportion of minorities in the  
23 population.

24           (4) A disparity among the officers of the same law  
25 enforcement agency with regard to the number of minority  
26 drivers or passengers being stopped in a given area.

1           (5) A disparity between the frequency of searches  
2           performed on minority drivers and the frequency of searches  
3           performed on non-minority drivers.

4           (f) Any law enforcement officer identification information  
5           or driver identification information that is compiled by any  
6           law enforcement agency or the Illinois Department of  
7           Transportation pursuant to this Act for the purposes of  
8           fulfilling the requirements of this Section shall be  
9           confidential and exempt from public inspection and copying, as  
10          provided under Section 7 of the Freedom of Information Act, and  
11          the information shall not be transmitted to anyone except as  
12          needed to comply with this Section. This Section shall not  
13          exempt those materials that, prior to the effective date of  
14          this amendatory Act of the 93rd General Assembly, were  
15          available under the Freedom of Information Act. This subsection  
16          (f) shall not preclude law enforcement agencies from reviewing  
17          data to perform internal reviews.

18          (g) Funding to implement this Section shall come from  
19          federal highway safety funds available to Illinois, as directed  
20          by the Governor.

21          (h) The Illinois Department of Transportation, in  
22          consultation with law enforcement agencies, officials, and  
23          organizations, including Illinois chiefs of police, the  
24          Department of State Police, the Illinois Sheriffs Association,  
25          and the Chicago Police Department, and community groups and  
26          other experts, shall undertake a study to determine the best

1 use of technology to collect, compile, and analyze the traffic  
2 stop statistical study data required by this Section. The  
3 Department shall report its findings and recommendations to the  
4 Governor and the General Assembly by March 1, 2004.

5 (h-5) For purposes of this Section:

6 (1) "American Indian or Alaska Native" means a person  
7 having origins in any of the original peoples of North and  
8 South America, including Central America, and who  
9 maintains tribal affiliation or community attachment.

10 (2) "Asian" means a person having origins in any of the  
11 original peoples of the Far East, Southeast Asia, or the  
12 Indian subcontinent, including, but not limited to,  
13 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,  
14 the Philippine Islands, Thailand, and Vietnam.

15 (3) "Black or African American" means a person having  
16 origins in any of the black racial groups of Africa. Terms  
17 such as "Haitian" or "Negro" can be used in addition to  
18 "Black or African American".

19 (4) "Hispanic or Latino" means a person of Cuban,  
20 Mexican, Puerto Rican, South or Central American, or other  
21 Spanish culture or origin, regardless of race.

22 (5) "Native Hawaiian or Other Pacific Islander" means a  
23 person having origins in any of the original peoples of  
24 Hawaii, Guam, Samoa, or other Pacific Islands.

25 (6) "White" means a person having origins in any of the  
26 original peoples of Europe, the Middle East, or North

1 Africa.

2 (i) This Section is repealed on July 1, 2015.

3 (Source: P.A. 96-658, eff. 1-1-10; 97-396, eff. 1-1-12; 97-469,  
4 eff. 7-1-12; revised 10-4-11.)

5 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

6 Sec. 11-501.2. Chemical and other tests.

7 (a) Upon the trial of any civil or criminal action or  
8 proceeding arising out of an arrest for an offense as defined  
9 in Section 11-501 or a similar local ordinance or proceedings  
10 pursuant to Section 2-118.1, evidence of the concentration of  
11 alcohol, other drug or drugs, or intoxicating compound or  
12 compounds, or any combination thereof in a person's blood or  
13 breath at the time alleged, as determined by analysis of the  
14 person's blood, urine, breath or other bodily substance, shall  
15 be admissible. Where such test is made the following provisions  
16 shall apply:

17 1. Chemical analyses of the person's blood, urine,  
18 breath or other bodily substance to be considered valid  
19 under the provisions of this Section shall have been  
20 performed according to standards promulgated by the  
21 Department of State Police by a licensed physician,  
22 registered nurse, trained phlebotomist, certified  
23 paramedic, or other individual possessing a valid permit  
24 issued by that Department for this purpose. The Director of  
25 State Police is authorized to approve satisfactory

1 techniques or methods, to ascertain the qualifications and  
2 competence of individuals to conduct such analyses, to  
3 issue permits which shall be subject to termination or  
4 revocation at the discretion of that Department and to  
5 certify the accuracy of breath testing equipment. The  
6 Department of State Police shall prescribe regulations as  
7 necessary to implement this Section.

8 2. When a person in this State shall submit to a blood  
9 test at the request of a law enforcement officer under the  
10 provisions of Section 11-501.1, only a physician  
11 authorized to practice medicine, a licensed physician  
12 assistant, a licensed advanced practice nurse, a  
13 registered nurse, trained phlebotomist, or certified  
14 paramedic, or other qualified person approved by the  
15 Department of State Police may withdraw blood for the  
16 purpose of determining the alcohol, drug, or alcohol and  
17 drug content therein. This limitation shall not apply to  
18 the taking of breath or urine specimens.

19 When a blood test of a person who has been taken to an  
20 adjoining state for medical treatment is requested by an  
21 Illinois law enforcement officer, the blood may be  
22 withdrawn only by a physician authorized to practice  
23 medicine in the adjoining state, a licensed physician  
24 assistant, a licensed advanced practice nurse, a  
25 registered nurse, a trained phlebotomist acting under the  
26 direction of the physician, or certified paramedic. The law

1 enforcement officer requesting the test shall take custody  
2 of the blood sample, and the blood sample shall be analyzed  
3 by a laboratory certified by the Department of State Police  
4 for that purpose.

5 3. The person tested may have a physician, or a  
6 qualified technician, chemist, registered nurse, or other  
7 qualified person of their own choosing administer a  
8 chemical test or tests in addition to any administered at  
9 the direction of a law enforcement officer. The failure or  
10 inability to obtain an additional test by a person shall  
11 not preclude the admission of evidence relating to the test  
12 or tests taken at the direction of a law enforcement  
13 officer.

14 4. Upon the request of the person who shall submit to a  
15 chemical test or tests at the request of a law enforcement  
16 officer, full information concerning the test or tests  
17 shall be made available to the person or such person's  
18 attorney.

19 5. Alcohol concentration shall mean either grams of  
20 alcohol per 100 milliliters of blood or grams of alcohol  
21 per 210 liters of breath.

22 (b) Upon the trial of any civil or criminal action or  
23 proceeding arising out of acts alleged to have been committed  
24 by any person while driving or in actual physical control of a  
25 vehicle while under the influence of alcohol, the concentration  
26 of alcohol in the person's blood or breath at the time alleged



1 as shown by analysis of the person's blood, urine, breath, or  
2 other bodily substance shall give rise to the following  
3 presumptions:

4 1. If there was at that time an alcohol concentration  
5 of 0.05 or less, it shall be presumed that the person was  
6 not under the influence of alcohol.

7 2. If there was at that time an alcohol concentration  
8 in excess of 0.05 but less than 0.08, such facts shall not  
9 give rise to any presumption that the person was or was not  
10 under the influence of alcohol, but such fact may be  
11 considered with other competent evidence in determining  
12 whether the person was under the influence of alcohol.

13 3. If there was at that time an alcohol concentration  
14 of 0.08 or more, it shall be presumed that the person was  
15 under the influence of alcohol.

16 4. The foregoing provisions of this Section shall not  
17 be construed as limiting the introduction of any other  
18 relevant evidence bearing upon the question whether the  
19 person was under the influence of alcohol.

20 (c) 1. If a person under arrest refuses to submit to a  
21 chemical test under the provisions of Section 11-501.1,  
22 evidence of refusal shall be admissible in any civil or  
23 criminal action or proceeding arising out of acts alleged to  
24 have been committed while the person under the influence of  
25 alcohol, other drug or drugs, or intoxicating compound or  
26 compounds, or any combination thereof was driving or in actual

1 physical control of a motor vehicle.

2       2. Notwithstanding any ability to refuse under this Code to  
3 submit to these tests or any ability to revoke the implied  
4 consent to these tests, if a law enforcement officer has  
5 probable cause to believe that a motor vehicle driven by or in  
6 actual physical control of a person under the influence of  
7 alcohol, other drug or drugs, or intoxicating compound or  
8 compounds, or any combination thereof has caused the death or  
9 personal injury to another, the law enforcement officer shall  
10 request, and that person shall submit, upon the request of a  
11 law enforcement officer, to a chemical test or tests of his or  
12 her blood, breath or urine for the purpose of determining the  
13 alcohol content thereof or the presence of any other drug or  
14 combination of both.

15       This provision does not affect the applicability of or  
16 imposition of driver's license sanctions under Section  
17 11-501.1 of this Code.

18       3. For purposes of this Section, a personal injury includes  
19 any Type A injury as indicated on the traffic accident report  
20 completed by a law enforcement officer that requires immediate  
21 professional attention in either a doctor's office or a medical  
22 facility. A Type A injury includes severe bleeding wounds,  
23 distorted extremities, and injuries that require the injured  
24 party to be carried from the scene.

25       (Source: P.A. 96-289, eff. 8-11-09; 97-450, eff. 8-19-11;  
26 97-471, eff. 8-22-11; revised 10-4-11.)

1 (625 ILCS 5/11-1505) (from Ch. 95 1/2, par. 11-1505)

2 Sec. 11-1505. Position of bicycles and motorized pedal  
3 cycles on roadways - Riding on roadways and bicycle paths.

4 (a) Any person operating a bicycle or motorized pedal cycle  
5 upon a roadway at less than the normal speed of traffic at the  
6 time and place and under the conditions then existing shall  
7 ride as close as practicable and safe to the right-hand curb or  
8 edge of the roadway except under the following situations:

9 1. When overtaking and passing another bicycle,  
10 motorized pedal cycle or vehicle proceeding in the same  
11 direction; or

12 2. When preparing for a left turn at an intersection or  
13 into a private road or driveway; or

14 3. When reasonably necessary to avoid conditions  
15 including, but not limited to, fixed or moving objects,  
16 parked or moving vehicles, bicycles, motorized pedal  
17 cycles, pedestrians, animals, surface hazards, or  
18 substandard width lanes that make it unsafe to continue  
19 along the right-hand curb or edge. For purposes of this  
20 subsection, a "substandard width lane" means a lane that is  
21 too narrow for a bicycle or motorized pedal cycle and a  
22 vehicle to travel safely side by side within the lane; ~~or~~

23 4. When approaching a place where a right turn is  
24 authorized.

25 (b) Any person operating a bicycle or motorized pedal cycle

1 upon a one-way highway with two or more marked traffic lanes  
2 may ride as near the left-hand curb or edge of such roadway as  
3 practicable.

4 (Source: P.A. 95-231, eff. 1-1-08; revised 11-21-11.)

5 (625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

6 Sec. 12-215. Oscillating, rotating or flashing lights on  
7 motor vehicles. Except as otherwise provided in this Code:

8 (a) The use of red or white oscillating, rotating or  
9 flashing lights, whether lighted or unlighted, is prohibited  
10 except on:

11 1. Law enforcement vehicles of State, Federal or local  
12 authorities;

13 2. A vehicle operated by a police officer or county  
14 coroner and designated or authorized by local authorities,  
15 in writing, as a law enforcement vehicle; however, such  
16 designation or authorization must be carried in the  
17 vehicle;

18 2.1. A vehicle operated by a fire chief who has  
19 completed an emergency vehicle operation training course  
20 approved by the Office of the State Fire Marshal and  
21 designated or authorized by local authorities, in writing,  
22 as a fire department, fire protection district, or township  
23 fire department vehicle; however, the designation or  
24 authorization must be carried in the vehicle, and the  
25 lights may be visible or activated only when responding to

1 a bona fide emergency;

2 3. Vehicles of local fire departments and State or  
3 federal firefighting vehicles;

4 4. Vehicles which are designed and used exclusively as  
5 ambulances or rescue vehicles; furthermore, such lights  
6 shall not be lighted except when responding to an emergency  
7 call for and while actually conveying the sick or injured;

8 5. Tow trucks licensed in a state that requires such  
9 lights; furthermore, such lights shall not be lighted on  
10 any such tow truck while the tow truck is operating in the  
11 State of Illinois;

12 6. Vehicles of the Illinois Emergency Management  
13 Agency, vehicles of the Office of the Illinois State Fire  
14 Marshal, vehicles of the Illinois Department of Public  
15 Health, and vehicles of the Department of Nuclear Safety;

16 7. Vehicles operated by a local or county emergency  
17 management services agency as defined in the Illinois  
18 Emergency Management Agency Act;

19 8. School buses operating alternately flashing head  
20 lamps as permitted under Section 12-805 of this Code;

21 9. Vehicles that are equipped and used exclusively as  
22 organ transplant vehicles when used in combination with  
23 blue oscillating, rotating, or flashing lights;  
24 furthermore, these lights shall be lighted only when the  
25 transportation is declared an emergency by a member of the  
26 transplant team or a representative of the organ

1 procurement organization; and

2 10. Vehicles of the Illinois Department of Natural  
3 Resources that are used for mine rescue and explosives  
4 emergency response.

5 (b) The use of amber oscillating, rotating or flashing  
6 lights, whether lighted or unlighted, is prohibited except on:

7 1. Second division vehicles designed and used for  
8 towing or hoisting vehicles; furthermore, such lights  
9 shall not be lighted except as required in this paragraph  
10 1; such lights shall be lighted when such vehicles are  
11 actually being used at the scene of an accident or  
12 disablement; if the towing vehicle is equipped with a flat  
13 bed that supports all wheels of the vehicle being  
14 transported, the lights shall not be lighted while the  
15 vehicle is engaged in towing on a highway; if the towing  
16 vehicle is not equipped with a flat bed that supports all  
17 wheels of a vehicle being transported, the lights shall be  
18 lighted while the towing vehicle is engaged in towing on a  
19 highway during all times when the use of headlights is  
20 required under Section 12-201 of this Code;

21 2. Motor vehicles or equipment of the State of  
22 Illinois, local authorities and contractors; furthermore,  
23 such lights shall not be lighted except while such vehicles  
24 are engaged in maintenance or construction operations  
25 within the limits of construction projects;

26 3. Vehicles or equipment used by engineering or survey

1 crews; furthermore, such lights shall not be lighted except  
2 while such vehicles are actually engaged in work on a  
3 highway;

4 4. Vehicles of public utilities, municipalities, or  
5 other construction, maintenance or automotive service  
6 vehicles except that such lights shall be lighted only as a  
7 means for indicating the presence of a vehicular traffic  
8 hazard requiring unusual care in approaching, overtaking  
9 or passing while such vehicles are engaged in maintenance,  
10 service or construction on a highway;

11 5. Oversized vehicle or load; however, such lights  
12 shall only be lighted when moving under permit issued by  
13 the Department under Section 15-301 of this Code;

14 6. The front and rear of motorized equipment owned and  
15 operated by the State of Illinois or any political  
16 subdivision thereof, which is designed and used for removal  
17 of snow and ice from highways;

18 (6.1) The front and rear of motorized equipment or  
19 vehicles that (i) are not owned by the State of Illinois or  
20 any political subdivision of the State, (ii) are designed  
21 and used for removal of snow and ice from highways and  
22 parking lots, and (iii) are equipped with a snow plow that  
23 is 12 feet in width; these lights may not be lighted except  
24 when the motorized equipment or vehicle is actually being  
25 used for those purposes on behalf of a unit of government;

26 7. Fleet safety vehicles registered in another state,

1           furthermore, such lights shall not be lighted except as  
2           provided for in Section 12-212 of this Code;

3           8. Such other vehicles as may be authorized by local  
4           authorities;

5           9. Law enforcement vehicles of State or local  
6           authorities when used in combination with red oscillating,  
7           rotating or flashing lights;

8           9.5. Propane delivery trucks;

9           10. Vehicles used for collecting or delivering mail for  
10          the United States Postal Service provided that such lights  
11          shall not be lighted except when such vehicles are actually  
12          being used for such purposes;

13          10.5. Vehicles of the Office of the Illinois State Fire  
14          Marshal, provided that such lights shall not be lighted  
15          except for when such vehicles are engaged in work for the  
16          Office of the Illinois State Fire Marshal;

17          11. Any vehicle displaying a slow-moving vehicle  
18          emblem as provided in Section 12-205.1;

19          12. All trucks equipped with self-compactors or  
20          roll-off hoists and roll-on containers for garbage or  
21          refuse hauling. Such lights shall not be lighted except  
22          when such vehicles are actually being used for such  
23          purposes;

24          13. Vehicles used by a security company, alarm  
25          responder, or control agency;

26          14. Security vehicles of the Department of Human



1 Services; however, the lights shall not be lighted except  
2 when being used for security related purposes under the  
3 direction of the superintendent of the facility where the  
4 vehicle is located; and

5 15. Vehicles of union representatives, except that the  
6 lights shall be lighted only while the vehicle is within  
7 the limits of a construction project.

8 (c) The use of blue oscillating, rotating or flashing  
9 lights, whether lighted or unlighted, is prohibited except on:

10 1. Rescue squad vehicles not owned by a fire department  
11 and vehicles owned or operated by a:

12 voluntary firefighter;

13 paid firefighter;

14 part-paid firefighter;

15 call firefighter;

16 member of the board of trustees of a fire  
17 protection district;

18 paid or unpaid member of a rescue squad;

19 paid or unpaid member of a voluntary ambulance  
20 unit; or

21 paid or unpaid members of a local or county  
22 emergency management services agency as defined in the  
23 Illinois Emergency Management Agency Act, designated  
24 or authorized by local authorities, in writing, and  
25 carrying that designation or authorization in the  
26 vehicle.

1           However, such lights are not to be lighted except when  
2           responding to a bona fide emergency or when parked or  
3           stationary at the scene of a fire, rescue call, ambulance  
4           call, or motor vehicle accident.

5           Any person using these lights in accordance with this  
6           subdivision (c)1 must carry on his or her person an  
7           identification card or letter identifying the bona fide  
8           member of a fire department, fire protection district,  
9           rescue squad, ambulance unit, or emergency management  
10          services agency that owns or operates that vehicle. The  
11          card or letter must include:

12                 (A) the name of the fire department, fire  
13                 protection district, rescue squad, ambulance unit, or  
14                 emergency management services agency;

15                 (B) the member's position within the fire  
16                 department, fire protection district, rescue squad,  
17                 ambulance unit, or emergency management services  
18                 agency;

19                 (C) the member's term of service; and

20                 (D) the name of a person within the fire  
21                 department, fire protection district, rescue squad,  
22                 ambulance unit, or emergency management services  
23                 agency to contact to verify the information provided.

24           2. Police department vehicles in cities having a  
25           population of 500,000 or more inhabitants.

26           3. Law enforcement vehicles of State or local

1 authorities when used in combination with red oscillating,  
2 rotating or flashing lights.

3 4. Vehicles of local fire departments and State or  
4 federal firefighting vehicles when used in combination  
5 with red oscillating, rotating or flashing lights.

6 5. Vehicles which are designed and used exclusively as  
7 ambulances or rescue vehicles when used in combination with  
8 red oscillating, rotating or flashing lights; furthermore,  
9 such lights shall not be lighted except when responding to  
10 an emergency call.

11 6. Vehicles that are equipped and used exclusively as  
12 organ transport vehicles when used in combination with red  
13 oscillating, rotating, or flashing lights; furthermore,  
14 these lights shall only be lighted when the transportation  
15 is declared an emergency by a member of the transplant team  
16 or a representative of the organ procurement organization.

17 7. Vehicles of the Illinois Emergency Management  
18 Agency, vehicles of the Office of the Illinois State Fire  
19 Marshal, vehicles of the Illinois Department of Public  
20 Health, and vehicles of the Department of Nuclear Safety,  
21 when used in combination with red oscillating, rotating, or  
22 flashing lights.

23 8. Vehicles operated by a local or county emergency  
24 management services agency as defined in the Illinois  
25 Emergency Management Agency Act, when used in combination  
26 with red oscillating, rotating, or flashing lights.

1           9. Vehicles of the Illinois Department of Natural  
2 Resources that are used for mine rescue and explosives  
3 emergency response, when used in combination with red  
4 oscillating, rotating, or flashing lights.

5           (c-1) In addition to the blue oscillating, rotating, or  
6 flashing lights permitted under subsection (c), and  
7 notwithstanding subsection (a), a vehicle operated by a  
8 voluntary firefighter, a voluntary member of a rescue squad, or  
9 a member of a voluntary ambulance unit may be equipped with  
10 flashing white headlights and blue grill lights, which may be  
11 used only in responding to an emergency call or when parked or  
12 stationary at the scene of a fire, rescue call, ambulance call,  
13 or motor vehicle accident.

14           (c-2) In addition to the blue oscillating, rotating, or  
15 flashing lights permitted under subsection (c), and  
16 notwithstanding subsection (a), a vehicle operated by a paid or  
17 unpaid member of a local or county emergency management  
18 services agency as defined in the Illinois Emergency Management  
19 Agency Act, may be equipped with white oscillating, rotating,  
20 or flashing lights to be used in combination with blue  
21 oscillating, rotating, or flashing lights, if authorization by  
22 local authorities is in writing and carried in the vehicle.

23           (d) The use of a combination of amber and white  
24 oscillating, rotating or flashing lights, whether lighted or  
25 unlighted, is prohibited except motor vehicles or equipment of  
26 the State of Illinois, local authorities, contractors, and

1 union representatives may be so equipped; furthermore, such  
2 lights shall not be lighted on vehicles of the State of  
3 Illinois, local authorities, and contractors except while such  
4 vehicles are engaged in highway maintenance or construction  
5 operations within the limits of highway construction projects,  
6 and shall not be lighted on the vehicles of union  
7 representatives except when those vehicles are within the  
8 limits of a construction project.

9 (e) All oscillating, rotating or flashing lights referred  
10 to in this Section shall be of sufficient intensity, when  
11 illuminated, to be visible at 500 feet in normal sunlight.

12 (f) Nothing in this Section shall prohibit a manufacturer  
13 of oscillating, rotating or flashing lights or his  
14 representative from temporarily mounting such lights on a  
15 vehicle for demonstration purposes only.

16 (g) Any person violating the provisions of subsections (a),  
17 (b), (c) or (d) of this Section who without lawful authority  
18 stops or detains or attempts to stop or detain another person  
19 shall be guilty of a Class 2 felony.

20 (h) Except as provided in subsection (g) above, any person  
21 violating the provisions of subsections (a) or (c) of this  
22 Section shall be guilty of a Class A misdemeanor.

23 (Source: P.A. 96-214, eff. 8-10-09; 96-1190, eff. 7-22-10;  
24 97-39, eff. 1-1-12; 97-149, eff. 7-14-11; revised 9-15-11.)

25 (625 ILCS 5/13-101) (from Ch. 95 1/2, par. 13-101)

1           Sec. 13-101. Submission to safety test; Certificate of  
2 safety. To promote the safety of the general public, every  
3 owner of a second division vehicle, medical transport vehicle,  
4 tow truck, first division vehicle including a taxi which is  
5 used for a purpose that requires a school bus driver permit, or  
6 contract carrier transporting employees in the course of their  
7 employment on a highway of this State in a vehicle designed to  
8 carry 15 or fewer passengers shall, before operating the  
9 vehicle upon the highways of Illinois, submit it to a "safety  
10 test" and secure a certificate of safety furnished by the  
11 Department as set forth in Section 13-109. Each second division  
12 motor vehicle that pulls or draws a trailer, semitrailer or  
13 pole trailer, with a gross weight of more than 8,000 lbs or is  
14 registered for a gross weight of more than 8,000 lbs, motor  
15 bus, religious organization bus, school bus, senior citizen  
16 transportation vehicle, and limousine shall be subject to  
17 inspection by the Department and the Department is authorized  
18 to establish rules and regulations for the implementation of  
19 such inspections.

20           The owners of each salvage vehicle shall submit it to a  
21 "safety test" and secure a certificate of safety furnished by  
22 the Department prior to its salvage vehicle inspection pursuant  
23 to Section 3-308 of this Code. In implementing and enforcing  
24 the provisions of this Section, the Department and other  
25 authorized State agencies shall do so in a manner that is not  
26 inconsistent with any applicable federal law or regulation so

1 that no federal funding or support is jeopardized by the  
2 enactment or application of these provisions.

3 However, none of the provisions of Chapter 13 requiring  
4 safety tests or a certificate of safety shall apply to:

5 (a) farm tractors, machinery and implements, wagons,  
6 wagon-trailers or like farm vehicles used primarily in  
7 agricultural pursuits;

8 (b) vehicles other than school buses, tow trucks and  
9 medical transport vehicles owned or operated by a municipal  
10 corporation or political subdivision having a population  
11 of 1,000,000 or more inhabitants and which are subject to  
12 safety tests imposed by local ordinance or resolution;

13 (c) a semitrailer or trailer having a gross weight of  
14 5,000 pounds or less including vehicle weight and maximum  
15 load;

16 (d) recreational vehicles;

17 (e) vehicles registered as and displaying Illinois  
18 antique vehicle plates and vehicles registered as  
19 expanded-use antique vehicles and displaying expanded-use  
20 antique vehicle plates;

21 (f) house trailers equipped and used for living  
22 quarters;

23 (g) vehicles registered as and displaying Illinois  
24 permanently mounted equipment plates or similar vehicles  
25 eligible therefor but registered as governmental vehicles  
26 provided that if said vehicle is reclassified from a

1 permanently mounted equipment plate so as to lose the  
2 exemption of not requiring a certificate of safety, such  
3 vehicle must be safety tested within 30 days of the  
4 reclassification;

5 (h) vehicles owned or operated by a manufacturer,  
6 dealer or transporter displaying a special plate or plates  
7 as described in Chapter 3 of this Code while such vehicle  
8 is being delivered from the manufacturing or assembly plant  
9 directly to the purchasing dealership or distributor, or  
10 being temporarily road driven for quality control testing,  
11 or from one dealer or distributor to another, or are being  
12 moved by the most direct route from one location to another  
13 for the purpose of installing special bodies or equipment,  
14 or driven for purposes of demonstration by a prospective  
15 buyer with the dealer or his agent present in the cab of  
16 the vehicle during the demonstration;

17 (i) pole trailers and auxiliary axles;

18 (j) special mobile equipment;

19 (k) vehicles properly registered in another State  
20 pursuant to law and displaying a valid registration plate,  
21 except vehicles of contract carriers transporting  
22 employees in the course of their employment on a highway of  
23 this State in a vehicle designed to carry 15 or fewer  
24 passengers are only exempted to the extent that the safety  
25 testing requirements applicable to such vehicles in the  
26 state of registration are no less stringent than the safety



1 testing requirements applicable to contract carriers that  
2 are lawfully registered in Illinois;

3 (l) water-well boring apparatuses or rigs;

4 (m) any vehicle which is owned and operated by the  
5 federal government and externally displays evidence of  
6 such ownership; and

7 (n) second division vehicles registered for a gross  
8 weight of 8,000 pounds or less, except when such second  
9 division motor vehicles pull or draw a trailer,  
10 semi-trailer or pole trailer having a gross weight of or  
11 registered for a gross weight of more than 8,000 pounds;  
12 motor buses; religious organization buses; school buses;  
13 senior citizen transportation vehicles; medical transport  
14 vehicles and tow trucks.

15 The safety test shall include the testing and inspection of  
16 brakes, lights, horns, reflectors, rear vision mirrors,  
17 mufflers, safety chains, windshields and windshield wipers,  
18 warning flags and flares, frame, axle, cab and body, or cab or  
19 body, wheels, steering apparatus, and other safety devices and  
20 appliances required by this Code and such other safety tests as  
21 the Department may by rule or regulation require, for second  
22 division vehicles, school buses, medical transport vehicles,  
23 tow trucks, first division vehicles including taxis which are  
24 used for a purpose that requires a school bus driver permit,  
25 vehicles designed to carry 15 or fewer passengers operated by a  
26 contract carrier transporting employees in the course of their

1 employment on a highway of this State, trailers, and  
2 semitrailers subject to inspection.

3 For tow trucks, the safety test and inspection shall also  
4 include the inspection of winch mountings, body panels, body  
5 mounts, wheel lift swivel points, and sling straps, and other  
6 tests and inspections the Department by rule requires for tow  
7 trucks.

8 For trucks, truck tractors, trailers, semi-trailers,  
9 buses, and first division vehicles including taxis which are  
10 used for a purpose that requires a school bus driver permit,  
11 the safety test shall be conducted in accordance with the  
12 Minimum Periodic Inspection Standards promulgated by the  
13 Federal Highway Administration of the U.S. Department of  
14 Transportation and contained in Appendix G to Subchapter B of  
15 Chapter III of Title 49 of the Code of Federal Regulations.  
16 Those standards, as now in effect, are made a part of this  
17 Code, in the same manner as though they were set out in full in  
18 this Code.

19 The passing of the safety test shall not be a bar at any  
20 time to prosecution for operating a second division vehicle,  
21 medical transport vehicle, or vehicle designed to carry 15 or  
22 fewer passengers operated by a contract carrier as provided in  
23 this Section which is unsafe as determined by the standards  
24 prescribed in this Code.

25 (Source: P.A. 97-224, eff. 7-28-11; 97-412, eff. 1-1-12;  
26 revised 10-4-11.)

1 (625 ILCS 5/13C-15)

2 (Text of Section before amendment by P.A. 97-106)

3 Sec. 13C-15. Inspections.

4 (a) Computer-Matched Inspections and Notification.

5 (1) The provisions of this subsection (a) are operative  
6 until the implementation of the registration denial  
7 inspection and notification mechanisms required by  
8 subsection (b). Beginning with the implementation of the  
9 program required by this Chapter, every motor vehicle that  
10 is owned by a resident of an affected county, other than a  
11 vehicle that is exempt under paragraph (a) (6) or (a) (7), is  
12 subject to inspection under the program.

13 The Agency shall send notice of the assigned inspection  
14 month, at least 15 days before the beginning of the  
15 assigned month, to the owner of each vehicle subject to the  
16 program. An initial emission inspection sticker or initial  
17 inspection certificate, as the case may be, expires on the  
18 last day of the third month following the month assigned by  
19 the Agency for the first inspection of the vehicle. A  
20 renewal inspection sticker or certificate expires on the  
21 last day of the third month following the month assigned  
22 for inspection in the year in which the vehicle's next  
23 inspection is required.

24 The Agency or its agent may issue an interim emission  
25 inspection sticker or certificate for any vehicle subject

1 to inspection that does not have a currently valid emission  
2 inspection sticker or certificate at the time the Agency is  
3 notified by the Secretary of State of its registration by a  
4 new owner, and for which an initial emission inspection  
5 sticker or certificate has already been issued. An interim  
6 emission inspection sticker or certificate expires no  
7 later than the last day of the sixth complete calendar  
8 month after the date the Agency issued the interim emission  
9 inspection sticker or certificate.

10 The owner of each vehicle subject to inspection shall  
11 obtain an emission inspection sticker or certificate for  
12 the vehicle in accordance with this paragraph (1). Before  
13 the expiration of the emission inspection sticker or  
14 certificate, the owner shall have the vehicle inspected  
15 and, upon demonstration of compliance, obtain a renewal  
16 emission inspection sticker or certificate. A renewal  
17 emission inspection sticker or certificate shall not be  
18 issued more than 5 months before the expiration date of the  
19 previous inspection sticker or certificate.

20 (2) Except as provided in paragraph (a)(3), vehicles  
21 shall be inspected every 2 years on a schedule that begins  
22 either in the second, fourth, or later calendar year after  
23 the vehicle model year. The beginning test schedule shall  
24 be set by the Agency and shall be consistent with the  
25 State's requirements for emission reductions as determined  
26 by the applicable United States Environmental Protection

1 Agency vehicle emissions estimation model and applicable  
2 guidance and rules.

3 (3) A vehicle may be inspected at a time outside of its  
4 normal 2-year inspection schedule, if (i) the vehicle was  
5 acquired by a new owner and (ii) the vehicle was required  
6 to be in compliance with this Act at the time the vehicle  
7 was acquired by the new owner, but it was not then in  
8 compliance.

9 (4) The owner of a vehicle subject to inspection shall  
10 have the vehicle inspected and shall obtain and display on  
11 the vehicle or carry within the vehicle, in a manner  
12 specified by the Agency, a valid unexpired emission  
13 inspection sticker or certificate in the manner specified  
14 by the Agency. A person who violates this paragraph (4) is  
15 guilty of a petty offense, except that a third or  
16 subsequent violation within one year of the first violation  
17 is a Class C misdemeanor. The fine imposed for a violation  
18 of this paragraph (4) shall be not less than \$50 if the  
19 violation occurred within 60 days following the date by  
20 which a new or renewal emission inspection sticker or  
21 certificate was required to be obtained for the vehicle,  
22 and not less than \$300 if the violation occurred more than  
23 60 days after that date.

24 (5) For a \$20 fee, to be paid into the Vehicle  
25 Inspection Fund, the Agency may inspect:

26 (A) A vehicle registered in and subject to the

1 emission inspections requirements of another state.

2 (B) A vehicle presented for inspection on a  
3 voluntary basis.

4 Any fees collected under this paragraph (5) shall not  
5 offset Motor Fuel Tax Funds normally appropriated for the  
6 program.

7 (6) The following vehicles are not subject to  
8 inspection:

9 (A) Vehicles not subject to registration under  
10 Article IV of Chapter 3 of this Code, other than  
11 vehicles owned by the federal government.

12 (B) Motorcycles, motor driven cycles, and  
13 motorized pedalcycles.

14 (C) Farm vehicles and implements of husbandry.

15 (D) Implements of warfare owned by the State or  
16 federal government.

17 (E) Antique vehicles, expanded-use antique  
18 vehicles, custom vehicles, street rods, and vehicles  
19 of model year 1967 or before.

20 (F) Vehicles operated exclusively for parade or  
21 ceremonial purposes by any veterans, fraternal, or  
22 civic organization, organized on a not-for-profit  
23 basis.

24 (G) Vehicles for which the Secretary of State,  
25 under Section 3-117 of this Code, has issued a Junking  
26 Certificate.

1           (H) Diesel powered vehicles and vehicles that are  
2 powered exclusively by electricity.

3           (I) Vehicles operated exclusively in organized  
4 amateur or professional sporting activities, as  
5 defined in Section 3.310 of the Environmental  
6 Protection Act.

7           (J) Vehicles registered in, subject to, and in  
8 compliance with the emission inspection requirements  
9 of another state.

10          (K) Vehicles participating in an OBD continuous  
11 monitoring program operated in accordance with  
12 procedures adopted by the Agency.

13          (L) Vehicles of model year 1995 or earlier that do  
14 not have an expired emissions test sticker or  
15 certificate on February 1, 2007.

16          The Agency may issue temporary or permanent exemption  
17 stickers or certificates for vehicles temporarily or  
18 permanently exempt from inspection under this paragraph  
19 (6). An exemption sticker or certificate does not need to  
20 be displayed.

21          (7) According to criteria that the Agency may adopt, a  
22 motor vehicle may be exempted from the inspection  
23 requirements of this Section by the Agency on the basis of  
24 an Agency determination that the vehicle is located and  
25 primarily used outside of the affected counties or in other  
26 jurisdictions where vehicle emission inspections are not

1 required. The Agency may issue an annual exemption sticker  
2 or certificate without inspection for any vehicle exempted  
3 from inspection under this paragraph (7).

4 (8) Any owner or lessee of a fleet of 15 or more motor  
5 vehicles that are subject to inspection under this Section  
6 may apply to the Agency for a permit to establish and  
7 operate a private official inspection station in  
8 accordance with rules adopted by the Agency.

9 (9) Pursuant to Title 40, Section 51.371 of the Code of  
10 Federal Regulations, the Agency may establish a program of  
11 on-road testing of in-use vehicles through the use of  
12 remote sensing devices. In any such program, the Agency  
13 shall evaluate the emission performance of 0.5% of the  
14 subject fleet or 20,000 vehicles, whichever is less. Under  
15 no circumstances shall on-road testing include any sort of  
16 roadblock or roadside pullover or cause any type of traffic  
17 delay. If, during the course of an on-road inspection, a  
18 vehicle is found to exceed the on-road emissions standards  
19 established for the model year and type of vehicle, the  
20 Agency shall send a notice to the vehicle owner. The notice  
21 shall document the occurrence and the results of the  
22 on-road exceedance. The notice of a second on-road  
23 exceedance shall indicate that the vehicle has been  
24 reassigned and is subject to an out-of-cycle follow-up  
25 inspection at an official inspection station. In no case  
26 shall the Agency send a notice of an on-road exceedance to



1 the owner of a vehicle that was found to exceed the on-road  
2 emission standards established for the model year and type  
3 of vehicle, if the vehicle is registered outside of the  
4 affected counties.

5 (b) Registration Denial Inspection and Notification.

6 (1) No later than January 1, 2008, every motor vehicle  
7 that is owned by a resident of an affected county, other  
8 than a vehicle that is exempt under paragraph (b)(8) or  
9 (b)(9), is subject to inspection under the program.

10 The owner of a vehicle subject to inspection shall have  
11 the vehicle inspected and obtain proof of compliance from  
12 the Agency in order to obtain or renew a vehicle  
13 registration for a subject vehicle.

14 The Secretary of State shall notify the owner of a  
15 vehicle subject to inspection of the requirement to have  
16 the vehicle tested at least 30 days prior to the beginning  
17 of the month in which the vehicle's registration is due to  
18 expire. Notwithstanding the preceding, vehicles with  
19 permanent registration plates shall be notified at least 30  
20 days prior to the month corresponding to the date the  
21 vehicle was originally registered. This notification shall  
22 clearly state the vehicle's test status, based upon the  
23 vehicle type, model year and registration address.

24 The owner of each vehicle subject to inspection shall  
25 have the vehicle inspected and, upon demonstration of  
26 compliance, obtain an emissions compliance certificate for

1 the vehicle.

2 (2) Except as provided in paragraphs (b)(3), (b)(4),  
3 and (b)(5), vehicles shall be inspected every 2 years on a  
4 schedule that begins in the fourth calendar year after the  
5 vehicle model year. Even model year vehicles shall be  
6 inspected and comply in order to renew registrations  
7 expiring in even calendar years and odd model year vehicles  
8 shall be inspected and comply in order to renew  
9 registrations expiring in odd calendar years.

10 (3) A vehicle shall be inspected and comply at a time  
11 outside of its normal 2-year inspection schedule if (i) the  
12 vehicle was acquired by a new owner and (ii) the vehicle  
13 had not been issued a Compliance Certificate within one  
14 year of the date of application for the title or  
15 registration, or both, for the vehicle.

16 (4) Vehicles with 2-year registrations shall be  
17 inspected every 2 years at the time of registration  
18 issuance or renewal on a schedule that begins in the fourth  
19 year after the vehicle model year.

20 (5) Vehicles with permanent vehicle registration  
21 plates shall be inspected every 2 years on a schedule that  
22 begins in the fourth calendar year after the vehicle model  
23 year in the month corresponding to the date the vehicle was  
24 originally registered. Even model year vehicles shall be  
25 inspected and comply in even calendar years, and odd model  
26 year vehicles shall be inspected and comply in odd calendar

1 years.

2 (6) The Agency and the Secretary of State shall  
3 endeavor to ensure a smooth transition from test scheduling  
4 from the provisions of subsection (a) to subsection (b).  
5 Passing tests and waivers issued prior to the  
6 implementation of this subsection (b) may be utilized to  
7 establish compliance for a period of one year from the date  
8 of the emissions or waiver inspection.

9 (7) For a \$20 fee, to be paid into the Vehicle  
10 Inspection Fund, the Agency may inspect:

11 (A) A vehicle registered in and subject to the  
12 emissions inspections requirements of another state.

13 (B) A vehicle presented for inspection on a  
14 voluntary basis.

15 Any fees collected under this paragraph (7) shall not  
16 offset Motor Fuel Tax Funds normally appropriated for the  
17 program.

18 (8) The following vehicles are not subject to  
19 inspection:

20 (A) Vehicles not subject to registration under  
21 Article IV of Chapter 3 of this Code, other than  
22 vehicles owned by the federal government.

23 (B) Motorcycles, motor driven cycles, and  
24 motorized pedalcycles.

25 (C) Farm vehicles and implements of husbandry.

26 (D) Implements of warfare owned by the State or

1 federal government.

2 (E) Antique vehicles, expanded-use antique  
3 vehicles, custom vehicles, street rods, and vehicles  
4 of model year 1967 or before.

5 (F) Vehicles operated exclusively for parade or  
6 ceremonial purposes by any veterans, fraternal, or  
7 civic organization, organized on a not-for-profit  
8 basis.

9 (G) Vehicles for which the Secretary of State,  
10 under Section 3-117 of this Code, has issued a Junking  
11 Certificate.

12 (H) Diesel powered vehicles and vehicles that are  
13 powered exclusively by electricity.

14 (I) Vehicles operated exclusively in organized  
15 amateur or professional sporting activities, as  
16 defined in Section 3.310 of the Environmental  
17 Protection Act.

18 (J) Vehicles registered in, subject to, and in  
19 compliance with the emission inspection requirements  
20 of another state.

21 (K) Vehicles participating in an OBD continuous  
22 monitoring program operated in accordance with  
23 procedures adopted by the Agency.

24 (L) Vehicles of model year 1995 or earlier that do  
25 not have an expired emissions test sticker or  
26 certificate on February 1, 2007.

1           The Agency may issue temporary or permanent exemption  
2 certificates for vehicles temporarily or permanently  
3 exempt from inspection under this paragraph (8). An  
4 exemption sticker or certificate does not need to be  
5 displayed.

6           (9) According to criteria that the Agency may adopt, a  
7 motor vehicle may be exempted from the inspection  
8 requirements of this Section by the Agency on the basis of  
9 an Agency determination that the vehicle is located and  
10 primarily used outside of the affected counties or in other  
11 jurisdictions where vehicle emissions inspections are not  
12 required. The Agency may issue an annual exemption  
13 certificate without inspection for any vehicle exempted  
14 from inspection under this paragraph (9).

15           (10) Any owner or lessee of a fleet of 15 or more motor  
16 vehicles that are subject to inspection under this Section  
17 may apply to the Agency for a permit to establish and  
18 operate a private official inspection station in  
19 accordance with rules adopted by the Agency.

20           (11) Pursuant to Title 40, Section 51.371 of the Code  
21 of Federal Regulations, the Agency may establish a program  
22 of on-road testing of in-use vehicles through the use of  
23 remote sensing devices. In any such program, the Agency  
24 shall evaluate the emission performance of 0.5% of the  
25 subject fleet or 20,000 vehicles, whichever is less. Under  
26 no circumstances shall on-road testing include any sort of

1 roadblock or roadside pullover or cause any type of traffic  
2 delay. If, during the course of an on-road inspection, a  
3 vehicle is found to exceed the on-road emissions standards  
4 established for the model year and type of vehicle, the  
5 Agency shall send a notice to the vehicle owner. The notice  
6 shall document the occurrence and the results of the  
7 on-road exceedance. The notice of a second on-road  
8 exceedance shall indicate that the vehicle has been  
9 reassigned and is subject to an out-of-cycle follow-up  
10 inspection at an official inspection station. In no case  
11 shall the Agency send a notice of an on-road exceedance to  
12 the owner of a vehicle that was found to exceed the on-road  
13 emissions standards established for the model year and type  
14 of vehicle, if the vehicle is registered outside of the  
15 affected counties.

16 (Source: P.A. 97-412, eff. 1-1-12.)

17 (Text of Section after amendment by P.A. 97-106)

18 Sec. 13C-15. Inspections.

19 (a) Computer-Matched Inspections and Notification.

20 (1) The provisions of this subsection (a) are operative  
21 until the implementation of the registration denial  
22 inspection and notification mechanisms required by  
23 subsection (b). Beginning with the implementation of the  
24 program required by this Chapter, every motor vehicle that  
25 is owned by a resident of an affected county, other than a

1 vehicle that is exempt under paragraph (a) (6) or (a) (7), is  
2 subject to inspection under the program.

3 The Agency shall send notice of the assigned inspection  
4 month, at least 15 days before the beginning of the  
5 assigned month, to the owner of each vehicle subject to the  
6 program. An initial emission inspection sticker or initial  
7 inspection certificate, as the case may be, expires on the  
8 last day of the third month following the month assigned by  
9 the Agency for the first inspection of the vehicle. A  
10 renewal inspection sticker or certificate expires on the  
11 last day of the third month following the month assigned  
12 for inspection in the year in which the vehicle's next  
13 inspection is required.

14 The Agency or its agent may issue an interim emission  
15 inspection sticker or certificate for any vehicle subject  
16 to inspection that does not have a currently valid emission  
17 inspection sticker or certificate at the time the Agency is  
18 notified by the Secretary of State of its registration by a  
19 new owner, and for which an initial emission inspection  
20 sticker or certificate has already been issued. An interim  
21 emission inspection sticker or certificate expires no  
22 later than the last day of the sixth complete calendar  
23 month after the date the Agency issued the interim emission  
24 inspection sticker or certificate.

25 The owner of each vehicle subject to inspection shall  
26 obtain an emission inspection sticker or certificate for

1 the vehicle in accordance with this paragraph (1). Before  
2 the expiration of the emission inspection sticker or  
3 certificate, the owner shall have the vehicle inspected  
4 and, upon demonstration of compliance, obtain a renewal  
5 emission inspection sticker or certificate. A renewal  
6 emission inspection sticker or certificate shall not be  
7 issued more than 5 months before the expiration date of the  
8 previous inspection sticker or certificate.

9 (2) Except as provided in paragraph (a)(3), vehicles  
10 shall be inspected every 2 years on a schedule that begins  
11 either in the second, fourth, or later calendar year after  
12 the vehicle model year. The beginning test schedule shall  
13 be set by the Agency and shall be consistent with the  
14 State's requirements for emission reductions as determined  
15 by the applicable United States Environmental Protection  
16 Agency vehicle emissions estimation model and applicable  
17 guidance and rules.

18 (3) A vehicle may be inspected at a time outside of its  
19 normal 2-year inspection schedule, if (i) the vehicle was  
20 acquired by a new owner and (ii) the vehicle was required  
21 to be in compliance with this Act at the time the vehicle  
22 was acquired by the new owner, but it was not then in  
23 compliance.

24 (4) The owner of a vehicle subject to inspection shall  
25 have the vehicle inspected and shall obtain and display on  
26 the vehicle or carry within the vehicle, in a manner



1 specified by the Agency, a valid unexpired emission  
2 inspection sticker or certificate in the manner specified  
3 by the Agency. A person who violates this paragraph (4) is  
4 guilty of a petty offense, except that a third or  
5 subsequent violation within one year of the first violation  
6 is a Class C misdemeanor. The fine imposed for a violation  
7 of this paragraph (4) shall be not less than \$50 if the  
8 violation occurred within 60 days following the date by  
9 which a new or renewal emission inspection sticker or  
10 certificate was required to be obtained for the vehicle,  
11 and not less than \$300 if the violation occurred more than  
12 60 days after that date.

13 (5) For a \$20 fee, to be paid into the Vehicle  
14 Inspection Fund, the Agency may inspect:

15 (A) A vehicle registered in and subject to the  
16 emission inspections requirements of another state.

17 (B) A vehicle presented for inspection on a  
18 voluntary basis.

19 Any fees collected under this paragraph (5) shall not  
20 offset Motor Fuel Tax Funds normally appropriated for the  
21 program.

22 (6) The following vehicles are not subject to  
23 inspection:

24 (A) Vehicles not subject to registration under  
25 Article IV of Chapter 3 of this Code, other than  
26 vehicles owned by the federal government.

1 (B) Motorcycles, motor driven cycles, and  
2 motorized pedalcycles.

3 (C) Farm vehicles and implements of husbandry.

4 (D) Implements of warfare owned by the State or  
5 federal government.

6 (E) Antique vehicles, expanded-use antique  
7 vehicles, custom vehicles, street rods, and vehicles  
8 of model year 1967 or before.

9 (F) Vehicles operated exclusively for parade or  
10 ceremonial purposes by any veterans, fraternal, or  
11 civic organization, organized on a not-for-profit  
12 basis.

13 (G) Vehicles for which the Secretary of State,  
14 under Section 3-117 of this Code, has issued a Junking  
15 Certificate.

16 (H) Diesel powered vehicles and vehicles that are  
17 powered exclusively by electricity.

18 (I) Vehicles operated exclusively in organized  
19 amateur or professional sporting activities, as  
20 defined in Section 3.310 of the Environmental  
21 Protection Act.

22 (J) Vehicles registered in, subject to, and in  
23 compliance with the emission inspection requirements  
24 of another state.

25 (K) Vehicles participating in an OBD continuous  
26 monitoring program operated in accordance with

1 procedures adopted by the Agency.

2 (L) Vehicles of model year 1995 or earlier that do  
3 not have an expired emissions test sticker or  
4 certificate on February 1, 2007.

5 The Agency may issue temporary or permanent exemption  
6 stickers or certificates for vehicles temporarily or  
7 permanently exempt from inspection under this paragraph  
8 (6). An exemption sticker or certificate does not need to  
9 be displayed.

10 (7) According to criteria that the Agency may adopt, a  
11 motor vehicle may be exempted from the inspection  
12 requirements of this Section by the Agency on the basis of  
13 an Agency determination that the vehicle is located and  
14 primarily used outside of the affected counties or in other  
15 jurisdictions where vehicle emission inspections are not  
16 required. The Agency may issue an annual exemption sticker  
17 or certificate without inspection for any vehicle exempted  
18 from inspection under this paragraph (7).

19 (8) Any owner or lessee of a fleet of 15 or more motor  
20 vehicles that are subject to inspection under this Section  
21 may apply to the Agency for a permit to establish and  
22 operate a private official inspection station in  
23 accordance with rules adopted by the Agency.

24 (9) Pursuant to Title 40, Section 51.371 of the Code of  
25 Federal Regulations, the Agency may establish a program of  
26 on-road testing of in-use vehicles through the use of

1 remote sensing devices. In any such program, the Agency  
2 shall evaluate the emission performance of 0.5% of the  
3 subject fleet or 20,000 vehicles, whichever is less. Under  
4 no circumstances shall on-road testing include any sort of  
5 roadblock or roadside pullover or cause any type of traffic  
6 delay. If, during the course of an on-road inspection, a  
7 vehicle is found to exceed the on-road emissions standards  
8 established for the model year and type of vehicle, the  
9 Agency shall send a notice to the vehicle owner. The notice  
10 shall document the occurrence and the results of the  
11 on-road exceedance. The notice of a second on-road  
12 exceedance shall indicate that the vehicle has been  
13 reassigned and is subject to an out-of-cycle follow-up  
14 inspection at an official inspection station. In no case  
15 shall the Agency send a notice of an on-road exceedance to  
16 the owner of a vehicle that was found to exceed the on-road  
17 emission standards established for the model year and type  
18 of vehicle, if the vehicle is registered outside of the  
19 affected counties.

20 (b) Registration Denial Inspection and Notification.

21 (1) No later than January 1, 2008, every motor vehicle  
22 that is owned by a resident of an affected county, other  
23 than a vehicle that is exempt under paragraph (b)(8) or  
24 (b)(9), is subject to inspection under the program.

25 The owner of a vehicle subject to inspection shall have  
26 the vehicle inspected and obtain proof of compliance from

1 the Agency in order to obtain or renew a vehicle  
2 registration for a subject vehicle.

3 The Secretary of State shall notify the owner of a  
4 vehicle subject to inspection of the requirement to have  
5 the vehicle tested at least 30 days prior to the beginning  
6 of the month in which the vehicle's registration is due to  
7 expire. Notwithstanding the preceding, vehicles with  
8 permanent registration plates shall be notified at least 30  
9 days prior to the month corresponding to the date the  
10 vehicle was originally registered. This notification shall  
11 clearly state the vehicle's test status, based upon the  
12 vehicle type, model year and registration address.

13 The owner of each vehicle subject to inspection shall  
14 have the vehicle inspected and, upon demonstration of  
15 compliance, obtain an emissions compliance certificate for  
16 the vehicle.

17 (2) Except as provided in paragraphs (b)(3), (b)(4),  
18 and (b)(5), vehicles shall be inspected every 2 years on a  
19 schedule that begins in the fourth calendar year after the  
20 vehicle model year. Even model year vehicles shall be  
21 inspected and comply in order to renew registrations  
22 expiring in even calendar years and odd model year vehicles  
23 shall be inspected and comply in order to renew  
24 registrations expiring in odd calendar years.

25 (3) A vehicle shall be inspected and comply at a time  
26 outside of its normal 2-year inspection schedule if (i) the

1 vehicle was acquired by a new owner and (ii) the vehicle  
2 had not been issued a Compliance Certificate within one  
3 year of the date of application for the title or  
4 registration, or both, for the vehicle.

5 (4) Vehicles with 2-year registrations shall be  
6 inspected every 2 years at the time of registration  
7 issuance or renewal on a schedule that begins in the fourth  
8 year after the vehicle model year.

9 (5) Vehicles with permanent vehicle registration  
10 plates shall be inspected every 2 years on a schedule that  
11 begins in the fourth calendar year after the vehicle model  
12 year in the month corresponding to the date the vehicle was  
13 originally registered. Even model year vehicles shall be  
14 inspected and comply in even calendar years, and odd model  
15 year vehicles shall be inspected and comply in odd calendar  
16 years.

17 (6) The Agency and the Secretary of State shall  
18 endeavor to ensure a smooth transition from test scheduling  
19 from the provisions of subsection (a) to subsection (b).  
20 Passing tests and waivers issued prior to the  
21 implementation of this subsection (b) may be utilized to  
22 establish compliance for a period of one year from the date  
23 of the emissions or waiver inspection.

24 (7) For a \$20 fee, to be paid into the Vehicle  
25 Inspection Fund, the Agency may inspect:

26 (A) A vehicle registered in and subject to the

1 emissions inspections requirements of another state.

2 (B) A vehicle presented for inspection on a  
3 voluntary basis.

4 Any fees collected under this paragraph (7) shall not  
5 offset Motor Fuel Tax Funds normally appropriated for the  
6 program.

7 (8) The following vehicles are not subject to  
8 inspection:

9 (A) Vehicles not subject to registration under  
10 Article IV of Chapter 3 of this Code, other than  
11 vehicles owned by the federal government.

12 (B) Motorcycles, motor driven cycles, and  
13 motorized pedalcycles.

14 (C) Farm vehicles and implements of husbandry.

15 (D) Implements of warfare owned by the State or  
16 federal government.

17 (E) Antique vehicles, expanded-use antique  
18 vehicles, custom vehicles, street rods, and vehicles  
19 of model year 1967 or before.

20 (F) Vehicles operated exclusively for parade or  
21 ceremonial purposes by any veterans, fraternal, or  
22 civic organization, organized on a not-for-profit  
23 basis.

24 (G) Vehicles for which the Secretary of State,  
25 under Section 3-117 of this Code, has issued a Junking  
26 Certificate.

1 (H) Diesel powered vehicles and vehicles that are  
2 powered exclusively by electricity.

3 (I) Vehicles operated exclusively in organized  
4 amateur or professional sporting activities, as  
5 defined in Section 3.310 of the Environmental  
6 Protection Act.

7 (J) Vehicles registered in, subject to, and in  
8 compliance with the emission inspection requirements  
9 of another state.

10 (K) Vehicles participating in an OBD continuous  
11 monitoring program operated in accordance with  
12 procedures adopted by the Agency.

13 (L) Vehicles of model year 1995 or earlier that do  
14 not have an expired emissions test sticker or  
15 certificate on February 1, 2007.

16 (M) Vehicles of model year 2006 or earlier with a  
17 manufacturer gross vehicle weight rating between 8,501  
18 and 14,000 pounds.

19 (N) Vehicles with a manufacturer gross vehicle  
20 weight rating greater than 14,000 pounds.

21 The Agency may issue temporary or permanent exemption  
22 certificates for vehicles temporarily or permanently  
23 exempt from inspection under this paragraph (8). An  
24 exemption sticker or certificate does not need to be  
25 displayed.

26 (9) According to criteria that the Agency may adopt, a



1 motor vehicle may be exempted from the inspection  
2 requirements of this Section by the Agency on the basis of  
3 an Agency determination that the vehicle is located and  
4 primarily used outside of the affected counties and in  
5 other jurisdictions where vehicle emissions inspections  
6 are not required. The Agency may issue an annual exemption  
7 certificate without inspection for any vehicle exempted  
8 from inspection under this paragraph (9).

9 (10) Any owner or lessee of a fleet of 15 or more motor  
10 vehicles that are subject to inspection under this Section  
11 may apply to the Agency for a permit to establish and  
12 operate a private official inspection station in  
13 accordance with rules adopted by the Agency.

14 (11) Pursuant to Title 40, Section 51.371 of the Code  
15 of Federal Regulations, the Agency may establish a program  
16 of on-road testing of in-use vehicles through the use of  
17 remote sensing devices. In any such program, the Agency  
18 shall evaluate the emission performance of 0.5% of the  
19 subject fleet or 20,000 vehicles, whichever is less. Under  
20 no circumstances shall on-road testing include any sort of  
21 roadblock or roadside pullover or cause any type of traffic  
22 delay. If, during the course of an on-road inspection, a  
23 vehicle is found to exceed the on-road emissions standards  
24 established for the model year and type of vehicle, the  
25 Agency shall send a notice to the vehicle owner. The notice  
26 shall document the occurrence and the results of the

1 on-road exceedance. The notice of a second on-road  
2 exceedance shall indicate that the vehicle has been  
3 reassigned and is subject to an out-of-cycle follow-up  
4 inspection at an official inspection station. In no case  
5 shall the Agency send a notice of an on-road exceedance to  
6 the owner of a vehicle that was found to exceed the on-road  
7 emissions standards established for the model year and type  
8 of vehicle, if the vehicle is registered outside of the  
9 affected counties.

10 (Source: P.A. 97-106, eff. 2-1-12; 97-412, eff. 1-1-12; revised  
11 10-4-11.)

12 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

13 Sec. 15-301. Permits for excess size and weight.

14 (a) The Department with respect to highways under its  
15 jurisdiction and local authorities with respect to highways  
16 under their jurisdiction may, in their discretion, upon  
17 application and good cause being shown therefor, issue a  
18 special permit authorizing the applicant to operate or move a  
19 vehicle or combination of vehicles of a size or weight of  
20 vehicle or load exceeding the maximum specified in this Act or  
21 otherwise not in conformity with this Act upon any highway  
22 under the jurisdiction of the party granting such permit and  
23 for the maintenance of which the party is responsible.  
24 Applications and permits other than those in written or printed  
25 form may only be accepted from and issued to the company or

1 individual making the movement. Except for an application to  
2 move directly across a highway, it shall be the duty of the  
3 applicant to establish in the application that the load to be  
4 moved by such vehicle or combination cannot reasonably be  
5 dismantled or disassembled, the reasonableness of which shall  
6 be determined by the Secretary of the Department. For the  
7 purpose of over length movements, more than one object may be  
8 carried side by side as long as the height, width, and weight  
9 laws are not exceeded and the cause for the over length is not  
10 due to multiple objects. For the purpose of over height  
11 movements, more than one object may be carried as long as the  
12 cause for the over height is not due to multiple objects and  
13 the length, width, and weight laws are not exceeded. For the  
14 purpose of an over width movement, more than one object may be  
15 carried as long as the cause for the over width is not due to  
16 multiple objects and length, height, and weight laws are not  
17 exceeded. No state or local agency shall authorize the issuance  
18 of excess size or weight permits for vehicles and loads that  
19 are divisible and that can be carried, when divided, within the  
20 existing size or weight maximums specified in this Chapter. Any  
21 excess size or weight permit issued in violation of the  
22 provisions of this Section shall be void at issue and any  
23 movement made thereunder shall not be authorized under the  
24 terms of the void permit. In any prosecution for a violation of  
25 this Chapter when the authorization of an excess size or weight  
26 permit is at issue, it is the burden of the defendant to

1 establish that the permit was valid because the load to be  
2 moved could not reasonably be dismantled or disassembled, or  
3 was otherwise nondivisible.

4 (b) The application for any such permit shall: (1) state  
5 whether such permit is requested for a single trip or for  
6 limited continuous operation; (2) state if the applicant is an  
7 authorized carrier under the Illinois Motor Carrier of Property  
8 Law, if so, his certificate, registration or permit number  
9 issued by the Illinois Commerce Commission; (3) specifically  
10 describe and identify the vehicle or vehicles and load to be  
11 operated or moved except that for vehicles or vehicle  
12 combinations registered by the Department as provided in  
13 Section 15-319 of this Chapter, only the Illinois Department of  
14 Transportation's (IDT) registration number or classification  
15 need be given; (4) state the routing requested including the  
16 points of origin and destination, and may identify and include  
17 a request for routing to the nearest certified scale in  
18 accordance with the Department's rules and regulations,  
19 provided the applicant has approval to travel on local roads;  
20 and (5) state if the vehicles or loads are being transported  
21 for hire. No permits for the movement of a vehicle or load for  
22 hire shall be issued to any applicant who is required under the  
23 Illinois Motor Carrier of Property Law to have a certificate,  
24 registration or permit and does not have such certificate,  
25 registration or permit.

26 (c) The Department or local authority when not inconsistent

1 with traffic safety is authorized to issue or withhold such  
2 permit at its discretion; or, if such permit is issued at its  
3 discretion to prescribe the route or routes to be traveled, to  
4 limit the number of trips, to establish seasonal or other time  
5 limitations within which the vehicles described may be operated  
6 on the highways indicated, or otherwise to limit or prescribe  
7 conditions of operations of such vehicle or vehicles, when  
8 necessary to assure against undue damage to the road  
9 foundations, surfaces or structures, and may require such  
10 undertaking or other security as may be deemed necessary to  
11 compensate for any injury to any roadway or road structure. The  
12 Department shall maintain a daily record of each permit issued  
13 along with the fee and the stipulated dimensions, weights,  
14 conditions and restrictions authorized and this record shall be  
15 presumed correct in any case of questions or dispute. The  
16 Department shall install an automatic device for recording  
17 applications received and permits issued by telephone. In  
18 making application by telephone, the Department and applicant  
19 waive all objections to the recording of the conversation.

20 (d) The Department shall, upon application in writing from  
21 any local authority, issue an annual permit authorizing the  
22 local authority to move oversize highway construction,  
23 transportation, utility and maintenance equipment over roads  
24 under the jurisdiction of the Department. The permit shall be  
25 applicable only to equipment and vehicles owned by or  
26 registered in the name of the local authority, and no fee shall

1 be charged for the issuance of such permits.

2 (e) As an exception to paragraph (a) of this Section, the  
3 Department and local authorities, with respect to highways  
4 under their respective jurisdictions, in their discretion and  
5 upon application in writing may issue a special permit for  
6 limited continuous operation, authorizing the applicant to  
7 move loads of agricultural commodities on a 2 axle single  
8 vehicle registered by the Secretary of State with axle loads  
9 not to exceed 35%, on a 3 or 4 axle vehicle registered by the  
10 Secretary of State with axle loads not to exceed 20%, and on a  
11 5 axle vehicle registered by the Secretary of State not to  
12 exceed 10% above those provided in Section 15-111. The total  
13 gross weight of the vehicle, however, may not exceed the  
14 maximum gross weight of the registration class of the vehicle  
15 allowed under Section 3-815 or 3-818 of this Code.

16 As used in this Section, "agricultural commodities" means:

17 (1) cultivated plants or agricultural produce grown  
18 including, but is not limited to, corn, soybeans, wheat,  
19 oats, grain sorghum, canola, and rice;

20 (2) livestock, including but not limited to hogs,  
21 equine, sheep, and poultry;

22 (3) ensilage; and

23 (4) fruits and vegetables.

24 Permits may be issued for a period not to exceed 40 days  
25 and moves may be made of a distance not to exceed 50 miles from  
26 a field, an on-farm grain storage facility, a warehouse as

1 defined in the Illinois Grain Code, or a livestock management  
2 facility as defined in the Livestock Management Facilities Act  
3 over any highway except the National System of Interstate and  
4 Defense Highways. The operator of the vehicle, however, must  
5 abide by posted bridge and posted highway weight limits. All  
6 implements of husbandry operating under this Section between  
7 sunset and sunrise shall be equipped as prescribed in Section  
8 12-205.1.

9 (e-1) Upon a declaration by the Governor that an emergency  
10 harvest situation exists, a special permit issued by the  
11 Department under this Section shall not be required from  
12 September 1 through December 31 during harvest season  
13 emergencies, provided that the weight does not exceed 20% above  
14 the limits provided in Section 15-111. All other restrictions  
15 that apply to permits issued under this Section shall apply  
16 during the declared time period. With respect to highways under  
17 the jurisdiction of local authorities, the local authorities  
18 may, at their discretion, waive special permit requirements  
19 during harvest season emergencies. This permit exemption shall  
20 apply to all vehicles eligible to obtain permits under this  
21 Section, including commercial vehicles in use during the  
22 declared time period.

23 (f) The form and content of the permit shall be determined  
24 by the Department with respect to highways under its  
25 jurisdiction and by local authorities with respect to highways  
26 under their jurisdiction. Every permit shall be in written form

1 and carried in the vehicle or combination of vehicles to which  
2 it refers and shall be open to inspection by any police officer  
3 or authorized agent of any authority granting the permit and no  
4 person shall violate any of the terms or conditions of such  
5 special permit. Violation of the terms and conditions of the  
6 permit shall not be deemed a revocation of the permit; however,  
7 any vehicle and load found to be off the route prescribed in  
8 the permit shall be held to be operating without a permit. Any  
9 off route vehicle and load shall be required to obtain a new  
10 permit or permits, as necessary, to authorize the movement back  
11 onto the original permit routing. No rule or regulation, nor  
12 anything herein shall be construed to authorize any police  
13 officer, court, or authorized agent of any authority granting  
14 the permit to remove the permit from the possession of the  
15 permittee unless the permittee is charged with a fraudulent  
16 permit violation as provided in paragraph (i). However, upon  
17 arrest for an offense of violation of permit, operating without  
18 a permit when the vehicle is off route, or any size or weight  
19 offense under this Chapter when the permittee plans to raise  
20 the issuance of the permit as a defense, the permittee, or his  
21 agent, must produce the permit at any court hearing concerning  
22 the alleged offense.

23 If the permit designates and includes a routing to a  
24 certified scale, the permittee ~~permittee~~, while enroute to the  
25 designated scale, shall be deemed in compliance with the weight  
26 provisions of the permit provided the axle or gross weights do



1 not exceed any of the permitted limits by more than the  
2 following amounts:

3	Single axle	2000 pounds
4	Tandem axle	3000 pounds
5	Gross	5000 pounds

6 (g) The Department is authorized to adopt, amend, and to  
7 make available to interested persons a policy concerning  
8 reasonable rules, limitations and conditions or provisions of  
9 operation upon highways under its jurisdiction in addition to  
10 those contained in this Section for the movement by special  
11 permit of vehicles, combinations, or loads which cannot  
12 reasonably be dismantled or disassembled, including  
13 manufactured and modular home sections and portions thereof.  
14 All rules, limitations and conditions or provisions adopted in  
15 the policy shall have due regard for the safety of the  
16 traveling public and the protection of the highway system and  
17 shall have been promulgated in conformity with the provisions  
18 of the Illinois Administrative Procedure Act. The requirements  
19 of the policy for flagmen and escort vehicles shall be the same  
20 for all moves of comparable size and weight. When escort  
21 vehicles are required, they shall meet the following  
22 requirements:

23 (1) All operators shall be 18 years of age or over and  
24 properly licensed to operate the vehicle.

25 (2) Vehicles escorting oversized loads more than  
26 12-feet wide must be equipped with a rotating or flashing

1 amber light mounted on top as specified under Section  
2 12-215.

3 The Department shall establish reasonable rules and  
4 regulations regarding liability insurance or self insurance  
5 for vehicles with oversized loads promulgated under The  
6 Illinois Administrative Procedure Act. Police vehicles may be  
7 required for escort under circumstances as required by rules  
8 and regulations of the Department.

9 (h) Violation of any rule, limitation or condition or  
10 provision of any permit issued in accordance with the  
11 provisions of this Section shall not render the entire permit  
12 null and void but the violator shall be deemed guilty of  
13 violation of permit and guilty of exceeding any size, weight or  
14 load limitations in excess of those authorized by the permit.  
15 The prescribed route or routes on the permit are not mere  
16 rules, limitations, conditions, or provisions of the permit,  
17 but are also the sole extent of the authorization granted by  
18 the permit. If a vehicle and load are found to be off the route  
19 or routes prescribed by any permit authorizing movement, the  
20 vehicle and load are operating without a permit. Any off route  
21 movement shall be subject to the size and weight maximums,  
22 under the applicable provisions of this Chapter, as determined  
23 by the type or class highway upon which the vehicle and load  
24 are being operated.

25 (i) Whenever any vehicle is operated or movement made under  
26 a fraudulent permit the permit shall be void, and the person,

1 firm, or corporation to whom such permit was granted, the  
2 driver of such vehicle in addition to the person who issued  
3 such permit and any accessory, shall be guilty of fraud and  
4 either one or all persons may be prosecuted for such violation.  
5 Any person, firm, or corporation committing such violation  
6 shall be guilty of a Class 4 felony and the Department shall  
7 not issue permits to the person, firm or corporation convicted  
8 of such violation for a period of one year after the date of  
9 conviction. Penalties for violations of this Section shall be  
10 in addition to any penalties imposed for violation of other  
11 Sections of this Act.

12 (j) Whenever any vehicle is operated or movement made in  
13 violation of a permit issued in accordance with this Section,  
14 the person to whom such permit was granted, or the driver of  
15 such vehicle, is guilty of such violation and either, but not  
16 both, persons may be prosecuted for such violation as stated in  
17 this subsection (j). Any person, firm or corporation convicted  
18 of such violation shall be guilty of a petty offense and shall  
19 be fined for the first offense, not less than \$50 nor more than  
20 \$200 and, for the second offense by the same person, firm or  
21 corporation within a period of one year, not less than \$200 nor  
22 more than \$300 and, for the third offense by the same person,  
23 firm or corporation within a period of one year after the date  
24 of the first offense, not less than \$300 nor more than \$500 and  
25 the Department shall not issue permits to the person, firm or  
26 corporation convicted of a third offense during a period of one

1 year after the date of conviction for such third offense.

2 (k) Whenever any vehicle is operated on local roads under  
3 permits for excess width or length issued by local authorities,  
4 such vehicle may be moved upon a State highway for a distance  
5 not to exceed one-half mile without a permit for the purpose of  
6 crossing the State highway.

7 (l) Notwithstanding any other provision of this Section,  
8 the Department, with respect to highways under its  
9 jurisdiction, and local authorities, with respect to highways  
10 under their jurisdiction, may at their discretion authorize the  
11 movement of a vehicle in violation of any size or weight  
12 requirement, or both, that would not ordinarily be eligible for  
13 a permit, when there is a showing of extreme necessity that the  
14 vehicle and load should be moved without unnecessary delay.

15 For the purpose of this subsection, showing of extreme  
16 necessity shall be limited to the following: shipments of  
17 livestock, hazardous materials, liquid concrete being hauled  
18 in a mobile cement mixer, or hot asphalt.

19 (m) Penalties for violations of this Section shall be in  
20 addition to any penalties imposed for violating any other  
21 Section of this Code.

22 (n) The Department with respect to highways under its  
23 jurisdiction and local authorities with respect to highways  
24 under their jurisdiction, in their discretion and upon  
25 application in writing, may issue a special permit for  
26 continuous limited operation, authorizing the applicant to

1 operate a tow-truck that exceeds the weight limits provided for  
2 in subsection (a) of Section 15-111, provided:

3 (1) no rear single axle of the tow-truck exceeds 26,000  
4 pounds;

5 (2) no rear tandem axle of the tow-truck exceeds 50,000  
6 pounds;

7 (2.1) no triple rear axle on a manufactured recovery  
8 unit exceeds 60,000 pounds;

9 (3) neither the disabled vehicle nor the disabled  
10 combination of vehicles exceed the weight restrictions  
11 imposed by this Chapter 15, or the weight limits imposed  
12 under a permit issued by the Department prior to hookup;

13 (4) the tow-truck prior to hookup does not exceed the  
14 weight restrictions imposed by this Chapter 15;

15 (5) during the tow operation the tow-truck does not  
16 violate any weight restriction sign;

17 (6) the tow-truck is equipped with flashing, rotating,  
18 or oscillating amber lights, visible for at least 500 feet  
19 in all directions;

20 (7) the tow-truck is specifically designed and  
21 licensed as a tow-truck;

22 (8) the tow-truck has a gross vehicle weight rating of  
23 sufficient capacity to safely handle the load;

24 (9) the tow-truck is equipped with air brakes;

25 (10) the tow-truck is capable of utilizing the lighting  
26 and braking systems of the disabled vehicle or combination

1 of vehicles;

2 (11) the tow commences at the initial point of wreck or  
3 disablement and terminates at a point where the repairs are  
4 actually to occur;

5 (12) the permit issued to the tow-truck is carried in  
6 the tow-truck and exhibited on demand by a police officer;  
7 and

8 (13) the movement shall be valid only on state routes  
9 approved by the Department.

10 (o) The Department, with respect to highways under its  
11 jurisdiction, and local authorities, with respect to highways  
12 under their jurisdiction, in their discretion and upon  
13 application in writing, may issue a special permit for  
14 continuous limited operation, authorizing the applicant to  
15 transport raw milk that exceeds the weight limits provided for  
16 in subsection (a) of Section 15-111 of this Code, provided:

17 (1) no single axle exceeds 20,000 pounds;

18 (2) no gross weight exceeds 80,000 pounds;

19 (3) permits issued by the State are good only for  
20 federal and State highways and are not applicable to  
21 interstate highways; and

22 (4) all road and bridge postings must be obeyed.

23 (p) In determining whether a load may be reasonably  
24 dismantled or disassembled for the purpose of paragraph (a),  
25 the Department shall consider whether there is a significant  
26 negative impact on the condition of the pavement and structures

1 along the proposed route, whether the load or vehicle as  
2 proposed causes a safety hazard to the traveling public,  
3 whether dismantling or disassembling the load promotes or  
4 stifles economic development and whether the proposed route  
5 travels less than 5 miles. A load is not required to be  
6 dismantled or disassembled for the purposes of paragraph (a) if  
7 the Secretary of the Department determines there will be no  
8 significant negative impact to pavement or structures along the  
9 proposed route, the proposed load or vehicle causes no safety  
10 hazard to the traveling public, dismantling or disassembling  
11 the load does not promote economic development and the proposed  
12 route travels less than 5 miles. The Department may promulgate  
13 rules for the purpose of establishing the divisibility of a  
14 load pursuant to paragraph (a). Any load determined by the  
15 Secretary to be nondivisible shall otherwise comply with the  
16 existing size or weight maximums specified in this Chapter.

17 (Source: P.A. 97-201, eff. 1-1-12; 97-479, eff. 8-22-11;  
18 revised 10-4-11.)

19 (625 ILCS 5/18a-405) (from Ch. 95 1/2, par. 18a-405)

20 Sec. 18a-405. Operator's employment permits - Expiration  
21 and renewal. All operator's employment permits shall expire 2  
22 years from the date of issuance by the Commission. The  
23 Commission may temporarily extend the duration of an employment  
24 permit for the pendency of a renewal application until formally  
25 approved or denied. Upon filing, no earlier than 90 nor later

1 than 45 days prior to such expiration, of written application  
2 for renewal, acknowledged before a notary public, in such form  
3 and containing such information as the Commission shall by  
4 regulation require, and accompanied by the required fee and  
5 proof of possession of a valid driver's license issued by the  
6 Secretary of State, the Commission shall, unless it has  
7 received information of cause not to do so, renew the  
8 applicant's operator's employment permit. If the Commission  
9 does not renew such employment permit, it shall issue an order  
10 setting forth the grounds for denial. The Commission may at any  
11 time during the term of the employment permit make inquiry into  
12 the conduct of the permittee ~~permitter~~ to determine that the  
13 provisions of this Chapter 18A and the regulations of the  
14 Commission promulgated thereunder are being adhered to.

15 (Source: P.A. 85-923; revised 11-21-11.)

16 (625 ILCS 5/18a-407) (from Ch. 95 1/2, par. 18a-407)

17 Sec. 18a-407. Dispatcher's employment permits, expiration  
18 and renewal. All dispatcher's employment permits shall expire  
19 2 years from the date of issuance by the Commission. The  
20 Commission may temporarily extend the duration of an employment  
21 permit for the pendency of a renewal application until formally  
22 approved or denied. Upon filing, no earlier than 90 nor later  
23 than 45 days prior to such expiration, of written application  
24 for renewal, acknowledged before a notary public, in such form  
25 and containing such information as the Commission shall by



1 regulation require, and accompanied by the required fee, the  
2 Commission shall, unless it has received information of cause  
3 not to do so, renew the applicant's dispatcher's employment  
4 permit. If the Commission does not renew such employment  
5 permit, it shall issue an order setting forth the grounds for  
6 denial. The Commission may at any time during the term of the  
7 employment permit make inquiry into the conduct of the  
8 permittee ~~permitter~~ to determine that the provisions of this  
9 Chapter 18A and the regulations of the Commission promulgated  
10 thereunder are being observed.

11 (Source: P.A. 85-923; revised 11-21-11.)

12 Section 610. The Clerks of Courts Act is amended by  
13 changing Section 27.3a as follows:

14 (705 ILCS 105/27.3a)

15 (Text of Section before amendment by P.A. 97-46)

16 Sec. 27.3a. Fees for automated record keeping and State  
17 Police operations.

18 1. The expense of establishing and maintaining automated  
19 record keeping systems in the offices of the clerks of the  
20 circuit court shall be borne by the county. To defray such  
21 expense in any county having established such an automated  
22 system or which elects to establish such a system, the county  
23 board may require the clerk of the circuit court in their  
24 county to charge and collect a court automation fee of not less

1 than \$1 nor more than \$15 to be charged and collected by the  
2 clerk of the court. Such fee shall be paid at the time of  
3 filing the first pleading, paper or other appearance filed by  
4 each party in all civil cases or by the defendant in any  
5 felony, traffic, misdemeanor, municipal ordinance, or  
6 conservation case upon a judgment of guilty or grant of  
7 supervision, provided that the record keeping system which  
8 processes the case category for which the fee is charged is  
9 automated or has been approved for automation by the county  
10 board, and provided further that no additional fee shall be  
11 required if more than one party is presented in a single  
12 pleading, paper or other appearance. Such fee shall be  
13 collected in the manner in which all other fees or costs are  
14 collected.

15 1.5. Starting on the effective date of this amendatory Act  
16 of the 96th General Assembly, a clerk of the circuit court in  
17 any county that imposes a fee pursuant to subsection 1 of this  
18 Section, shall charge and collect an additional fee in an  
19 amount equal to the amount of the fee imposed pursuant to  
20 subsection 1 of this Section. This additional fee shall be paid  
21 by the defendant in any felony, traffic, misdemeanor, local  
22 ordinance, or conservation case upon a judgment of guilty or  
23 grant of supervision.

24 2. With respect to the fee imposed under subsection 1 of  
25 this Section, each clerk shall commence such charges and  
26 collections upon receipt of written notice from the chairman of

1 the county board together with a certified copy of the board's  
2 resolution, which the clerk shall file of record in his office.

3 3. With respect to the fee imposed under subsection 1 of  
4 this Section, such fees shall be in addition to all other fees  
5 and charges of such clerks, and assessable as costs, and may be  
6 waived only if the judge specifically provides for the waiver  
7 of the court automation fee. The fees shall be remitted monthly  
8 by such clerk to the county treasurer, to be retained by him in  
9 a special fund designated as the court automation fund. The  
10 fund shall be audited by the county auditor, and the board  
11 shall make expenditure from the fund in payment of any cost  
12 related to the automation of court records, including hardware,  
13 software, research and development costs and personnel related  
14 thereto, provided that the expenditure is approved by the clerk  
15 of the court and by the chief judge of the circuit court or his  
16 designate.

17 4. With respect to the fee imposed under subsection 1 of  
18 this Section, such fees shall not be charged in any matter  
19 coming to any such clerk on change of venue, nor in any  
20 proceeding to review the decision of any administrative  
21 officer, agency or body.

22 5. With respect to the additional fee imposed under  
23 subsection 1.5 of this Section, the fee shall be remitted by  
24 the circuit clerk to the State Treasurer within one month after  
25 receipt for deposit into the State Police Operations Assistance  
26 Fund.

1           6. With respect to the additional fees imposed under  
2 subsection 1.5 of this Section, the Director of State Police  
3 may direct the use of these fees for homeland security purposes  
4 by transferring these fees on a quarterly basis from the State  
5 Police Operations Assistance Fund into the Illinois Law  
6 Enforcement Alarm Systems (ILEAS) Fund for homeland security  
7 initiatives programs. The transferred fees shall be allocated,  
8 subject to the approval of the ILEAS Executive Board, as  
9 follows: (i) 66.6% shall be used for homeland security  
10 initiatives and (ii) 33.3% shall be used for airborne  
11 operations. The ILEAS Executive Board shall annually supply the  
12 Director of State Police with a report of the use of these  
13 fees.

14 (Source: P.A. 96-1029, eff. 7-13-10; 97-453, eff. 8-19-11.)

15 (Text of Section after amendment by P.A. 97-46)

16           Sec. 27.3a. Fees for automated record keeping and State and  
17 Conservation Police operations.

18           1. The expense of establishing and maintaining automated  
19 record keeping systems in the offices of the clerks of the  
20 circuit court shall be borne by the county. To defray such  
21 expense in any county having established such an automated  
22 system or which elects to establish such a system, the county  
23 board may require the clerk of the circuit court in their  
24 county to charge and collect a court automation fee of not less  
25 than \$1 nor more than \$15 to be charged and collected by the

1 clerk of the court. Such fee shall be paid at the time of  
2 filing the first pleading, paper or other appearance filed by  
3 each party in all civil cases or by the defendant in any  
4 felony, traffic, misdemeanor, municipal ordinance, or  
5 conservation case upon a judgment of guilty or grant of  
6 supervision, provided that the record keeping system which  
7 processes the case category for which the fee is charged is  
8 automated or has been approved for automation by the county  
9 board, and provided further that no additional fee shall be  
10 required if more than one party is presented in a single  
11 pleading, paper or other appearance. Such fee shall be  
12 collected in the manner in which all other fees or costs are  
13 collected.

14 1.5. Starting on the effective date of this amendatory Act  
15 of the 96th General Assembly, a clerk of the circuit court in  
16 any county that imposes a fee pursuant to subsection 1 of this  
17 Section, shall charge and collect an additional fee in an  
18 amount equal to the amount of the fee imposed pursuant to  
19 subsection 1 of this Section. This additional fee shall be paid  
20 by the defendant in any felony, traffic, misdemeanor, or local  
21 ordinance case upon a judgment of guilty or grant of  
22 supervision. This fee shall not be paid by the defendant for  
23 any conservation violation listed in subsection 1.6 of this  
24 Section.

25 1.6. Starting on July 1, 2012 (the effective date of Public  
26 Act 97-46) ~~this amendatory Act of the 97th General Assembly, a~~

1 clerk of the circuit court in any county that imposes a fee  
2 pursuant to subsection 1 of this Section shall charge and  
3 collect an additional fee in an amount equal to the amount of  
4 the fee imposed pursuant to subsection 1 of this Section. This  
5 additional fee shall be paid by the defendant upon a judgment  
6 of guilty or grant of supervision for a conservation violation  
7 under the State Parks Act, the Recreational Trails of Illinois  
8 Act, the Illinois Explosives Act, the Timber Buyers Licensing  
9 Act, the Forest Products Transportation Act, the Firearm Owners  
10 Identification Card Act, the Environmental Protection Act, the  
11 Fish and Aquatic Life Code, the Wildlife Code, the Cave  
12 Protection Act, the Illinois Exotic Weed Act, the Illinois  
13 Forestry Development Act, the Ginseng Harvesting Act, the  
14 Illinois Lake Management Program Act, the Illinois Natural  
15 Areas Preservation Act, the Illinois Open Land Trust Act, the  
16 Open Space Lands Acquisition and Development Act, the Illinois  
17 Prescribed Burning Act, the State Forest Act, the Water Use Act  
18 of 1983, the Illinois Youth and Young Adult Employment Act of  
19 1986, the Snowmobile Registration and Safety Act, the Boat  
20 Registration and Safety Act, the Illinois Dangerous Animals  
21 Act, the Hunter and Fishermen Interference Prohibition Act, the  
22 Wrongful Tree Cutting Act, or Section 11-1426.1, 11-1426.2,  
23 11-1427, 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or  
24 11-1427.5 of the Illinois Vehicle Code.

25 2. With respect to the fee imposed under subsection 1 of  
26 this Section, each clerk shall commence such charges and

1 collections upon receipt of written notice from the chairman of  
2 the county board together with a certified copy of the board's  
3 resolution, which the clerk shall file of record in his office.

4 3. With respect to the fee imposed under subsection 1 of  
5 this Section, such fees shall be in addition to all other fees  
6 and charges of such clerks, and assessable as costs, and may be  
7 waived only if the judge specifically provides for the waiver  
8 of the court automation fee. The fees shall be remitted monthly  
9 by such clerk to the county treasurer, to be retained by him in  
10 a special fund designated as the court automation fund. The  
11 fund shall be audited by the county auditor, and the board  
12 shall make expenditure from the fund in payment of any cost  
13 related to the automation of court records, including hardware,  
14 software, research and development costs and personnel related  
15 thereto, provided that the expenditure is approved by the clerk  
16 of the court and by the chief judge of the circuit court or his  
17 designate.

18 4. With respect to the fee imposed under subsection 1 of  
19 this Section, such fees shall not be charged in any matter  
20 coming to any such clerk on change of venue, nor in any  
21 proceeding to review the decision of any administrative  
22 officer, agency or body.

23 5. With respect to the additional fee imposed under  
24 subsection 1.5 of this Section, the fee shall be remitted by  
25 the circuit clerk to the State Treasurer within one month after  
26 receipt for deposit into the State Police Operations Assistance

1 Fund.

2 6. With respect to the additional fees imposed under  
3 subsection 1.5 of this Section, the Director of State Police  
4 may direct the use of these fees for homeland security purposes  
5 by transferring these fees on a quarterly basis from the State  
6 Police Operations Assistance Fund into the Illinois Law  
7 Enforcement Alarm Systems (ILEAS) Fund for homeland security  
8 initiatives programs. The transferred fees shall be allocated,  
9 subject to the approval of the ILEAS Executive Board, as  
10 follows: (i) 66.6% shall be used for homeland security  
11 initiatives and (ii) 33.3% shall be used for airborne  
12 operations. The ILEAS Executive Board shall annually supply the  
13 Director of State Police with a report of the use of these  
14 fees.

15 7. ~~6.~~ With respect to the additional fee imposed under  
16 subsection 1.6 of this Section, the fee shall be remitted by  
17 the circuit clerk to the State Treasurer within one month after  
18 receipt for deposit into the Conservation Police Operations  
19 Assistance Fund.

20 (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;  
21 97-453, eff. 8-19-11; revised 10-4-11.)

22 Section 615. The Juvenile Court Act of 1987 is amended by  
23 changing Section 1-8 as follows:

24 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)



1           Sec. 1-8. Confidentiality and accessibility of juvenile  
2 court records.

3           (A) Inspection and copying of juvenile court records  
4 relating to a minor who is the subject of a proceeding under  
5 this Act shall be restricted to the following:

6           (1) The minor who is the subject of record, his  
7 parents, guardian and counsel.

8           (2) Law enforcement officers and law enforcement  
9 agencies when such information is essential to executing an  
10 arrest or search warrant or other compulsory process, or to  
11 conducting an ongoing investigation or relating to a minor  
12 who has been adjudicated delinquent and there has been a  
13 previous finding that the act which constitutes the  
14 previous offense was committed in furtherance of criminal  
15 activities by a criminal street gang.

16           Before July 1, 1994, for the purposes of this Section,  
17 "criminal street gang" means any ongoing organization,  
18 association, or group of 3 or more persons, whether formal  
19 or informal, having as one of its primary activities the  
20 commission of one or more criminal acts and that has a  
21 common name or common identifying sign, symbol or specific  
22 color apparel displayed, and whose members individually or  
23 collectively engage in or have engaged in a pattern of  
24 criminal activity.

25           Beginning July 1, 1994, for purposes of this Section,  
26 "criminal street gang" has the meaning ascribed to it in

1 Section 10 of the Illinois Streetgang Terrorism Omnibus  
2 Prevention Act.

3 (3) Judges, hearing officers, prosecutors, probation  
4 officers, social workers or other individuals assigned by  
5 the court to conduct a pre-adjudication or predisposition  
6 investigation, and individuals responsible for supervising  
7 or providing temporary or permanent care and custody for  
8 minors pursuant to the order of the juvenile court when  
9 essential to performing their responsibilities.

10 (4) Judges, prosecutors and probation officers:

11 (a) in the course of a trial when institution of  
12 criminal proceedings has been permitted or required  
13 under Section 5-805; or

14 (b) when criminal proceedings have been permitted  
15 or required under Section 5-805 and a minor is the  
16 subject of a proceeding to determine the amount of  
17 bail; or

18 (c) when criminal proceedings have been permitted  
19 or required under Section 5-805 and a minor is the  
20 subject of a pre-trial investigation, pre-sentence  
21 investigation or fitness hearing, or proceedings on an  
22 application for probation; or

23 (d) when a minor becomes 17 years of age or older,  
24 and is the subject of criminal proceedings, including a  
25 hearing to determine the amount of bail, a pre-trial  
26 investigation, a pre-sentence investigation, a fitness

1 hearing, or proceedings on an application for  
2 probation.

3 (5) Adult and Juvenile Prisoner Review Boards.

4 (6) Authorized military personnel.

5 (7) Victims, their subrogees and legal  
6 representatives; however, such persons shall have access  
7 only to the name and address of the minor and information  
8 pertaining to the disposition or alternative adjustment  
9 plan of the juvenile court.

10 (8) Persons engaged in bona fide research, with the  
11 permission of the presiding judge of the juvenile court and  
12 the chief executive of the agency that prepared the  
13 particular records; provided that publication of such  
14 research results in no disclosure of a minor's identity and  
15 protects the confidentiality of the record.

16 (9) The Secretary of State to whom the Clerk of the  
17 Court shall report the disposition of all cases, as  
18 required in Section 6-204 of the Illinois Vehicle Code.  
19 However, information reported relative to these offenses  
20 shall be privileged and available only to the Secretary of  
21 State, courts, and police officers.

22 (10) The administrator of a bonafide substance abuse  
23 student assistance program with the permission of the  
24 presiding judge of the juvenile court.

25 (11) Mental health professionals on behalf of the  
26 Illinois Department of Corrections or the Department of

1 Human Services or prosecutors who are evaluating,  
2 prosecuting, or investigating a potential or actual  
3 petition brought under the Sexually Violent Persons  
4 Commitment Act relating to a person who is the subject of  
5 juvenile court records or the respondent to a petition  
6 brought under the Sexually Violent Persons Commitment Act,  
7 who is the subject of juvenile court records sought. Any  
8 records and any information obtained from those records  
9 under this paragraph (11) may be used only in sexually  
10 violent persons commitment proceedings.

11 (A-1) Findings and exclusions of paternity entered in  
12 proceedings occurring under Article II of this Act shall be  
13 disclosed, in a manner and form approved by the Presiding Judge  
14 of the Juvenile Court, to the Department of Healthcare and  
15 Family Services when necessary to discharge the duties of the  
16 Department of Healthcare and Family Services under Article X of  
17 the Illinois Public Aid Code.

18 (B) A minor who is the victim in a juvenile proceeding  
19 shall be provided the same confidentiality regarding  
20 disclosure of identity as the minor who is the subject of  
21 record.

22 (C) Except as otherwise provided in this subsection (C),  
23 juvenile court records shall not be made available to the  
24 general public but may be inspected by representatives of  
25 agencies, associations and news media or other properly  
26 interested persons by general or special order of the court

1 presiding over matters pursuant to this Act.

2 (0.1) In cases where the records concern a pending  
3 juvenile court case, the party seeking to inspect the  
4 juvenile court records shall provide actual notice to the  
5 attorney or guardian ad litem of the minor whose records  
6 are sought.

7 (0.2) In cases where the records concern a juvenile  
8 court case that is no longer pending, the party seeking to  
9 inspect the juvenile court records shall provide actual  
10 notice to the minor or the minor's parent or legal  
11 guardian, and the matter shall be referred to the chief  
12 judge presiding over matters pursuant to this Act.

13 (0.3) In determining whether the records should be  
14 available for inspection, the court shall consider the  
15 minor's interest in confidentiality and rehabilitation  
16 over the moving party's interest in obtaining the  
17 information. The State's Attorney, the minor, and the  
18 minor's parents, guardian, and counsel shall at all times  
19 have the right to examine court files and records. For  
20 purposes of obtaining documents pursuant to this Section, a  
21 civil subpoena is not an order of the court.

22 (0.4) Any records obtained in violation of this  
23 subsection (C) shall not be admissible in any criminal or  
24 civil proceeding, or operate to disqualify a minor from  
25 subsequently holding public office, or operate as a  
26 forfeiture of any public benefit, right, privilege, or

1 right to receive any license granted by public authority.

2 (1) The court shall allow the general public to have  
3 access to the name, address, and offense of a minor who is  
4 adjudicated a delinquent minor under this Act under either  
5 of the following circumstances:

6 (A) The adjudication of delinquency was based upon  
7 the minor's commission of first degree murder, attempt  
8 to commit first degree murder, aggravated criminal  
9 sexual assault, or criminal sexual assault; or

10 (B) The court has made a finding that the minor was  
11 at least 13 years of age at the time the act was  
12 committed and the adjudication of delinquency was  
13 based upon the minor's commission of: (i) an act in  
14 furtherance of the commission of a felony as a member  
15 of or on behalf of a criminal street gang, (ii) an act  
16 involving the use of a firearm in the commission of a  
17 felony, (iii) an act that would be a Class X felony  
18 offense under or the minor's second or subsequent Class  
19 2 or greater felony offense under the Cannabis Control  
20 Act if committed by an adult, (iv) an act that would be  
21 a second or subsequent offense under Section 402 of the  
22 Illinois Controlled Substances Act if committed by an  
23 adult, (v) an act that would be an offense under  
24 Section 401 of the Illinois Controlled Substances Act  
25 if committed by an adult, (vi) an act that would be a  
26 second or subsequent offense under Section 60 of the

1           Methamphetamine Control and Community Protection Act,  
2           or (vii) an act that would be an offense under another  
3           Section of the Methamphetamine Control and Community  
4           Protection Act.

5           (2) The court shall allow the general public to have  
6           access to the name, address, and offense of a minor who is  
7           at least 13 years of age at the time the offense is  
8           committed and who is convicted, in criminal proceedings  
9           permitted or required under Section 5-4, under either of  
10          the following circumstances:

11           (A) The minor has been convicted of first degree  
12          murder, attempt to commit first degree murder,  
13          aggravated criminal sexual assault, or criminal sexual  
14          assault,

15           (B) The court has made a finding that the minor was  
16          at least 13 years of age at the time the offense was  
17          committed and the conviction was based upon the minor's  
18          commission of: (i) an offense in furtherance of the  
19          commission of a felony as a member of or on behalf of a  
20          criminal street gang, (ii) an offense involving the use  
21          of a firearm in the commission of a felony, (iii) a  
22          Class X felony offense under or a second or subsequent  
23          Class 2 or greater felony offense under the Cannabis  
24          Control Act, (iv) a second or subsequent offense under  
25          Section 402 of the Illinois Controlled Substances Act,  
26          (v) an offense under Section 401 of the Illinois

1           Controlled Substances Act, (vi) an act that would be a  
2           second or subsequent offense under Section 60 of the  
3           Methamphetamine Control and Community Protection Act,  
4           or (vii) an act that would be an offense under another  
5           Section of the Methamphetamine Control and Community  
6           Protection Act.

7           (D) Pending or following any adjudication of delinquency  
8           for any offense defined in Sections 11-1.20 through 11-1.60 or  
9           12-13 through 12-16 of the Criminal Code of 1961, the victim of  
10          any such offense shall receive the rights set out in Sections 4  
11          and 6 of the Bill of Rights for Victims and Witnesses of  
12          Violent Crime Act; and the juvenile who is the subject of the  
13          adjudication, notwithstanding any other provision of this Act,  
14          shall be treated as an adult for the purpose of affording such  
15          rights to the victim.

16          (E) Nothing in this Section shall affect the right of a  
17          Civil Service Commission or appointing authority of any state,  
18          county or municipality examining the character and fitness of  
19          an applicant for employment with a law enforcement agency,  
20          correctional institution, or fire department to ascertain  
21          whether that applicant was ever adjudicated to be a delinquent  
22          minor and, if so, to examine the records of disposition or  
23          evidence which were made in proceedings under this Act.

24          (F) Following any adjudication of delinquency for a crime  
25          which would be a felony if committed by an adult, or following  
26          any adjudication of delinquency for a violation of Section



1 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the  
2 State's Attorney shall ascertain whether the minor respondent  
3 is enrolled in school and, if so, shall provide a copy of the  
4 dispositional order to the principal or chief administrative  
5 officer of the school. Access to such juvenile records shall be  
6 limited to the principal or chief administrative officer of the  
7 school and any guidance counselor designated by him.

8 (G) Nothing contained in this Act prevents the sharing or  
9 disclosure of information or records relating or pertaining to  
10 juveniles subject to the provisions of the Serious Habitual  
11 Offender Comprehensive Action Program when that information is  
12 used to assist in the early identification and treatment of  
13 habitual juvenile offenders.

14 (H) When a Court hearing a proceeding under Article II of  
15 this Act becomes aware that an earlier proceeding under Article  
16 II had been heard in a different county, that Court shall  
17 request, and the Court in which the earlier proceedings were  
18 initiated shall transmit, an authenticated copy of the Court  
19 record, including all documents, petitions, and orders filed  
20 therein and the minute orders, transcript of proceedings, and  
21 docket entries of the Court.

22 (I) The Clerk of the Circuit Court shall report to the  
23 Department of State Police, in the form and manner required by  
24 the Department of State Police, the final disposition of each  
25 minor who has been arrested or taken into custody before his or  
26 her 17th birthday for those offenses required to be reported

1 under Section 5 of the Criminal Identification Act. Information  
2 reported to the Department under this Section may be maintained  
3 with records that the Department files under Section 2.1 of the  
4 Criminal Identification Act.

5 (Source: P.A. 95-123, eff. 8-13-07; 96-212, eff. 8-10-09;  
6 96-1551, eff. 7-1-11; revised 11-21-11.)

7 Section 620. The Criminal Code of 1961 is amended by  
8 changing Sections 10-5, 21-3, 24-3, 26-1, and 26-4 and the  
9 heading of Article 24.6 as follows:

10 (720 ILCS 5/10-5) (from Ch. 38, par. 10-5)

11 Sec. 10-5. Child abduction.

12 (a) For purposes of this Section, the following terms have  
13 the following meanings:

14 (1) "Child" means a person who, at the time the alleged  
15 violation occurred, was under the age of 18 or severely or  
16 profoundly intellectually disabled.

17 (2) "Detains" means taking or retaining physical  
18 custody of a child, whether or not the child resists or  
19 objects.

20 (2.1) "Express consent" means oral or written  
21 permission that is positive, direct, and unequivocal,  
22 requiring no inference or implication to supply its  
23 meaning.

24 (2.2) "Luring" means any knowing act to solicit,

1 entice, tempt, or attempt to attract the minor.

2 (3) "Lawful custodian" means a person or persons  
3 granted legal custody of a child or entitled to physical  
4 possession of a child pursuant to a court order. It is  
5 presumed that, when the parties have never been married to  
6 each other, the mother has legal custody of the child  
7 unless a valid court order states otherwise. If an  
8 adjudication of paternity has been completed and the father  
9 has been assigned support obligations or visitation  
10 rights, such a paternity order should, for the purposes of  
11 this Section, be considered a valid court order granting  
12 custody to the mother.

13 (4) "Putative father" means a man who has a reasonable  
14 belief that he is the father of a child born of a woman who  
15 is not his wife.

16 (5) "Unlawful purpose" means any misdemeanor or felony  
17 violation of State law or a similar federal or sister state  
18 law or local ordinance.

19 (b) A person commits the offense of child abduction when he  
20 or she does any one of the following:

21 (1) Intentionally violates any terms of a valid court  
22 order granting sole or joint custody, care, or possession  
23 to another by concealing or detaining the child or removing  
24 the child from the jurisdiction of the court.

25 (2) Intentionally violates a court order prohibiting  
26 the person from concealing or detaining the child or

1 removing the child from the jurisdiction of the court.

2 (3) Intentionally conceals, detains, or removes the  
3 child without the consent of the mother or lawful custodian  
4 of the child if the person is a putative father and either:

5 (A) the paternity of the child has not been legally  
6 established or (B) the paternity of the child has been  
7 legally established but no orders relating to custody have  
8 been entered. Notwithstanding the presumption created by  
9 paragraph (3) of subsection (a), however, a mother commits  
10 child abduction when she intentionally conceals or removes  
11 a child, whom she has abandoned or relinquished custody of,  
12 from an unadjudicated father who has provided sole ongoing  
13 care and custody of the child in her absence.

14 (4) Intentionally conceals or removes the child from a  
15 parent after filing a petition or being served with process  
16 in an action affecting marriage or paternity but prior to  
17 the issuance of a temporary or final order determining  
18 custody.

19 (5) At the expiration of visitation rights outside the  
20 State, intentionally fails or refuses to return or impedes  
21 the return of the child to the lawful custodian in  
22 Illinois.

23 (6) Being a parent of the child, and if the parents of  
24 that child are or have been married and there has been no  
25 court order of custody, knowingly conceals the child for 15  
26 days, and fails to make reasonable attempts within the

1 15-day period to notify the other parent as to the specific  
2 whereabouts of the child, including a means by which to  
3 contact the child, or to arrange reasonable visitation or  
4 contact with the child. It is not a violation of this  
5 Section for a person fleeing domestic violence to take the  
6 child with him or her to housing provided by a domestic  
7 violence program.

8 (7) Being a parent of the child, and if the parents of  
9 the child are or have been married and there has been no  
10 court order of custody, knowingly conceals, detains, or  
11 removes the child with physical force or threat of physical  
12 force.

13 (8) Knowingly conceals, detains, or removes the child  
14 for payment or promise of payment at the instruction of a  
15 person who has no legal right to custody.

16 (9) Knowingly retains in this State for 30 days a child  
17 removed from another state without the consent of the  
18 lawful custodian or in violation of a valid court order of  
19 custody.

20 (10) Intentionally lures or attempts to lure a child  
21 under the age of 16 into a motor vehicle, building,  
22 housetrailer, or dwelling place without the consent of the  
23 child's parent or lawful custodian for other than a lawful  
24 purpose. For the purposes of this item (10), the trier of  
25 fact may infer that luring or attempted luring of a child  
26 under the age of 16 into a motor vehicle, building,

1       housetrailer, or dwelling place without the express  
2       consent of the child's parent or lawful custodian or with  
3       the intent to avoid the express consent of the child's  
4       parent or lawful custodian was for other than a lawful  
5       purpose.

6               (11) With the intent to obstruct or prevent efforts to  
7       locate the child victim of a child abduction, knowingly  
8       destroys, alters, conceals, or disguises physical evidence  
9       or furnishes false information.

10       (c) It is an affirmative defense to subsections (b) (1)  
11       through (b) (10) of this Section that:

12               (1) the person had custody of the child pursuant to a  
13       court order granting legal custody or visitation rights  
14       that existed at the time of the alleged violation;

15               (2) the person had physical custody of the child  
16       pursuant to a court order granting legal custody or  
17       visitation rights and failed to return the child as a  
18       result of circumstances beyond his or her control, and the  
19       person notified and disclosed to the other parent or legal  
20       custodian the specific whereabouts of the child and a means  
21       by which the child could be contacted or made a reasonable  
22       attempt to notify the other parent or lawful custodian of  
23       the child of those circumstances and made the disclosure  
24       within 24 hours after the visitation period had expired and  
25       returned the child as soon as possible;

26               (3) the person was fleeing an incidence or pattern of

1 domestic violence; or

2 (4) the person lured or attempted to lure a child under  
3 the age of 16 into a motor vehicle, building, housetrailer,  
4 or dwelling place for a lawful purpose in prosecutions  
5 under paragraph (10) of subsection (b).

6 (d) A person convicted of child abduction under this  
7 Section is guilty of a Class 4 felony. A person convicted of  
8 child abduction under subsection (b)(10) shall undergo a sex  
9 offender evaluation prior to a sentence being imposed. A person  
10 convicted of a second or subsequent violation of paragraph (10)  
11 of subsection (b) of this Section is guilty of a Class 3  
12 felony. A person convicted of child abduction under subsection  
13 (b)(10) when the person has a prior conviction of a sex offense  
14 as defined in the Sex Offender Registration Act or any  
15 substantially similar federal, Uniform Code of Military  
16 Justice, sister state, or foreign government offense is guilty  
17 of a Class 2 felony. It is a factor in aggravation under  
18 subsections (b)(1) through (b)(10) of this Section for which a  
19 court may impose a more severe sentence under Section 5-8-1  
20 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter V of the Unified  
21 Code of Corrections if, upon sentencing, the court finds  
22 evidence of any of the following aggravating factors:

23 (1) that the defendant abused or neglected the child  
24 following the concealment, detention, or removal of the  
25 child;

26 (2) that the defendant inflicted or threatened to

1           inflict physical harm on a parent or lawful custodian of  
2           the child or on the child with intent to cause that parent  
3           or lawful custodian to discontinue criminal prosecution of  
4           the defendant under this Section;

5           (3) that the defendant demanded payment in exchange for  
6           return of the child or demanded that he or she be relieved  
7           of the financial or legal obligation to support the child  
8           in exchange for return of the child;

9           (4) that the defendant has previously been convicted of  
10          child abduction;

11          (5) that the defendant committed the abduction while  
12          armed with a deadly weapon or the taking of the child  
13          resulted in serious bodily injury to another; or

14          (6) that the defendant committed the abduction while in  
15          a school, regardless of the time of day or time of year; in  
16          a playground; on any conveyance owned, leased, or  
17          contracted by a school to transport students to or from  
18          school or a school related activity; on the real property  
19          of a school; or on a public way within 1,000 feet of the  
20          real property comprising any school or playground. For  
21          purposes of this paragraph (6), "playground" means a piece  
22          of land owned or controlled by a unit of local government  
23          that is designated by the unit of local government for use  
24          solely or primarily for children's recreation; and  
25          "school" means a public or private elementary or secondary  
26          school, community college, college, or university.



1           (e) The court may order the child to be returned to the  
2 parent or lawful custodian from whom the child was concealed,  
3 detained, or removed. In addition to any sentence imposed, the  
4 court may assess any reasonable expense incurred in searching  
5 for or returning the child against any person convicted of  
6 violating this Section.

7           (f) Nothing contained in this Section shall be construed to  
8 limit the court's contempt power.

9           (g) Every law enforcement officer investigating an alleged  
10 incident of child abduction shall make a written police report  
11 of any bona fide allegation and the disposition of that  
12 investigation. Every police report completed pursuant to this  
13 Section shall be compiled and recorded within the meaning of  
14 Section 5.1 of the Criminal Identification Act.

15           (h) Whenever a law enforcement officer has reasons to  
16 believe a child abduction has occurred, she or he shall provide  
17 the lawful custodian a summary of her or his rights under this  
18 Code, including the procedures and relief available to her or  
19 him.

20           (i) If during the course of an investigation under this  
21 Section the child is found in the physical custody of the  
22 defendant or another, the law enforcement officer shall return  
23 the child to the parent or lawful custodian from whom the child  
24 was concealed, detained, or removed, unless there is good cause  
25 for the law enforcement officer or the Department of Children  
26 and Family Services to retain temporary protective custody of

1 the child pursuant to the Abused and Neglected Child Reporting  
2 Act.

3 (Source: P.A. 96-710, eff. 1-1-10; 96-1000, eff. 7-2-10;  
4 97-160, eff. 1-1-12; 97-227, eff. 1-1-12; revised 9-12-11.)

5 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

6 Sec. 21-3. Criminal trespass to real property.

7 (a) Except as provided in subsection (a-5), whoever:

8 (1) knowingly and without lawful authority enters or  
9 remains within or on a building; or

10 (2) enters upon the land of another, after receiving,  
11 prior to such entry, notice from the owner or occupant that  
12 such entry is forbidden; or

13 (3) remains upon the land of another, after receiving  
14 notice from the owner or occupant to depart; or

15 (3.5) presents false documents or falsely represents  
16 his or her identity orally to the owner or occupant of a  
17 building or land in order to obtain permission from the  
18 owner or occupant to enter or remain in the building or on  
19 the land;

20 commits a Class B misdemeanor.

21 For purposes of item (1) of this subsection, this Section  
22 shall not apply to being in a building which is open to the  
23 public while the building is open to the public during its  
24 normal hours of operation; nor shall this Section apply to a  
25 person who enters a public building under the reasonable belief

1 that the building is still open to the public.

2 (a-5) Except as otherwise provided in this subsection,  
3 whoever enters upon any of the following areas in or on a motor  
4 vehicle (including an off-road vehicle, motorcycle, moped, or  
5 any other powered two-wheel vehicle) after receiving, prior to  
6 that entry, notice from the owner or occupant that the entry is  
7 forbidden or remains upon or in the area after receiving notice  
8 from the owner or occupant to depart commits a Class A  
9 misdemeanor:

10 (1) A field that is used for growing crops or that is  
11 capable of being used for growing crops.

12 (2) An enclosed area containing livestock.

13 (3) An orchard.

14 (4) A barn or other agricultural building containing  
15 livestock.

16 (b) A person has received notice from the owner or occupant  
17 within the meaning of Subsection (a) if he has been notified  
18 personally, either orally or in writing including a valid court  
19 order as defined by subsection (7) of Section 112A-3 of the  
20 Code of Criminal Procedure of 1963 granting remedy (2) of  
21 subsection (b) of Section 112A-14 of that Code, or if a printed  
22 or written notice forbidding such entry has been conspicuously  
23 posted or exhibited at the main entrance to such land or the  
24 forbidden part thereof.

25 (b-5) Subject to the provisions of subsection (b-10), as an  
26 alternative to the posting of real property as set forth in

1 subsection (b), the owner or lessee of any real property may  
2 post the property by placing identifying purple marks on trees  
3 or posts around the area to be posted. Each purple mark shall  
4 be:

5 (1) A vertical line of at least 8 inches in length and  
6 the bottom of the mark shall be no less than 3 feet nor  
7 more than 5 feet high. Such marks shall be placed no more  
8 than 100 feet apart and shall be readily visible to any  
9 person approaching the property; or

10 (2) A post capped or otherwise marked on at least its  
11 top 2 inches. The bottom of the cap or mark shall be not  
12 less than 3 feet but not more than 5 feet 6 inches high.  
13 Posts so marked shall be placed not more than 36 feet apart  
14 and shall be readily visible to any person approaching the  
15 property. Prior to applying a cap or mark which is visible  
16 from both sides of a fence shared by different property  
17 owners or lessees, all such owners or lessees shall concur  
18 in the decision to post their own property.

19 Nothing in this subsection (b-5) shall be construed to  
20 authorize the owner or lessee of any real property to place any  
21 purple marks on any tree or post or to install any post or  
22 fence if doing so would violate any applicable law, rule,  
23 ordinance, order, covenant, bylaw, declaration, regulation,  
24 restriction, contract, or instrument.

25 (b-10) Any owner or lessee who marks his or her real  
26 property using the method described in subsection (b-5) must

1 also provide notice as described in subsection (b) of this  
2 Section. The public of this State shall be informed of the  
3 provisions of subsection (b-5) of this Section by the Illinois  
4 Department of Agriculture and the Illinois Department of  
5 Natural Resources. These Departments shall conduct an  
6 information campaign for the general public concerning the  
7 interpretation and implementation of subsection (b-5). The  
8 information shall inform the public about the marking  
9 requirements and the applicability of subsection (b-5)  
10 including information regarding the size requirements of the  
11 markings as well as the manner in which the markings shall be  
12 displayed. The Departments shall also include information  
13 regarding the requirement that, until the date this subsection  
14 becomes inoperative, any owner or lessee who chooses to mark  
15 his or her property using paint, must also comply with one of  
16 the notice requirements listed in subsection (b). The  
17 Departments may prepare a brochure or may disseminate the  
18 information through agency websites. Non-governmental  
19 organizations including, but not limited to, the Illinois  
20 Forestry Association, Illinois Tree Farm and the Walnut Council  
21 may help to disseminate the information regarding the  
22 requirements and applicability of subsection (b-5) based on  
23 materials provided by the Departments. This subsection (b-10)  
24 is inoperative on and after January 1, 2013.

25 (b-15) Subsections (b-5) and (b-10) do not apply to real  
26 property located in a municipality of over 2,000,000

1 inhabitants.

2 (c) This Section does not apply to any person, whether a  
3 migrant worker or otherwise, living on the land with permission  
4 of the owner or of his agent having apparent authority to hire  
5 workers on such land and assign them living quarters or a place  
6 of accommodations for living thereon, nor to anyone living on  
7 such land at the request of, or by occupancy, leasing or other  
8 agreement or arrangement with the owner or his agent, nor to  
9 anyone invited by such migrant worker or other person so living  
10 on such land to visit him at the place he is so living upon the  
11 land.

12 (d) A person shall be exempt from prosecution under this  
13 Section if he beautifies unoccupied and abandoned residential  
14 and industrial properties located within any municipality. For  
15 the purpose of this subsection, "unoccupied and abandoned  
16 residential and industrial property" means any real estate (1)  
17 in which the taxes have not been paid for a period of at least 2  
18 years; and (2) which has been left unoccupied and abandoned for  
19 a period of at least one year; and "beautifies" means to  
20 landscape, clean up litter, or to repair dilapidated conditions  
21 on or to board up windows and doors.

22 (e) No person shall be liable in any civil action for money  
23 damages to the owner of unoccupied and abandoned residential  
24 and industrial property which that person beautifies pursuant  
25 to subsection (d) of this Section.

26 (f) This Section does not prohibit a person from entering a

1 building or upon the land of another for emergency purposes.  
2 For purposes of this subsection (f), "emergency" means a  
3 condition or circumstance in which an individual is or is  
4 reasonably believed by the person to be in imminent danger of  
5 serious bodily harm or in which property is or is reasonably  
6 believed to be in imminent danger of damage or destruction.

7 (g) Paragraph (3.5) of subsection (a) does not apply to a  
8 peace officer or other official of a unit of government who  
9 enters a building or land in the performance of his or her  
10 official duties.

11 (h) A person may be liable in any civil action for money  
12 damages to the owner of the land he or she entered upon with a  
13 motor vehicle as prohibited under subsection (a-5) of this  
14 Section. A person may also be liable to the owner for court  
15 costs and reasonable attorney's fees. The measure of damages  
16 shall be: (i) the actual damages, but not less than \$250, if  
17 the vehicle is operated in a nature preserve or registered area  
18 as defined in Sections 3.11 and 3.14 of the Illinois Natural  
19 Areas Preservation Act; (ii) twice the actual damages if the  
20 owner has previously notified the person to cease trespassing;  
21 or (iii) in any other case, the actual damages, but not less  
22 than \$50. If the person operating the vehicle is under the age  
23 of 16, the owner of the vehicle and the parent or legal  
24 guardian of the minor are jointly and severally liable. For the  
25 purposes of this subsection (h):

26 "Land" includes, but is not limited to, land used for

1 crop land, fallow land, orchard, pasture, feed lot, timber  
2 land, prairie land, mine spoil nature preserves and  
3 registered areas. "Land" does not include driveways or  
4 private roadways upon which the owner allows the public to  
5 drive.

6 "Owner" means the person who has the right to  
7 possession of the land, including the owner, operator or  
8 tenant.

9 "Vehicle" has the same meaning as provided under  
10 Section 1-217 of the Illinois Vehicle Code.

11 (i) This Section does not apply to the following persons  
12 while serving process:

13 (1) a person authorized to serve process under Section  
14 2-202 of the Code of Civil Procedure; or

15 (2) a special process server appointed by the circuit  
16 court.

17 (Source: P.A. 97-184, eff. 7-22-11; 97-477, eff. 8-22-11;  
18 revised 9-14-11.)

19 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

20 Sec. 24-3. Unlawful sale or delivery of firearms.

21 (A) A person commits the offense of unlawful sale or  
22 delivery of firearms when he or she knowingly does any of the  
23 following:

24 (a) Sells or gives any firearm of a size which may be  
25 concealed upon the person to any person under 18 years of



1 age.

2 (b) Sells or gives any firearm to a person under 21  
3 years of age who has been convicted of a misdemeanor other  
4 than a traffic offense or adjudged delinquent.

5 (c) Sells or gives any firearm to any narcotic addict.

6 (d) Sells or gives any firearm to any person who has  
7 been convicted of a felony under the laws of this or any  
8 other jurisdiction.

9 (e) Sells or gives any firearm to any person who has  
10 been a patient in a mental hospital within the past 5  
11 years.

12 (f) Sells or gives any firearms to any person who is  
13 intellectually disabled.

14 (g) Delivers any firearm of a size which may be  
15 concealed upon the person, incidental to a sale, without  
16 withholding delivery of such firearm for at least 72 hours  
17 after application for its purchase has been made, or  
18 delivers any rifle, shotgun or other long gun, or a stun  
19 gun or taser, incidental to a sale, without withholding  
20 delivery of such rifle, shotgun or other long gun, or a  
21 stun gun or taser for at least 24 hours after application  
22 for its purchase has been made. However, this paragraph (g)  
23 does not apply to: (1) the sale of a firearm to a law  
24 enforcement officer if the seller of the firearm knows that  
25 the person to whom he or she is selling the firearm is a  
26 law enforcement officer or the sale of a firearm to a

1 person who desires to purchase a firearm for use in  
2 promoting the public interest incident to his or her  
3 employment as a bank guard, armed truck guard, or other  
4 similar employment; (2) a mail order sale of a firearm to a  
5 nonresident of Illinois under which the firearm is mailed  
6 to a point outside the boundaries of Illinois; (3) the sale  
7 of a firearm to a nonresident of Illinois while at a  
8 firearm showing or display recognized by the Illinois  
9 Department of State Police; or (4) the sale of a firearm to  
10 a dealer licensed as a federal firearms dealer under  
11 Section 923 of the federal Gun Control Act of 1968 (18  
12 U.S.C. 923). For purposes of this paragraph (g),  
13 "application" means when the buyer and seller reach an  
14 agreement to purchase a firearm.

15 (h) While holding any license as a dealer, importer,  
16 manufacturer or pawnbroker under the federal Gun Control  
17 Act of 1968, manufactures, sells or delivers to any  
18 unlicensed person a handgun having a barrel, slide, frame  
19 or receiver which is a die casting of zinc alloy or any  
20 other nonhomogeneous metal which will melt or deform at a  
21 temperature of less than 800 degrees Fahrenheit. For  
22 purposes of this paragraph, (1) "firearm" is defined as in  
23 the Firearm Owners Identification Card Act; and (2)  
24 "handgun" is defined as a firearm designed to be held and  
25 fired by the use of a single hand, and includes a  
26 combination of parts from which such a firearm can be

1 assembled.

2 (i) Sells or gives a firearm of any size to any person  
3 under 18 years of age who does not possess a valid Firearm  
4 Owner's Identification Card.

5 (j) Sells or gives a firearm while engaged in the  
6 business of selling firearms at wholesale or retail without  
7 being licensed as a federal firearms dealer under Section  
8 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
9 In this paragraph (j):

10 A person "engaged in the business" means a person who  
11 devotes time, attention, and labor to engaging in the  
12 activity as a regular course of trade or business with the  
13 principal objective of livelihood and profit, but does not  
14 include a person who makes occasional repairs of firearms  
15 or who occasionally fits special barrels, stocks, or  
16 trigger mechanisms to firearms.

17 "With the principal objective of livelihood and  
18 profit" means that the intent underlying the sale or  
19 disposition of firearms is predominantly one of obtaining  
20 livelihood and pecuniary gain, as opposed to other intents,  
21 such as improving or liquidating a personal firearms  
22 collection; however, proof of profit shall not be required  
23 as to a person who engages in the regular and repetitive  
24 purchase and disposition of firearms for criminal purposes  
25 or terrorism.

26 (k) Sells or transfers ownership of a firearm to a

1 person who does not display to the seller or transferor of  
2 the firearm a currently valid Firearm Owner's  
3 Identification Card that has previously been issued in the  
4 transferee's name by the Department of State Police under  
5 the provisions of the Firearm Owners Identification Card  
6 Act. This paragraph (k) does not apply to the transfer of a  
7 firearm to a person who is exempt from the requirement of  
8 possessing a Firearm Owner's Identification Card under  
9 Section 2 of the Firearm Owners Identification Card Act.  
10 For the purposes of this Section, a currently valid Firearm  
11 Owner's Identification Card means (i) a Firearm Owner's  
12 Identification Card that has not expired or (ii) if the  
13 transferor is licensed as a federal firearms dealer under  
14 Section 923 of the federal Gun Control Act of 1968 (18  
15 U.S.C. 923), an approval number issued in accordance with  
16 Section 3.1 of the Firearm Owners Identification Card Act  
17 shall be proof that the Firearm Owner's Identification Card  
18 was valid.

19 (l) Not being entitled to the possession of a firearm,  
20 delivers the firearm, knowing it to have been stolen or  
21 converted. It may be inferred that a person who possesses a  
22 firearm with knowledge that its serial number has been  
23 removed or altered has knowledge that the firearm is stolen  
24 or converted.

25 (B) Paragraph (h) of subsection (A) does not include  
26 firearms sold within 6 months after enactment of Public Act

1 78-355 (approved August 21, 1973, effective October 1, 1973),  
2 nor is any firearm legally owned or possessed by any citizen or  
3 purchased by any citizen within 6 months after the enactment of  
4 Public Act 78-355 subject to confiscation or seizure under the  
5 provisions of that Public Act. Nothing in Public Act 78-355  
6 shall be construed to prohibit the gift or trade of any firearm  
7 if that firearm was legally held or acquired within 6 months  
8 after the enactment of that Public Act.

9 (C) Sentence.

10 (1) Any person convicted of unlawful sale or delivery  
11 of firearms in violation of paragraph (c), (e), (f), (g),  
12 or (h) of subsection (A) commits a Class 4 felony.

13 (2) Any person convicted of unlawful sale or delivery  
14 of firearms in violation of paragraph (b) or (i) of  
15 subsection (A) commits a Class 3 felony.

16 (3) Any person convicted of unlawful sale or delivery  
17 of firearms in violation of paragraph (a) of subsection (A)  
18 commits a Class 2 felony.

19 (4) Any person convicted of unlawful sale or delivery  
20 of firearms in violation of paragraph (a), (b), or (i) of  
21 subsection (A) in any school, on the real property  
22 comprising a school, within 1,000 feet of the real property  
23 comprising a school, at a school related activity, or on or  
24 within 1,000 feet of any conveyance owned, leased, or  
25 contracted by a school or school district to transport  
26 students to or from school or a school related activity,

1           regardless of the time of day or time of year at which the  
2           offense was committed, commits a Class 1 felony. Any person  
3           convicted of a second or subsequent violation of unlawful  
4           sale or delivery of firearms in violation of paragraph (a),  
5           (b), or (i) of subsection (A) in any school, on the real  
6           property comprising a school, within 1,000 feet of the real  
7           property comprising a school, at a school related activity,  
8           or on or within 1,000 feet of any conveyance owned, leased,  
9           or contracted by a school or school district to transport  
10          students to or from school or a school related activity,  
11          regardless of the time of day or time of year at which the  
12          offense was committed, commits a Class 1 felony for which  
13          the sentence shall be a term of imprisonment of no less  
14          than 5 years and no more than 15 years.

15           (5) Any person convicted of unlawful sale or delivery  
16          of firearms in violation of paragraph (a) or (i) of  
17          subsection (A) in residential property owned, operated, or  
18          managed by a public housing agency or leased by a public  
19          housing agency as part of a scattered site or mixed-income  
20          development, in a public park, in a courthouse, on  
21          residential property owned, operated, or managed by a  
22          public housing agency or leased by a public housing agency  
23          as part of a scattered site or mixed-income development, on  
24          the real property comprising any public park, on the real  
25          property comprising any courthouse, or on any public way  
26          within 1,000 feet of the real property comprising any

1 public park, courthouse, or residential property owned,  
2 operated, or managed by a public housing agency or leased  
3 by a public housing agency as part of a scattered site or  
4 mixed-income development commits a Class 2 felony.

5 (6) Any person convicted of unlawful sale or delivery  
6 of firearms in violation of paragraph (j) of subsection (A)  
7 commits a Class A misdemeanor. A second or subsequent  
8 violation is a Class 4 felony.

9 (7) Any person convicted of unlawful sale or delivery  
10 of firearms in violation of paragraph (k) of subsection (A)  
11 commits a Class 4 felony. A third or subsequent conviction  
12 for a violation of paragraph (k) of subsection (A) is a  
13 Class 1 felony.

14 (8) A person 18 years of age or older convicted of  
15 unlawful sale or delivery of firearms in violation of  
16 paragraph (a) or (i) of subsection (A), when the firearm  
17 that was sold or given to another person under 18 years of  
18 age was used in the commission of or attempt to commit a  
19 forcible felony, shall be fined or imprisoned, or both, not  
20 to exceed the maximum provided for the most serious  
21 forcible felony so committed or attempted by the person  
22 under 18 years of age who was sold or given the firearm.

23 (9) Any person convicted of unlawful sale or delivery  
24 of firearms in violation of paragraph (d) of subsection (A)  
25 commits a Class 3 felony.

26 (10) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (1) of subsection (A)  
2 commits a Class 2 felony if the delivery is of one firearm.  
3 Any person convicted of unlawful sale or delivery of  
4 firearms in violation of paragraph (1) of subsection (A)  
5 commits a Class 1 felony if the delivery is of not less  
6 than 2 and not more than 5 firearms at the same time or  
7 within a one year period. Any person convicted of unlawful  
8 sale or delivery of firearms in violation of paragraph (1)  
9 of subsection (A) commits a Class X felony for which he or  
10 she shall be sentenced to a term of imprisonment of not  
11 less than 6 years and not more than 30 years if the  
12 delivery is of not less than 6 and not more than 10  
13 firearms at the same time or within a 2 year period. Any  
14 person convicted of unlawful sale or delivery of firearms  
15 in violation of paragraph (1) of subsection (A) commits a  
16 Class X felony for which he or she shall be sentenced to a  
17 term of imprisonment of not less than 6 years and not more  
18 than 40 years if the delivery is of not less than 11 and  
19 not more than 20 firearms at the same time or within a 3  
20 year period. Any person convicted of unlawful sale or  
21 delivery of firearms in violation of paragraph (1) of  
22 subsection (A) commits a Class X felony for which he or she  
23 shall be sentenced to a term of imprisonment of not less  
24 than 6 years and not more than 50 years if the delivery is  
25 of not less than 21 and not more than 30 firearms at the  
26 same time or within a 4 year period. Any person convicted



1 of unlawful sale or delivery of firearms in violation of  
2 paragraph (1) of subsection (A) commits a Class X felony  
3 for which he or she shall be sentenced to a term of  
4 imprisonment of not less than 6 years and not more than 60  
5 years if the delivery is of 31 or more firearms at the same  
6 time or within a 5 year period.

7 (D) For purposes of this Section:

8 "School" means a public or private elementary or secondary  
9 school, community college, college, or university.

10 "School related activity" means any sporting, social,  
11 academic, or other activity for which students' attendance or  
12 participation is sponsored, organized, or funded in whole or in  
13 part by a school or school district.

14 (E) A prosecution for a violation of paragraph (k) of  
15 subsection (A) of this Section may be commenced within 6 years  
16 after the commission of the offense. A prosecution for a  
17 violation of this Section other than paragraph (g) of  
18 subsection (A) of this Section may be commenced within 5 years  
19 after the commission of the offense defined in the particular  
20 paragraph.

21 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,  
22 eff. 1-1-12; revised 9-14-11.)

23 (720 ILCS 5/Art. 24.6 heading)

24 ARTICLE 24.6. LASERS ~~LASER~~ AND LASER POINTERS

25 (Source: P.A. 97-153, eff. 1-1-12; revised 11-21-11.)

1 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

2 Sec. 26-1. Elements of the Offense.

3 (a) A person commits disorderly conduct when he knowingly:

4 (1) Does any act in such unreasonable manner as to  
5 alarm or disturb another and to provoke a breach of the  
6 peace; or

7 (2) Transmits or causes to be transmitted in any manner  
8 to the fire department of any city, town, village or fire  
9 protection district a false alarm of fire, knowing at the  
10 time of such transmission that there is no reasonable  
11 ground for believing that such fire exists; or

12 (3) Transmits or causes to be transmitted in any manner  
13 to another a false alarm to the effect that a bomb or other  
14 explosive of any nature or a container holding poison gas,  
15 a deadly biological or chemical contaminant, or  
16 radioactive substance is concealed in such place that its  
17 explosion or release would endanger human life, knowing at  
18 the time of such transmission that there is no reasonable  
19 ground for believing that such bomb, explosive or a  
20 container holding poison gas, a deadly biological or  
21 chemical contaminant, or radioactive substance is  
22 concealed in such place; or

23 (4) Transmits or causes to be transmitted in any manner  
24 to any peace officer, public officer or public employee a  
25 report to the effect that an offense will be committed, is

1 being committed, or has been committed, knowing at the time  
2 of such transmission that there is no reasonable ground for  
3 believing that such an offense will be committed, is being  
4 committed, or has been committed; or

5 (5) Enters upon the property of another and for a lewd  
6 or unlawful purpose deliberately looks into a dwelling on  
7 the property through any window or other opening in it; or

8 (6) While acting as a collection agency as defined in  
9 the "Collection Agency Act" or as an employee of such  
10 collection agency, and while attempting to collect an  
11 alleged debt, makes a telephone call to the alleged debtor  
12 which is designed to harass, annoy or intimidate the  
13 alleged debtor; or

14 (7) Transmits or causes to be transmitted a false  
15 report to the Department of Children and Family Services  
16 under Section 4 of the "Abused and Neglected Child  
17 Reporting Act"; or

18 (8) Transmits or causes to be transmitted a false  
19 report to the Department of Public Health under the Nursing  
20 Home Care Act, the Specialized Mental Health  
21 Rehabilitation Act, or the ID/DD Community Care Act; or

22 (9) Transmits or causes to be transmitted in any manner  
23 to the police department or fire department of any  
24 municipality or fire protection district, or any privately  
25 owned and operated ambulance service, a false request for  
26 an ambulance, emergency medical technician-ambulance or

1 emergency medical technician-paramedic knowing at the time  
2 there is no reasonable ground for believing that such  
3 assistance is required; or

4 (10) Transmits or causes to be transmitted a false  
5 report under Article II of "An Act in relation to victims  
6 of violence and abuse", approved September 16, 1984, as  
7 amended; or

8 (11) Transmits or causes to be transmitted a false  
9 report to any public safety agency without the reasonable  
10 grounds necessary to believe that transmitting such a  
11 report is necessary for the safety and welfare of the  
12 public; or

13 (12) Calls the number "911" for the purpose of making  
14 or transmitting a false alarm or complaint and reporting  
15 information when, at the time the call or transmission is  
16 made, the person knows there is no reasonable ground for  
17 making the call or transmission and further knows that the  
18 call or transmission could result in the emergency response  
19 of any public safety agency; or

20 (13) Transmits or causes to be transmitted a threat of  
21 destruction of a school building or school property, or a  
22 threat of violence, death, or bodily harm directed against  
23 persons at a school, school function, or school event,  
24 whether or not school is in session.

25 (b) Sentence. A violation of subsection (a)(1) of this  
26 Section is a Class C misdemeanor. A violation of subsection

1 (a) (5) or (a) (11) of this Section is a Class A misdemeanor. A  
2 violation of subsection (a) (8) or (a) (10) of this Section is a  
3 Class B misdemeanor. A violation of subsection (a) (2), (a) (4),  
4 (a) (7), (a) (9), (a) (12), or (a) (13) of this Section is a Class  
5 4 felony. A violation of subsection (a) (3) of this Section is a  
6 Class 3 felony, for which a fine of not less than \$3,000 and no  
7 more than \$10,000 shall be assessed in addition to any other  
8 penalty imposed.

9 A violation of subsection (a) (6) of this Section is a  
10 Business Offense and shall be punished by a fine not to exceed  
11 \$3,000. A second or subsequent violation of subsection (a) (7)  
12 or (a) (11) of this Section is a Class 4 felony. A third or  
13 subsequent violation of subsection (a) (5) of this Section is a  
14 Class 4 felony.

15 (c) In addition to any other sentence that may be imposed,  
16 a court shall order any person convicted of disorderly conduct  
17 to perform community service for not less than 30 and not more  
18 than 120 hours, if community service is available in the  
19 jurisdiction and is funded and approved by the county board of  
20 the county where the offense was committed. In addition,  
21 whenever any person is placed on supervision for an alleged  
22 offense under this Section, the supervision shall be  
23 conditioned upon the performance of the community service.

24 This subsection does not apply when the court imposes a  
25 sentence of incarceration.

26 (d) In addition to any other sentence that may be imposed,

1 the court shall order any person convicted of disorderly  
2 conduct under paragraph (3) of subsection (a) involving a false  
3 alarm of a threat that a bomb or explosive device has been  
4 placed in a school to reimburse the unit of government that  
5 employs the emergency response officer or officers that were  
6 dispatched to the school for the cost of the search for a bomb  
7 or explosive device. For the purposes of this Section,  
8 "emergency response" means any incident requiring a response by  
9 a police officer, a firefighter, a State Fire Marshal employee,  
10 or an ambulance.

11 (Source: P.A. 96-339, eff. 7-1-10; 96-413, eff. 8-13-09;  
12 96-772, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1261, eff.  
13 1-1-11; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; revised  
14 9-14-11.)

15 (720 ILCS 5/26-4) (from Ch. 38, par. 26-4)

16 Sec. 26-4. Unauthorized video recording and live video  
17 transmission.

18 (a) It is unlawful for any person to knowingly make a video  
19 record or transmit live video of another person without that  
20 person's consent in a restroom, tanning bed, tanning salon,  
21 locker room, changing room, or hotel bedroom.

22 (a-5) It is unlawful for any person to knowingly make a  
23 video record or transmit live video of another person in that  
24 other person's residence without that person's consent.

25 (a-6) It is unlawful for any person to knowingly make a

1 video record or transmit live video of another person in that  
2 other person's residence without that person's consent when the  
3 recording or transmission is made outside that person's  
4 residence by use of an audio or video device that records or  
5 transmits from a remote location.

6 (a-10) It is unlawful for any person to knowingly make a  
7 video record or transmit live video of another person under or  
8 through the clothing worn by that other person for the purpose  
9 of viewing the body of or the undergarments worn by that other  
10 person without that person's consent.

11 (a-15) It is unlawful for any person to place or cause to  
12 be placed a device that makes a video record or transmits a  
13 live video in a restroom, tanning bed, tanning salon, locker  
14 room, changing room, or hotel bedroom with the intent to make a  
15 video record or transmit live video of another person without  
16 that person's consent.

17 (a-20) It is unlawful for any person to place or cause to  
18 be placed a device that makes a video record or transmits a  
19 live video with the intent to make a video record or transmit  
20 live video of another person in that other person's residence  
21 without that person's consent.

22 (a-25) It is unlawful for any person to, by any means,  
23 knowingly disseminate, or permit to be disseminated, a video  
24 record or live video that he or she knows to have been made or  
25 transmitted in violation of (a), (a-5), (a-6), (a-10), (a-15),  
26 or (a-20).

1 (b) Exemptions. The following activities shall be exempt  
2 from the provisions of this Section:

3 (1) The making of a video record or transmission of  
4 live video by law enforcement officers pursuant to a  
5 criminal investigation, which is otherwise lawful;

6 (2) The making of a video record or transmission of  
7 live video by correctional officials for security reasons  
8 or for investigation of alleged misconduct involving a  
9 person committed to the Department of Corrections; ~~and~~

10 (3) The making of a video record or transmission of  
11 live video in a locker room by a reporter or news medium,  
12 as those terms are defined in Section 8-902 of the Code of  
13 Civil Procedure, where the reporter or news medium has been  
14 granted access to the locker room by an appropriate  
15 authority for the purpose of conducting interviews.

16 (c) The provisions of this Section do not apply to any  
17 sound recording or transmission of an oral conversation made as  
18 the result of the making of a video record or transmission of  
19 live video, and to which Article 14 of this Code applies.

20 (d) Sentence.

21 (1) A violation of subsection (a-10), (a-15), or (a-20)  
22 is a Class A misdemeanor.

23 (2) A violation of subsection (a), (a-5), or (a-6) is a  
24 Class 4 felony.

25 (3) A violation of subsection (a-25) is a Class 3  
26 felony.



1           (4) A violation of subsection (a), (a-5), (a-6),  
2           (a-10), (a-15) or (a-20) is a Class 3 felony if the victim  
3           is a person under 18 years of age or if the violation is  
4           committed by an individual who is required to register as a  
5           sex offender under the Sex Offender Registration Act.

6           (5) A violation of subsection (a-25) is a Class 2  
7           felony if the victim is a person under 18 years of age or  
8           if the violation is committed by an individual who is  
9           required to register as a sex offender under the Sex  
10          Offender Registration Act.

11          (e) For purposes of this Section:

12           (1) "Residence" includes a rental dwelling, but does  
13           not include stairwells, corridors, laundry facilities, or  
14           additional areas in which the general public has access.

15           (2) "Video record" means and includes any videotape,  
16           photograph, film, or other electronic or digital recording  
17           of a still or moving visual image; and "live video" means  
18           and includes any real-time or contemporaneous electronic  
19           or digital transmission of a still or moving visual image.

20          (Source: P.A. 95-178, eff. 8-14-07; 95-265, eff. 1-1-08;  
21          95-876, eff. 8-21-08; 96-416, eff. 1-1-10; revised 11-21-11.)

22          Section 625. The Cannabis Control Act is amended by  
23          changing Section 12 as follows:

24           (720 ILCS 550/12) (from Ch. 56 1/2, par. 712)

1           Sec. 12. (a) The following are subject to forfeiture:

2                   (1) all substances containing cannabis which have been  
3 produced, manufactured, delivered, or possessed in  
4 violation of this Act;

5                   (2) all raw materials, products and equipment of any  
6 kind which are produced, delivered, or possessed in  
7 connection with any substance containing cannabis in  
8 violation of this Act;

9                   (3) all conveyances, including aircraft, vehicles or  
10 vessels, which are used, or intended for use, to transport,  
11 or in any manner to facilitate the transportation, sale,  
12 receipt, possession, or concealment of property described  
13 in paragraph (1) or (2) that constitutes a felony violation  
14 of the Act, but:

15                           (i) no conveyance used by any person as a common  
16 carrier in the transaction of business as a common  
17 carrier is subject to forfeiture under this Section  
18 unless it appears that the owner or other person in  
19 charge of the conveyance is a consenting party or privy  
20 to a violation of this Act;

21                           (ii) no conveyance is subject to forfeiture under  
22 this Section by reason of any act or omission which the  
23 owner proves to have been committed or omitted without  
24 his knowledge or consent;

25                           (iii) a forfeiture of a conveyance encumbered by a  
26 bona fide security interest is subject to the interest

1 of the secured party if he neither had knowledge of nor  
2 consented to the act or omission;

3 (4) all money, things of value, books, records, and  
4 research products and materials including formulas,  
5 microfilm, tapes, and data which are used, or intended for  
6 use in a felony violation of this Act;

7 (5) everything of value furnished or intended to be  
8 furnished by any person in exchange for a substance in  
9 violation of this Act, all proceeds traceable to such an  
10 exchange, and all moneys, negotiable instruments, and  
11 securities used, or intended to be used, to commit or in  
12 any manner to facilitate any felony violation of this Act;

13 (6) all real property, including any right, title, and  
14 interest including, but not limited to, any leasehold  
15 interest or the beneficial interest to a land trust, in the  
16 whole of any lot or tract of land and any appurtenances or  
17 improvements, that is used or intended to be used to  
18 facilitate the manufacture, distribution, sale, receipt,  
19 or concealment of property described in paragraph (1) or  
20 (2) of this subsection (a) that constitutes a felony  
21 violation of more than 2,000 grams of a substance  
22 containing cannabis or that is the proceeds of any felony  
23 violation of this Act.

24 (b) Property subject to forfeiture under this Act may be  
25 seized by the Director or any peace officer upon process or  
26 seizure warrant issued by any court having jurisdiction over

1 the property. Seizure by the Director or any peace officer  
2 without process may be made:

3 (1) if the property subject to seizure has been the  
4 subject of a prior judgment in favor of the State in a  
5 criminal proceeding or in an injunction or forfeiture  
6 proceeding based upon this Act or the Drug Asset Forfeiture  
7 Procedure Act;

8 (2) if there is probable cause to believe that the  
9 property is directly or indirectly dangerous to health or  
10 safety;

11 (3) if there is probable cause to believe that the  
12 property is subject to forfeiture under this Act and the  
13 property is seized under circumstances in which a  
14 warrantless seizure or arrest would be reasonable; or

15 (4) in accordance with the Code of Criminal Procedure  
16 of 1963.

17 (c) In the event of seizure pursuant to subsection (b),  
18 notice shall be given forthwith to all known interest holders  
19 that forfeiture proceedings, including a preliminary review,  
20 shall be instituted in accordance with the Drug Asset  
21 Forfeiture Procedure Act and such proceedings shall thereafter  
22 be instituted in accordance with that Act. Upon a showing of  
23 good cause, the notice required for a preliminary review under  
24 this Section may be postponed.

25 (c-1) In the event the State's Attorney is of the opinion  
26 that real property is subject to forfeiture under this Act,

1 forfeiture proceedings shall be instituted in accordance with  
2 the Drug Asset Forfeiture Procedure Act. The exemptions from  
3 forfeiture provisions of Section 8 of the Drug Asset Forfeiture  
4 Procedure Act are applicable.

5 (d) Property taken or detained under this Section shall not  
6 be subject to replevin, but is deemed to be in the custody of  
7 the Director subject only to the order and judgments of the  
8 circuit court having jurisdiction over the forfeiture  
9 proceedings and the decisions of the State's Attorney under the  
10 Drug Asset Forfeiture Procedure Act. When property is seized  
11 under this Act, the seizing agency shall promptly conduct an  
12 inventory of the seized property, estimate the property's  
13 value, and shall forward a copy of the inventory of seized  
14 property and the estimate of the property's value to the  
15 Director. Upon receiving notice of seizure, the Director may:

- 16 (1) place the property under seal;
- 17 (2) remove the property to a place designated by him;
- 18 (3) keep the property in the possession of the seizing  
19 agency;
- 20 (4) remove the property to a storage area for  
21 safekeeping or, if the property is a negotiable instrument  
22 or money and is not needed for evidentiary purposes,  
23 deposit it in an interest bearing account;
- 24 (5) place the property under constructive seizure by  
25 posting notice of pending forfeiture on it, by giving  
26 notice of pending forfeiture to its owners and interest

1 holders, or by filing notice of pending forfeiture in any  
2 appropriate public record relating to the property; or

3 (6) provide for another agency or custodian, including  
4 an owner, secured party, or lienholder, to take custody of  
5 the property upon the terms and conditions set by the  
6 Director.

7 (e) No disposition may be made of property under seal until  
8 the time for taking an appeal has elapsed or until all appeals  
9 have been concluded unless a court, upon application therefor,  
10 orders the sale of perishable substances and the deposit of the  
11 proceeds of the sale with the court.

12 (f) When property is forfeited under this Act the Director  
13 shall sell all such property unless such property is required  
14 by law to be destroyed or is harmful to the public, and shall  
15 distribute the proceeds of the sale, together with any moneys  
16 forfeited or seized, in accordance with subsection (g).  
17 However, upon the application of the seizing agency or  
18 prosecutor who was responsible for the investigation, arrest or  
19 arrests and prosecution which lead to the forfeiture, the  
20 Director may return any item of forfeited property to the  
21 seizing agency or prosecutor for official use in the  
22 enforcement of laws relating to cannabis or controlled  
23 substances, if the agency or prosecutor can demonstrate that  
24 the item requested would be useful to the agency or prosecutor  
25 in their enforcement efforts. When any forfeited conveyance,  
26 including an aircraft, vehicle, or vessel, is returned to the

1 seizing agency or prosecutor, the conveyance may be used  
2 immediately in the enforcement of the criminal laws of this  
3 State. Upon disposal, all proceeds from the sale of the  
4 conveyance must be used for drug enforcement purposes. When any  
5 real property returned to the seizing agency is sold by the  
6 agency or its unit of government, the proceeds of the sale  
7 shall be delivered to the Director and distributed in  
8 accordance with subsection (g).

9 (g) All monies and the sale proceeds of all other property  
10 forfeited and seized under this Act shall be distributed as  
11 follows:

12 (1) 65% shall be distributed to the metropolitan  
13 enforcement group, local, municipal, county, or state law  
14 enforcement agency or agencies which conducted or  
15 participated in the investigation resulting in the  
16 forfeiture. The distribution shall bear a reasonable  
17 relationship to the degree of direct participation of the  
18 law enforcement agency in the effort resulting in the  
19 forfeiture, taking into account the total value of the  
20 property forfeited and the total law enforcement effort  
21 with respect to the violation of the law upon which the  
22 forfeiture is based. Amounts distributed to the agency or  
23 agencies shall be used for the enforcement of laws  
24 governing cannabis and controlled substances or for  
25 security cameras used for the prevention or detection of  
26 violence, except that amounts distributed to the Secretary

1 of State shall be deposited into the Secretary of State  
2 Evidence Fund to be used as provided in Section 2-115 of  
3 the Illinois Vehicle Code.

4 (2) (i) 12.5% shall be distributed to the Office of the  
5 State's Attorney of the county in which the prosecution  
6 resulting in the forfeiture was instituted, deposited in a  
7 special fund in the county treasury and appropriated to the  
8 State's Attorney for use in the enforcement of laws  
9 governing cannabis and controlled substances, or at the  
10 discretion of the State's Attorney, in addition to other  
11 authorized purposes, to make grants to local substance  
12 abuse treatment facilities and half-way houses. In  
13 counties over 3,000,000 population, 25% will be  
14 distributed to the Office of the State's Attorney for use  
15 in the enforcement of laws governing cannabis and  
16 controlled substances, or at the discretion of the State's  
17 Attorney, in addition to other authorized purposes, to make  
18 grants to local substance abuse treatment facilities and  
19 half-way houses. If the prosecution is undertaken solely by  
20 the Attorney General, the portion provided hereunder shall  
21 be distributed to the Attorney General for use in the  
22 enforcement of laws governing cannabis and controlled  
23 substances.

24 (ii) 12.5% shall be distributed to the Office of the  
25 State's Attorneys Appellate Prosecutor and deposited in  
26 the Narcotics Profit Forfeiture Fund of that Office to be



1 used for additional expenses incurred in the  
2 investigation, prosecution and appeal of cases arising  
3 under laws governing cannabis and controlled substances.  
4 The Office of the State's Attorneys Appellate Prosecutor  
5 shall not receive distribution from cases brought in  
6 counties with over 3,000,000 population.

7 (3) 10% shall be retained by the Department of State  
8 Police for expenses related to the administration and sale  
9 of seized and forfeited property.

10 (Source: P.A. 97-253, eff. 1-1-12; 97-544, eff. 1-1-12; revised  
11 9-14-11.)

12 Section 630. The Illinois Controlled Substances Act is  
13 amended by changing Sections 204, 302, 303.05, 304, 318, and  
14 505 as follows:

15 (720 ILCS 570/204) (from Ch. 56 1/2, par. 1204)

16 Sec. 204. (a) The controlled substances listed in this  
17 Section are included in Schedule I.

18 (b) Unless specifically excepted or unless listed in  
19 another schedule, any of the following opiates, including their  
20 isomers, esters, ethers, salts, and salts of isomers, esters,  
21 and ethers, whenever the existence of such isomers, esters,  
22 ethers and salts is possible within the specific chemical  
23 designation:

24 (1) Acetylmethadol;

- 1 (1.1) Acetyl-alpha-methylfentanyl
- 2 (N-[ 1-(1-methyl-2-phenethyl)-
- 3 4-piperidinyl] -N-phenylacetamide);
- 4 (2) Allylprodine;
- 5 (3) Alphacetylmethadol, except
- 6 levo-alphacetylmethadol (also known as levo-alpha-
- 7 acetylmethadol, levomethadyl acetate, or LAAM);
- 8 (4) Alphameprodine;
- 9 (5) Alphamethadol;
- 10 (6) Alpha-methylfentanyl
- 11 (N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl)
- 12 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-
- 13 propanilido) piperidine;
- 14 (6.1) Alpha-methylthiofentanyl
- 15 (N-[ 1-methyl-2-(2-thienyl)ethyl-
- 16 4-piperidinyl] -N-phenylpropanamide);
- 17 (7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);
- 18 (7.1) PEPAP
- 19 (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 20 (8) Benzethidine;
- 21 (9) Betacetylmethadol;
- 22 (9.1) Beta-hydroxyfentanyl
- 23 (N-[ 1-(2-hydroxy-2-phenethyl)-
- 24 4-piperidinyl] -N-phenylpropanamide);
- 25 (10) Betameprodine;
- 26 (11) Betamethadol;

- 1 (12) Betaprodine;
- 2 (13) Clonitazene;
- 3 (14) Dextromoramide;
- 4 (15) Diampromide;
- 5 (16) Diethylthiambutene;
- 6 (17) Difenoquin;
- 7 (18) Dimenoxadol;
- 8 (19) Dimepheptanol;
- 9 (20) Dimethylthiambutene;
- 10 (21) Dioxaphetylbutyrate;
- 11 (22) Dipipanone;
- 12 (23) Ethylmethylthiambutene;
- 13 (24) Etonitazene;
- 14 (25) Etoxadidine;
- 15 (26) Furethidine;
- 16 (27) Hydroxypethidine;
- 17 (28) Ketobemidone;
- 18 (29) Levomoramide;
- 19 (30) Levophenacetylmorphan;
- 20 (31) 3-Methylfentanyl
- 21 (N-[ 3-methyl-1-(2-phenylethyl) -
- 22 4-piperidyl] -N-phenylpropanamide);
- 23 (31.1) 3-Methylthiofentanyl
- 24 (N-[ (3-methyl-1-(2-thienyl)ethyl-
- 25 4-piperidinyl] -N-phenylpropanamide);
- 26 (32) Morpheridine;

- 1 (33) Noracymethadol;
- 2 (34) Norlevorphanol;
- 3 (35) Normethadone;
- 4 (36) Norpipanone;
- 5 (36.1) Para-fluorofentanyl
- 6 (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-
- 7 4-piperidinyl]propanamide);
- 8 (37) Phenadoxone;
- 9 (38) Phenampromide;
- 10 (39) Phenomorphan;
- 11 (40) Phenoperidine;
- 12 (41) Piritramide;
- 13 (42) Proheptazine;
- 14 (43) Properidine;
- 15 (44) Propiram;
- 16 (45) Racemoramide;
- 17 (45.1) Thiofentanyl
- 18 (N-phenyl-N-[1-(2-thienyl)ethyl-
- 19 4-piperidinyl]-propanamide);
- 20 (46) Tilidine;
- 21 (47) Trimeperidine;
- 22 (48) Beta-hydroxy-3-methylfentanyl (other name:
- 23 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-
- 24 N-phenylpropanamide).

25 (c) Unless specifically excepted or unless listed in

26 another schedule, any of the following opium derivatives, its

1 salts, isomers and salts of isomers, whenever the existence of  
2 such salts, isomers and salts of isomers is possible within the  
3 specific chemical designation:

- 4 (1) Acetorphine;
- 5 (2) Acetyldihydrocodeine;
- 6 (3) Benzylmorphine;
- 7 (4) Codeine methylbromide;
- 8 (5) Codeine-N-Oxide;
- 9 (6) Cyprenorphine;
- 10 (7) Desomorphine;
- 11 (8) Diacetyldihydromorphine (Dihydroheroin);
- 12 (9) Dihydromorphine;
- 13 (10) Drotebanol;
- 14 (11) Etorphine (except hydrochloride salt);
- 15 (12) Heroin;
- 16 (13) Hydromorphanol;
- 17 (14) Methyldesorphine;
- 18 (15) Methyldihydromorphine;
- 19 (16) Morphine methylbromide;
- 20 (17) Morphine methylsulfonate;
- 21 (18) Morphine-N-Oxide;
- 22 (19) Myrophine;
- 23 (20) Nicocodeine;
- 24 (21) Nicomorphine;
- 25 (22) Normorphine;
- 26 (23) Pholcodine;

1 (24) Thebacon.

2 (d) Unless specifically excepted or unless listed in  
3 another schedule, any material, compound, mixture, or  
4 preparation which contains any quantity of the following  
5 hallucinogenic substances, or which contains any of its salts,  
6 isomers and salts of isomers, whenever the existence of such  
7 salts, isomers, and salts of isomers is possible within the  
8 specific chemical designation (for the purposes of this  
9 paragraph only, the term "isomer" includes the optical,  
10 position and geometric isomers):

11 (1) 3,4-methylenedioxyamphetamine

12 (alpha-methyl,3,4-methylenedioxyphenethylamine,  
13 methylenedioxyamphetamine, MDA);

14 (1.1) Alpha-ethyltryptamine

15 (some trade or other names: etryptamine;  
16 MONASE; alpha-ethyl-1H-indole-3-ethanamine;  
17 3-(2-aminobutyl)indole; a-ET; and AET);

18 (2) 3,4-methylenedioxymethamphetamine (MDMA);

19 (2.1) 3,4-methylenedioxy-N-ethylamphetamine

20 (also known as: N-ethyl-alpha-methyl-  
21 3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE,  
22 and MDEA);

23 (2.2) N-Benzylpiperazine (BZP);

24 (3) 3-methoxy-4,5-methylenedioxyamphetamine, (MMDA);

25 (4) 3,4,5-trimethoxyamphetamine (TMA);

26 (5) (Blank);

- 1           (6) Diethyltryptamine (DET);
- 2           (7) Dimethyltryptamine (DMT);
- 3           (8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);
- 4           (9) Ibogaine (some trade and other names:
- 5           7-ethyl-6,6,beta,7,8,9,10,12,13-octahydro-2-methoxy-
- 6           6,9-methano-5H-pyrido [ 1',2':1,2] azepino [ 5,4-b]
- 7           indole; Tabernanthe iboga);
- 8           (10) Lysergic acid diethylamide;
- 9           (10.1) Salvinorin A;
- 10          (10.5) Salvia divinorum (meaning all parts of the plant
- 11          presently classified botanically as Salvia divinorum,
- 12          whether growing or not, the seeds thereof, any extract from
- 13          any part of that plant, and every compound, manufacture,
- 14          salts, isomers, and salts of isomers whenever the existence
- 15          of such salts, isomers, and salts of isomers is possible
- 16          within the specific chemical designation, derivative,
- 17          mixture, or preparation of that plant, its seeds or
- 18          extracts);
- 19          (11) 3,4,5-trimethoxyphenethylamine (Mescaline);
- 20          (12) Peyote (meaning all parts of the plant presently
- 21          classified botanically as Lophophora williamsii Lemaire,
- 22          whether growing or not, the seeds thereof, any extract from
- 23          any part of that plant, and every compound, manufacture,
- 24          salts, derivative, mixture, or preparation of that plant,
- 25          its seeds or extracts);
- 26          (13) N-ethyl-3-piperidyl benzilate (JB 318);

- 1 (14) N-methyl-3-piperidyl benzilate;
- 2 (14.1) N-hydroxy-3,4-methylenedioxyamphetamine
- 3 (also known as N-hydroxy-alpha-methyl-
- 4 3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);
- 5 (15) Parahexyl; some trade or other names:
- 6 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-
- 7 dibenzo (b,d) pyran; Synhexyl;
- 8 (16) Psilocybin;
- 9 (17) Psilocyn;
- 10 (18) Alpha-methyltryptamine (AMT);
- 11 (19) 2,5-dimethoxyamphetamine
- 12 (2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);
- 13 (20) 4-bromo-2,5-dimethoxyamphetamine
- 14 (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;
- 15 4-bromo-2,5-DMA);
- 16 (20.1) 4-Bromo-2,5 dimethoxyphenethylamine.
- 17 Some trade or other names: 2-(4-bromo-
- 18 2,5-dimethoxyphenyl)-1-aminoethane;
- 19 alpha-desmethyl DOB, 2CB, Nexus;
- 20 (21) 4-methoxyamphetamine
- 21 (4-methoxy-alpha-methylphenethylamine;
- 22 paramethoxyamphetamine; PMA);
- 23 (22) (Blank);
- 24 (23) Ethylamine analog of phencyclidine.
- 25 Some trade or other names:
- 26 N-ethyl-1-phenylcyclohexylamine,



1 (1-phenylcyclohexyl) ethylamine,  
2 N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;  
3 (24) Pyrrolidine analog of phencyclidine. Some trade  
4 or other names: 1-(1-phenylcyclohexyl) pyrrolidine, PCPy,  
5 PHP;  
6 (25) 5-methoxy-3,4-methylenedioxy-amphetamine;  
7 (26) 2,5-dimethoxy-4-ethylamphetamine  
8 (another name: DOET);  
9 (27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine  
10 (another name: TCPy);  
11 (28) (Blank);  
12 (29) Thiophene analog of phencyclidine (some trade  
13 or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;  
14 2-thienyl analog of phencyclidine; TPCP; TCP);  
15 (30) Bufotenine (some trade or other names:  
16 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole;  
17 3-(2-dimethylaminoethyl)-5-indolol;  
18 5-hydroxy-N,N-dimethyltryptamine;  
19 N,N-dimethylserotonin; mappine);  
20 (31) 1-Pentyl-3-(1-naphthoyl)indole  
21 Some trade or other names: JWH-018;  
22 (32) 1-Butyl-3-(1-naphthoyl)indole  
23 Some trade or other names: JWH-073;  
24 (33) 1-[ (5-fluoropentyl)-1H-indol-3-yl] -  
25 (2-iodophenyl)methanone  
26 Some trade or other names: AM-694;

1 (34) 2-[ (1R,3S)-3-hydroxycyclohexyl] -5-  
2 (2-methyloctan-2-yl)phenol

3 Some trade or other names: CP 47,497 ~~47, 497~~  
4 and its C6, C8 and C9 homologs;

5 (34.5) ~~(33)~~ 2-[ (1R,3S)-3-hydroxycyclohexyl] -5-  
6 (2-methyloctan-2-yl)phenol), where side chain n=5;  
7 and homologues where side chain n=4, 6, or 7; Some  
8 trade or other names: CP 47,497;

9 (35) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-  
10 (2-methyloctan-2-yl)-6a,7,  
11 10,10a-tetrahydrobenzo[ c] chromen-1-ol

12 Some trade or other names: HU-210;

13 (35.5) ~~(34)~~ (6aS,10aS)-9-(hydroxymethyl)-6,6-  
14 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-  
15 tetrahydrobenzo[ c] chromen-1-ol, its isomers,  
16 salts, and salts of isomers; Some trade or other  
17 names: HU-210, Dexanabinol;

18 (36) Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-  
19 6,6-dimethyl-3-(2-methyloctan-2-yl)-  
20 6a,7,10,10a-tetrahydrobenzo[ c] chromen-1-ol

21 Some trade or other names: HU-211;

22 (37) (2-methyl-1-propyl-1H-indol-  
23 3-yl)-1-naphthalenyl-methanone

24 Some trade or other names: JWH-015;

25 (38) 4-methoxynaphthalen-1-yl-  
26 (1-pentylindol-3-yl)methanone

1 Some trade or other names: JWH-081;

2 (39) ~~1-Pentyl-3-(4-methyl-1-naphthoyl)indole~~

3 Some trade or other names: JWH-122;

4 (40) 2-(2-methylphenyl)-1-(1-pentyl-  
5 1H-indol-3-yl)-ethanone

6 Some trade or other names: JWH-251;

7 (41) 1-(2-cyclohexylethyl)-3-  
8 (2-methoxyphenylacetyl)indole

9 Some trade or other names: RCS-8, BTW-8 and SR-18;~~;~~

10 (42) ~~(33)~~ Any compound structurally derived from  
11 3-(1-naphthoyl)indole or 1H-indol-3-yl-  
12 (1-naphthyl)methane by substitution at the  
13 nitrogen atom of the indole ring by alkyl, haloalkyl,  
14 alkenyl, cycloalkylmethyl, cycloalkylethyl or  
15 2-(4-morpholinyl)ethyl whether or not further  
16 substituted in the indole ring to any extent, whether  
17 or not substituted in the naphthyl ring to any extent;

18 (43) ~~(34)~~ Any compound structurally derived from  
19 3-(1-naphthoyl)pyrrole by substitution at the nitrogen  
20 atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,  
21 cycloalkylmethyl, cycloalkylethyl or  
22 2-(4-morpholinyl)ethyl, whether or not further  
23 substituted in the pyrrole ring to any extent, whether  
24 or not substituted in the naphthyl ring to any extent;

25 (44) ~~(35)~~ Any compound structurally derived from  
26 1-(1-naphthylmethyl)indene by substitution

1 at the 3-position of the indene ring by alkyl, haloalkyl,  
2 alkenyl, cycloalkylmethyl, cycloalkylethyl or  
3 2-(4-morpholinyl)ethyl whether or not further  
4 substituted in the indene ring to any extent, whether  
5 or not substituted in the naphthyl ring to any extent;

6 (45) ~~(36)~~ Any compound structurally derived from  
7 3-phenylacetylindole by substitution at the  
8 nitrogen atom of the indole ring with alkyl, haloalkyl,  
9 alkenyl, cycloalkylmethyl, cycloalkylethyl or  
10 2-(4-morpholinyl)ethyl, whether or not further  
11 substituted in the indole ring to any extent, whether  
12 or not substituted in the phenyl ring to any extent;

13 (46) ~~(37)~~ Any compound structurally derived from  
14 2-(3-hydroxycyclohexyl)phenol by substitution  
15 at the 5-position of the phenolic ring by alkyl,  
16 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl  
17 or 2-(4-morpholinyl)ethyl, whether or not substituted  
18 in the cyclohexyl ring to any extent. ;

19 (47) ~~(33)~~ 3,4-Methylenedioxymethcathinone  
20 Some trade or other names: Methylone;

21 (48) ~~(34)~~ 3,4-Methylenedioxypyrovalerone  
22 Some trade or other names: MDPV;

23 (49) ~~(35)~~ 4-Methylmethcathinone  
24 Some trade or other names: Mephedrone;

25 (50) ~~(36)~~ 4-methoxymethcathinone;

26 (51) ~~(37)~~ 4-Fluoromethcathinone;

- 1           (52) ~~(38)~~ 3-Fluoromethcathinone;i-  
2           (53) ~~(35)~~ 2,5-Dimethoxy-4-(n)-propylthio-  
3           phenethylamine;  
4           (54) ~~(36)~~ 5-Methoxy-N,N-diisopropyltryptamine.

5           (e) Unless specifically excepted or unless listed in  
6           another schedule, any material, compound, mixture, or  
7           preparation which contains any quantity of the following  
8           substances having a depressant effect on the central nervous  
9           system, including its salts, isomers, and salts of isomers  
10          whenever the existence of such salts, isomers, and salts of  
11          isomers is possible within the specific chemical designation:

- 12                 (1) mecloqualone;  
13                 (2) methaqualone; and  
14                 (3) gamma hydroxybutyric acid.

15          (f) Unless specifically excepted or unless listed in  
16          another schedule, any material, compound, mixture, or  
17          preparation which contains any quantity of the following  
18          substances having a stimulant effect on the central nervous  
19          system, including its salts, isomers, and salts of isomers:

- 20                 (1) Fenethylamine;  
21                 (2) N-ethylamphetamine;  
22                 (3) Aminorex (some other names:  
23                 2-amino-5-phenyl-2-oxazoline; aminoxaphen;  
24                 4-5-dihydro-5-phenyl-2-oxazolamine) and its  
25                 salts, optical isomers, and salts of optical isomers;  
26                 (4) Methcathinone (some other names:

1 2-methylamino-1-phenylpropan-1-one;  
2 Ephedrone; 2-(methylamino)-propiofenone;  
3 alpha-(methylamino)propiofenone; N-methylcathinone;  
4 methycathinone; Monomethylpropion; UR 1431) and its  
5 salts, optical isomers, and salts of optical isomers;

6 (5) Cathinone (some trade or other names:  
7 2-aminopropiofenone; alpha-aminopropiofenone;  
8 2-amino-1-phenyl-propanone; norephedrone);

9 (6) N,N-dimethylamphetamine (also known as:  
10 N,N-alpha-trimethyl-benzeneethanamine;  
11 N,N-alpha-trimethylphenethylamine);

12 (7) (+ or -) cis-4-methylaminorex ((+ or -) cis-  
13 4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine);

14 (8) 3,4-Methylenedioxypropylvalerone (MDPV).

15 (g) Temporary listing of substances subject to emergency  
16 scheduling. Any material, compound, mixture, or preparation  
17 that contains any quantity of the following substances:

18 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide  
19 (benzylfentanyl), its optical isomers, isomers, salts,  
20 and salts of isomers;

21 (2) N-[1(2-thienyl)  
22 methyl-4-piperidyl]-N-phenylpropanamide (thienylfentanyl),  
23 its optical isomers, salts, and salts of isomers.

24 (Source: P.A. 96-347, eff. 1-1-10; 96-1285, eff. 1-1-11;  
25 97-192, eff. 7-22-11; 97-193, eff. 1-1-12; 97-194, eff.  
26 7-22-11; 97-334, eff. 1-1-12; revised 9-14-11.)

1 (720 ILCS 570/302) (from Ch. 56 1/2, par. 1302)

2 Sec. 302. (a) Every person who manufactures, distributes,  
3 or dispenses any controlled substances, or engages in chemical  
4 analysis, and instructional activities which utilize  
5 controlled substances, or who purchases, stores, or  
6 administers euthanasia drugs, within this State or who proposes  
7 to engage in the manufacture, distribution, or dispensing of  
8 any controlled substance, or to engage in chemical analysis,  
9 and instructional activities which utilize controlled  
10 substances, or to engage in purchasing, storing, or  
11 administering euthanasia drugs, within this State, must obtain  
12 a registration issued by the Department of Financial and  
13 Professional Regulation in accordance with its rules. The rules  
14 shall include, but not be limited to, setting the expiration  
15 date and renewal period for each registration under this Act.  
16 The Department, any facility or service licensed by the  
17 Department, and any veterinary hospital or clinic operated by a  
18 veterinarian or veterinarians licensed under the Veterinary  
19 Medicine and Surgery Practice Act of 2004 or maintained by a  
20 State-supported or publicly funded university or college shall  
21 be exempt from the regulation requirements of this Section;  
22 however, such exemption shall not operate to bar the University  
23 of Illinois from requesting, nor the Department of Financial  
24 and Professional Regulation from issuing, a registration to the  
25 University of Illinois Veterinary Teaching Hospital under this

1 Act. Neither a request for such registration nor the issuance  
2 of such registration to the University of Illinois shall  
3 operate to otherwise waive or modify the exemption provided in  
4 this subsection (a).

5 (b) Persons registered by the Department of Financial and  
6 Professional Regulation under this Act to manufacture,  
7 distribute, or dispense controlled substances, or purchase,  
8 store, or administer euthanasia drugs, may possess,  
9 manufacture, distribute, or dispense those substances, or  
10 purchase, store, or administer euthanasia drugs, to the extent  
11 authorized by their registration and in conformity with the  
12 other provisions of this Article.

13 (c) The following persons need not register and may  
14 lawfully possess controlled substances under this Act:

15 (1) an agent or employee of any registered  
16 manufacturer, distributor, or dispenser of any controlled  
17 substance if he or she is acting in the usual course of his  
18 or her employer's lawful business or employment;

19 (2) a common or contract carrier or warehouseman, or an  
20 agent or employee thereof, whose possession of any  
21 controlled substance is in the usual lawful course of such  
22 business or employment;

23 (3) an ultimate user or a person in possession of any  
24 controlled substance pursuant to a lawful prescription of a  
25 practitioner or in lawful possession of a Schedule V  
26 substance;



1           (4) officers and employees of this State or of the  
2           United States while acting in the lawful course of their  
3           official duties which requires possession of controlled  
4           substances;

5           (5) a registered pharmacist who is employed in, or the  
6           owner of, a pharmacy licensed under this Act and the  
7           Federal Controlled Substances Act, at the licensed  
8           location, or if he or she is acting in the usual course of  
9           his or her lawful profession, business, or employment.

10          (d) A separate registration is required at each place of  
11          business or professional practice where the applicant  
12          manufactures, distributes, or dispenses controlled substances,  
13          or purchases, stores, or administers euthanasia drugs. Persons  
14          are required to obtain a separate registration for each place  
15          of business or professional practice where controlled  
16          substances are located or stored. A separate registration is  
17          not required for every location at which a controlled substance  
18          may be prescribed.

19          (e) The Department of Financial and Professional  
20          Regulation or the Illinois State Police may inspect the  
21          controlled premises, as defined in Section 502 of this Act, of  
22          a registrant or applicant for registration in accordance with  
23          this Act and the rules promulgated hereunder and with regard to  
24          persons licensed by the Department, in accordance with  
25          subsection (bb) of Section 30-5 of the Alcoholism and Other  
26          Drug Abuse and Dependency Act and the rules and regulations

1 promulgated thereunder.

2 (Source: P.A. 96-219, eff. 8-10-09; 97-126, eff. 7-14-11;  
3 97-334, eff. 1-1-12; revised 9-14-11.)

4 (720 ILCS 570/303.05)

5 Sec. 303.05. Mid-level practitioner registration.

6 (a) The Department of Financial and Professional  
7 Regulation shall register licensed physician assistants and  
8 licensed advanced practice nurses to prescribe and dispense  
9 controlled substances under Section 303 and euthanasia  
10 agencies to purchase, store, or administer animal euthanasia  
11 drugs under the following circumstances:

12 (1) with respect to physician assistants,

13 (A) the physician assistant has been delegated  
14 written authority to prescribe any Schedule III  
15 through V controlled substances by a physician  
16 licensed to practice medicine in all its branches in  
17 accordance with Section 7.5 of the Physician Assistant  
18 Practice Act of 1987; and the physician assistant has  
19 completed the appropriate application forms and has  
20 paid the required fees as set by rule; or

21 (B) the physician assistant has been delegated  
22 authority by a supervising physician licensed to  
23 practice medicine in all its branches to prescribe or  
24 dispense Schedule II controlled substances through a  
25 written delegation of authority and under the

1 following conditions:

2 (i) Specific Schedule II controlled substances  
3 by oral dosage or topical or transdermal  
4 application may be delegated, provided that the  
5 delegated Schedule II controlled substances are  
6 routinely prescribed by the supervising physician.  
7 This delegation must identify the specific  
8 Schedule II controlled substances by either brand  
9 name or generic name. Schedule II controlled  
10 substances to be delivered by injection or other  
11 route of administration may not be delegated;

12 (ii) any delegation must be of controlled  
13 substances prescribed by the supervising  
14 physician;

15 (iii) all prescriptions must be limited to no  
16 more than a 30-day supply, with any continuation  
17 authorized only after prior approval of the  
18 supervising physician;

19 (iv) the physician assistant must discuss the  
20 condition of any patients for whom a controlled  
21 substance is prescribed monthly with the  
22 delegating physician;

23 (v) the physician assistant must have  
24 completed the appropriate application forms and  
25 paid the required fees as set by rule;

26 (vi) the physician assistant must provide

1 evidence of satisfactory completion of 45 contact  
2 hours in pharmacology from any physician assistant  
3 program accredited by the Accreditation Review  
4 Commission on Education for the Physician  
5 Assistant (ARC-PA), or its predecessor agency, for  
6 any new license issued with Schedule II authority  
7 after the effective date of this amendatory Act of  
8 the 97th General Assembly; and

9 (vii) the physician assistant must annually  
10 complete at least 5 hours of continuing education  
11 in pharmacology.

12 (2) with respect to advanced practice nurses,

13 (A) the advanced practice nurse has been delegated  
14 authority to prescribe any Schedule III through V  
15 controlled substances by a collaborating physician  
16 licensed to practice medicine in all its branches or a  
17 collaborating podiatrist in accordance with Section  
18 65-40 of the Nurse Practice Act. The advanced practice  
19 nurse has completed the appropriate application forms  
20 and has paid the required fees as set by rule; or

21 (B) the advanced practice nurse has been delegated  
22 authority by a collaborating physician licensed to  
23 practice medicine in all its branches or collaborating  
24 podiatrist to prescribe or dispense Schedule II  
25 controlled substances through a written delegation of  
26 authority and under the following conditions:

1 (i) specific Schedule II controlled substances  
2 by oral dosage or topical or transdermal  
3 application may be delegated, provided that the  
4 delegated Schedule II controlled substances are  
5 routinely prescribed by the collaborating  
6 physician or podiatrist. This delegation must  
7 identify the specific Schedule II controlled  
8 substances by either brand name or generic name.  
9 Schedule II controlled substances to be delivered  
10 by injection or other route of administration may  
11 not be delegated;

12 (ii) any delegation must be of controlled  
13 substances prescribed by the collaborating  
14 physician or podiatrist;

15 (iii) all prescriptions must be limited to no  
16 more than a 30-day supply, with any continuation  
17 authorized only after prior approval of the  
18 collaborating physician or podiatrist;

19 (iv) the advanced practice nurse must discuss  
20 the condition of any patients for whom a controlled  
21 substance is prescribed monthly with the  
22 delegating physician or podiatrist or in the  
23 course of review as required by Section 65-40 of  
24 the Nurse Practice Act;

25 (v) the advanced practice nurse must have  
26 completed the appropriate application forms and

1           paid the required fees as set by rule;

2                   (vi) the advanced practice nurse must provide  
3           evidence of satisfactory completion of at least 45  
4           graduate contact hours in pharmacology for any new  
5           license issued with Schedule II authority after  
6           the effective date of this amendatory Act of the  
7           97th General Assembly; and

8                   (vii) the advanced practice nurse must  
9           annually complete 5 hours of continuing education  
10          in pharmacology; or

11          (3) with respect to animal euthanasia agencies, the  
12          euthanasia agency has obtained a license from the  
13          Department of Financial and Professional Regulation and  
14          obtained a registration number from the Department.

15          (b) The mid-level practitioner shall only be licensed to  
16          prescribe those schedules of controlled substances for which a  
17          licensed physician or licensed podiatrist has delegated  
18          prescriptive authority, except that an animal euthanasia  
19          agency does not have any prescriptive authority. A physician  
20          assistant and an advanced practice nurse are prohibited from  
21          prescribing medications and controlled substances not set  
22          forth in the required written delegation of authority.

23          (c) Upon completion of all registration requirements,  
24          physician assistants, advanced practice nurses, and animal  
25          euthanasia agencies may be issued a mid-level practitioner  
26          controlled substances license for Illinois.

1 (d) A collaborating physician or podiatrist may, but is not  
2 required to, delegate prescriptive authority to an advanced  
3 practice nurse as part of a written collaborative agreement,  
4 and the delegation of prescriptive authority shall conform to  
5 the requirements of Section 65-40 of the Nurse Practice Act.

6 (e) A supervising physician may, but is not required to,  
7 delegate prescriptive authority to a physician assistant as  
8 part of a written supervision agreement, and the delegation of  
9 prescriptive authority shall conform to the requirements of  
10 Section 7.5 of the Physician Assistant Practice Act of 1987.

11 (f) Nothing in this Section shall be construed to prohibit  
12 generic substitution.

13 (Source: P.A. 96-189, eff. 8-10-09; 96-268, eff. 8-11-09;  
14 96-1000, eff. 7-2-10; 97-334, eff. 1-1-12; 97-358, eff.  
15 8-12-11; revised 9-12-11.)

16 (720 ILCS 570/304) (from Ch. 56 1/2, par. 1304)

17 Sec. 304. (a) A registration under Section 303 to  
18 manufacture, distribute, or dispense a controlled substance or  
19 purchase, store, or administer euthanasia drugs may be denied,  
20 refused renewal, suspended, or revoked by the Department of  
21 Financial and Professional Regulation, and a fine of no more  
22 than \$10,000 per violation may be imposed on the applicant or  
23 registrant ~~registrant~~, upon a finding that the applicant or  
24 registrant:

25 (1) has furnished any false or fraudulent material

1 information in any application filed under this Act; or

2 (2) has been convicted of a felony under any law of the  
3 United States or any State relating to any controlled  
4 substance; or

5 (3) has had suspended or revoked his or her Federal  
6 registration to manufacture, distribute, or dispense  
7 controlled substances or purchase, store, or administer  
8 euthanasia drugs; or

9 (4) has been convicted of bribery, perjury, or other  
10 infamous crime under the laws of the United States or of  
11 any State; or

12 (5) has violated any provision of this Act or any rules  
13 promulgated hereunder, or any provision of the  
14 Methamphetamine Precursor Control Act or rules promulgated  
15 thereunder, whether or not he or she has been convicted of  
16 such violation; or

17 (6) has failed to provide effective controls against  
18 the diversion of controlled substances in other than  
19 legitimate medical, scientific or industrial channels.

20 (b) The Department of Financial and Professional  
21 Regulation may limit revocation or suspension of a registration  
22 to the particular controlled substance with respect to which  
23 grounds for revocation or suspension exist.

24 (c) The Department of Financial and Professional  
25 Regulation shall promptly notify the Administration, the  
26 Department and the Illinois State Police or their successor



1 agencies, of all orders denying, suspending or revoking  
2 registration, all forfeitures of controlled substances, and  
3 all final court dispositions, if any, of such denials,  
4 suspensions, revocations or forfeitures.

5 (d) If Federal registration of any registrant is suspended,  
6 revoked, refused renewal or refused issuance, then the  
7 Department of Financial and Professional Regulation shall  
8 issue a notice and conduct a hearing in accordance with Section  
9 305 of this Act.

10 (Source: P.A. 97-334, eff. 1-1-12; revised 11-21-11.)

11 (720 ILCS 570/318)

12 Sec. 318. Confidentiality of information.

13 (a) Information received by the central repository under  
14 Section 316 and former Section 321 is confidential.

15 (b) The Department must carry out a program to protect the  
16 confidentiality of the information described in subsection  
17 (a). The Department may disclose the information to another  
18 person only under subsection (c), (d), or (f) and may charge a  
19 fee not to exceed the actual cost of furnishing the  
20 information.

21 (c) The Department may disclose confidential information  
22 described in subsection (a) to any person who is engaged in  
23 receiving, processing, or storing the information.

24 (d) The Department may release confidential information  
25 described in subsection (a) to the following persons:

1           (1) A governing body that licenses practitioners and is  
2 engaged in an investigation, an adjudication, or a  
3 prosecution of a violation under any State or federal law  
4 that involves a controlled substance.

5           (2) An investigator for the Consumer Protection  
6 Division of the office of the Attorney General, a  
7 prosecuting attorney, the Attorney General, a deputy  
8 Attorney General, or an investigator from the office of the  
9 Attorney General, who is engaged in any of the following  
10 activities involving controlled substances:

11                   (A) an investigation;

12                   (B) an adjudication; or

13                   (C) a prosecution of a violation under any State or  
14 federal law that involves a controlled substance.

15           (3) A law enforcement officer who is:

16                   (A) authorized by the Illinois State Police or the  
17 office of a county sheriff or State's Attorney or  
18 municipal police department of Illinois to receive  
19 information of the type requested for the purpose of  
20 investigations involving controlled substances; or

21                   (B) approved by the Department to receive  
22 information of the type requested for the purpose of  
23 investigations involving controlled substances; and

24                   (C) engaged in the investigation or prosecution of  
25 a violation under any State or federal law that  
26 involves a controlled substance.

1 (e) Before the Department releases confidential  
2 information under subsection (d), the applicant must  
3 demonstrate in writing to the Department that:

4 (1) the applicant has reason to believe that a  
5 violation under any State or federal law that involves a  
6 controlled substance has occurred; and

7 (2) the requested information is reasonably related to  
8 the investigation, adjudication, or prosecution of the  
9 violation described in subdivision (1).

10 (f) The Department may receive and release prescription  
11 record information under Section 316 and former Section 321 to:

12 (1) a governing body that licenses practitioners;

13 (2) an investigator for the Consumer Protection  
14 Division of the office of the Attorney General, a  
15 prosecuting attorney, the Attorney General, a deputy  
16 Attorney General, or an investigator from the office of the  
17 Attorney General;

18 (3) any Illinois law enforcement officer who is:

19 (A) authorized to receive the type of information  
20 released; and

21 (B) approved by the Department to receive the type  
22 of information released; or

23 (4) prescription monitoring entities in other states  
24 per the provisions outlined in subsection (g) and (h)  
25 below;

26 confidential prescription record information collected under

1 Sections 316 and 321 (now repealed) that identifies vendors or  
2 practitioners, or both, who are prescribing or dispensing large  
3 quantities of Schedule II, III, IV, or V controlled substances  
4 outside the scope of their practice, pharmacy, or business, as  
5 determined by the Advisory Committee created by Section 320.

6 (g) The information described in subsection (f) may not be  
7 released until it has been reviewed by an employee of the  
8 Department who is licensed as a prescriber or a dispenser and  
9 until that employee has certified that further investigation is  
10 warranted. However, failure to comply with this subsection (g)  
11 does not invalidate the use of any evidence that is otherwise  
12 admissible in a proceeding described in subsection (h).

13 (h) An investigator or a law enforcement officer receiving  
14 confidential information under subsection (c), (d), or (f) may  
15 disclose the information to a law enforcement officer or an  
16 attorney for the office of the Attorney General for use as  
17 evidence in the following:

18 (1) A proceeding under any State or federal law that  
19 involves a controlled substance.

20 (2) A criminal proceeding or a proceeding in juvenile  
21 court that involves a controlled substance.

22 (i) The Department may compile statistical reports from the  
23 information described in subsection (a). The reports must not  
24 include information that identifies, by name, license or  
25 address, any practitioner, dispenser, ultimate user, or other  
26 person administering a controlled substance.

1 (j) Based upon federal, initial and maintenance funding, a  
2 prescriber and dispenser inquiry system shall be developed to  
3 assist the health care community in its goal of effective  
4 clinical practice and to prevent patients from diverting or  
5 abusing medications.

6 (1) An inquirer shall have read-only access to a  
7 stand-alone database which shall contain records for the  
8 previous 12 months.

9 (2) Dispensers may, upon positive and secure  
10 identification, make an inquiry on a patient or customer  
11 solely for a medical purpose as delineated within the  
12 federal HIPAA law.

13 (3) The Department shall provide a one-to-one secure  
14 link and encrypted software necessary to establish the link  
15 between an inquirer and the Department. Technical  
16 assistance shall also be provided.

17 (4) Written inquiries are acceptable but must include  
18 the fee and the requestor's Drug Enforcement  
19 Administration license number and submitted upon the  
20 requestor's business stationery ~~stationary~~.

21 (5) As directed by the Prescription Monitoring Program  
22 Advisory Committee and the Clinical Director for the  
23 Prescription Monitoring Program, aggregate data that does  
24 not indicate any prescriber, practitioner, dispenser, or  
25 patient may be used for clinical studies.

26 (6) Tracking analysis shall be established and used per

1 administrative rule.

2 (7) Nothing in this Act or Illinois law shall be  
3 construed to require a prescriber or dispenser to make use  
4 of this inquiry system.

5 (8) If there is an adverse outcome because of a  
6 prescriber or dispenser making an inquiry, which is  
7 initiated in good faith, the prescriber or dispenser shall  
8 be held harmless from any civil liability.

9 (k) The Department shall establish, by rule, the process by  
10 which to evaluate possible erroneous association of  
11 prescriptions to any licensed prescriber or end user of the  
12 Illinois Prescription Information Library (PIL).

13 (l) The Prescription Monitoring Program Advisory Committee  
14 is authorized to evaluate the need for and method of  
15 establishing a patient specific identifier.

16 (m) Patients who identify prescriptions attributed to them  
17 that were not obtained by them shall be given access to their  
18 personal prescription history pursuant to the validation  
19 process as set forth by administrative rule.

20 (n) The Prescription Monitoring Program is authorized to  
21 develop operational push reports to entities with compatible  
22 electronic medical records. The process shall be covered within  
23 administrative rule established by the Department.

24 (o) Hospital emergency departments and freestanding  
25 healthcare facilities providing healthcare to walk-in patients  
26 may obtain, for the purpose of improving patient care, a unique

1 identifier for each shift to utilize the PIL system.

2 (Source: P.A. 97-334, eff. 1-1-12; revised 11-21-11.)

3 (720 ILCS 570/505) (from Ch. 56 1/2, par. 1505)

4 Sec. 505. (a) The following are subject to forfeiture:

5 (1) all substances which have been manufactured,  
6 distributed, dispensed, or possessed in violation of this  
7 Act;

8 (2) all raw materials, products and equipment of any  
9 kind which are used, or intended for use in manufacturing,  
10 distributing, dispensing, administering or possessing any  
11 substance in violation of this Act;

12 (3) all conveyances, including aircraft, vehicles or  
13 vessels, which are used, or intended for use, to transport,  
14 or in any manner to facilitate the transportation, sale,  
15 receipt, possession, or concealment of property described  
16 in paragraphs (1) and (2), but:

17 (i) no conveyance used by any person as a common  
18 carrier in the transaction of business as a common  
19 carrier is subject to forfeiture under this Section  
20 unless it appears that the owner or other person in  
21 charge of the conveyance is a consenting party or privy  
22 to a violation of this Act;

23 (ii) no conveyance is subject to forfeiture under  
24 this Section by reason of any act or omission which the  
25 owner proves to have been committed or omitted without

1 his or her knowledge or consent;

2 (iii) a forfeiture of a conveyance encumbered by a  
3 bona fide security interest is subject to the interest  
4 of the secured party if he or she neither had knowledge  
5 of nor consented to the act or omission;

6 (4) all money, things of value, books, records, and  
7 research products and materials including formulas,  
8 microfilm, tapes, and data which are used, or intended to  
9 be used in violation of this Act;

10 (5) everything of value furnished, or intended to be  
11 furnished, in exchange for a substance in violation of this  
12 Act, all proceeds traceable to such an exchange, and all  
13 moneys, negotiable instruments, and securities used, or  
14 intended to be used, to commit or in any manner to  
15 facilitate any violation of this Act;

16 (6) all real property, including any right, title, and  
17 interest (including, but not limited to, any leasehold  
18 interest or the beneficial interest in a land trust) in the  
19 whole of any lot or tract of land and any appurtenances or  
20 improvements, which is used or intended to be used, in any  
21 manner or part, to commit, or in any manner to facilitate  
22 the commission of, any violation or act that constitutes a  
23 violation of Section 401 or 405 of this Act or that is the  
24 proceeds of any violation or act that constitutes a  
25 violation of Section 401 or 405 of this Act.

26 (b) Property subject to forfeiture under this Act may be



1 seized by the Director or any peace officer upon process or  
2 seizure warrant issued by any court having jurisdiction over  
3 the property. Seizure by the Director or any peace officer  
4 without process may be made:

5 (1) if the seizure is incident to inspection under an  
6 administrative inspection warrant;

7 (2) if the property subject to seizure has been the  
8 subject of a prior judgment in favor of the State in a  
9 criminal proceeding, or in an injunction or forfeiture  
10 proceeding based upon this Act or the Drug Asset Forfeiture  
11 Procedure Act;

12 (3) if there is probable cause to believe that the  
13 property is directly or indirectly dangerous to health or  
14 safety;

15 (4) if there is probable cause to believe that the  
16 property is subject to forfeiture under this Act and the  
17 property is seized under circumstances in which a  
18 warrantless seizure or arrest would be reasonable; or

19 (5) in accordance with the Code of Criminal Procedure  
20 of 1963.

21 (c) In the event of seizure pursuant to subsection (b),  
22 notice shall be given forthwith to all known interest holders  
23 that forfeiture proceedings, including a preliminary review,  
24 shall be instituted in accordance with the Drug Asset  
25 Forfeiture Procedure Act and such proceedings shall thereafter  
26 be instituted in accordance with that Act. Upon a showing of

1 good cause, the notice required for a preliminary review under  
2 this Section may be postponed.

3 (d) Property taken or detained under this Section shall not  
4 be subject to replevin, but is deemed to be in the custody of  
5 the Director subject only to the order and judgments of the  
6 circuit court having jurisdiction over the forfeiture  
7 proceedings and the decisions of the State's Attorney under the  
8 Drug Asset Forfeiture Procedure Act. When property is seized  
9 under this Act, the seizing agency shall promptly conduct an  
10 inventory of the seized property and estimate the property's  
11 value, and shall forward a copy of the inventory of seized  
12 property and the estimate of the property's value to the  
13 Director. Upon receiving notice of seizure, the Director may:

14 (1) place the property under seal;

15 (2) remove the property to a place designated by the  
16 Director;

17 (3) keep the property in the possession of the seizing  
18 agency;

19 (4) remove the property to a storage area for  
20 safekeeping or, if the property is a negotiable instrument  
21 or money and is not needed for evidentiary purposes,  
22 deposit it in an interest bearing account;

23 (5) place the property under constructive seizure by  
24 posting notice of pending forfeiture on it, by giving  
25 notice of pending forfeiture to its owners and interest  
26 holders, or by filing notice of pending forfeiture in any

1 appropriate public record relating to the property; or

2 (6) provide for another agency or custodian, including  
3 an owner, secured party, or lienholder, to take custody of  
4 the property upon the terms and conditions set by the  
5 Director.

6 (e) If the Department of Financial and Professional  
7 Regulation suspends or revokes a registration, all controlled  
8 substances owned or possessed by the registrant at the time of  
9 suspension or the effective date of the revocation order may be  
10 placed under seal by the Director. No disposition may be made  
11 of substances under seal until the time for taking an appeal  
12 has elapsed or until all appeals have been concluded unless a  
13 court, upon application therefor, orders the sale of perishable  
14 substances and the deposit of the proceeds of the sale with the  
15 court. Upon a suspension or revocation order becoming final,  
16 all substances may be forfeited to the Illinois State Police.

17 (f) When property is forfeited under this Act the Director  
18 shall sell all such property unless such property is required  
19 by law to be destroyed or is harmful to the public, and shall  
20 distribute the proceeds of the sale, together with any moneys  
21 forfeited or seized, in accordance with subsection (g).  
22 However, upon the application of the seizing agency or  
23 prosecutor who was responsible for the investigation, arrest or  
24 arrests and prosecution which lead to the forfeiture, the  
25 Director may return any item of forfeited property to the  
26 seizing agency or prosecutor for official use in the

1 enforcement of laws relating to cannabis or controlled  
2 substances, if the agency or prosecutor can demonstrate that  
3 the item requested would be useful to the agency or prosecutor  
4 in their enforcement efforts. When any forfeited conveyance,  
5 including an aircraft, vehicle, or vessel, is returned to the  
6 seizing agency or prosecutor, the conveyance may be used  
7 immediately in the enforcement of the criminal laws of this  
8 State. Upon disposal, all proceeds from the sale of the  
9 conveyance must be used for drug enforcement purposes. When any  
10 real property returned to the seizing agency is sold by the  
11 agency or its unit of government, the proceeds of the sale  
12 shall be delivered to the Director and distributed in  
13 accordance with subsection (g).

14 (g) All monies and the sale proceeds of all other property  
15 forfeited and seized under this Act shall be distributed as  
16 follows:

17 (1) 65% shall be distributed to the metropolitan  
18 enforcement group, local, municipal, county, or state law  
19 enforcement agency or agencies which conducted or  
20 participated in the investigation resulting in the  
21 forfeiture. The distribution shall bear a reasonable  
22 relationship to the degree of direct participation of the  
23 law enforcement agency in the effort resulting in the  
24 forfeiture, taking into account the total value of the  
25 property forfeited and the total law enforcement effort  
26 with respect to the violation of the law upon which the

1 forfeiture is based. Amounts distributed to the agency or  
2 agencies shall be used for the enforcement of laws  
3 governing cannabis and controlled substances or for  
4 security cameras used for the prevention or detection of  
5 violence, except that amounts distributed to the Secretary  
6 of State shall be deposited into the Secretary of State  
7 Evidence Fund to be used as provided in Section 2-115 of  
8 the Illinois Vehicle Code.

9 (2) (i) 12.5% shall be distributed to the Office of the  
10 State's Attorney of the county in which the prosecution  
11 resulting in the forfeiture was instituted, deposited in a  
12 special fund in the county treasury and appropriated to the  
13 State's Attorney for use in the enforcement of laws  
14 governing cannabis and controlled substances, or at the  
15 discretion of the State's Attorney, in addition to other  
16 authorized purposes, to make grants to local substance  
17 abuse treatment facilities and half-way houses. In  
18 counties over 3,000,000 population, 25% will be  
19 distributed to the Office of the State's Attorney for use  
20 in the enforcement of laws governing cannabis and  
21 controlled substances, or at the discretion of the State's  
22 Attorney, in addition to other authorized purposes, to make  
23 grants to local substance abuse treatment facilities and  
24 half-way houses. If the prosecution is undertaken solely by  
25 the Attorney General, the portion provided hereunder shall  
26 be distributed to the Attorney General for use in the

1 enforcement of laws governing cannabis and controlled  
2 substances.

3 (ii) 12.5% shall be distributed to the Office of the  
4 State's Attorneys Appellate Prosecutor and deposited in  
5 the Narcotics Profit Forfeiture Fund of that office to be  
6 used for additional expenses incurred in the  
7 investigation, prosecution and appeal of cases arising  
8 under laws governing cannabis and controlled substances.  
9 The Office of the State's Attorneys Appellate Prosecutor  
10 shall not receive distribution from cases brought in  
11 counties with over 3,000,000 population.

12 (3) 10% shall be retained by the Department of State  
13 Police for expenses related to the administration and sale  
14 of seized and forfeited property.

15 (h) Species of plants from which controlled substances in  
16 Schedules I and II may be derived which have been planted or  
17 cultivated in violation of this Act, or of which the owners or  
18 cultivators are unknown, or which are wild growths, may be  
19 seized and summarily forfeited to the State. The failure, upon  
20 demand by the Director or any peace officer, of the person in  
21 occupancy or in control of land or premises upon which the  
22 species of plants are growing or being stored, to produce  
23 registration, or proof that he or she is the holder thereof,  
24 constitutes authority for the seizure and forfeiture of the  
25 plants.

26 (Source: P.A. 94-1004, eff. 7-3-06; 97-253, eff. 1-1-12;

1 97-334, eff. 1-1-12; 97-544, eff. 1-1-12; revised 9-14-11.)

2 Section 635. The Methamphetamine Control and Community  
3 Protection Act is amended by changing Section 85 as follows:

4 (720 ILCS 646/85)

5 Sec. 85. Forfeiture.

6 (a) The following are subject to forfeiture:

7 (1) all substances containing methamphetamine which  
8 have been produced, manufactured, delivered, or possessed  
9 in violation of this Act;

10 (2) all methamphetamine manufacturing materials which  
11 have been produced, delivered, or possessed in connection  
12 with any substance containing methamphetamine in violation  
13 of this Act;

14 (3) all conveyances, including aircraft, vehicles or  
15 vessels, which are used, or intended for use, to transport,  
16 or in any manner to facilitate the transportation, sale,  
17 receipt, possession, or concealment of property described  
18 in paragraph (1) or (2) that constitutes a felony violation  
19 of the Act, but:

20 (i) no conveyance used by any person as a common  
21 carrier in the transaction of business as a common  
22 carrier is subject to forfeiture under this Section  
23 unless it appears that the owner or other person in  
24 charge of the conveyance is a consenting party or privy

1 to a violation of this Act;

2 (ii) no conveyance is subject to forfeiture under  
3 this Section by reason of any act or omission which the  
4 owner proves to have been committed or omitted without  
5 his or her knowledge or consent;

6 (iii) a forfeiture of a conveyance encumbered by a  
7 bona fide security interest is subject to the interest  
8 of the secured party if he or she neither had knowledge  
9 of nor consented to the act or omission;

10 (4) all money, things of value, books, records, and  
11 research products and materials including formulas,  
12 microfilm, tapes, and data which are used, or intended for  
13 use in a felony violation of this Act;

14 (5) everything of value furnished or intended to be  
15 furnished by any person in exchange for a substance in  
16 violation of this Act, all proceeds traceable to such an  
17 exchange, and all moneys, negotiable instruments, and  
18 securities used, or intended to be used, to commit or in  
19 any manner to facilitate any felony violation of this Act.

20 (6) all real property, including any right, title, and  
21 interest (including, but not limited to, any leasehold  
22 interest or the beneficial interest in a land trust) in the  
23 whole of any lot or tract of land and any appurtenances or  
24 improvements, which is used, or intended to be used, in any  
25 manner or part, to commit, or in any manner to facilitate  
26 the commission of, any violation or act that constitutes a



1 violation of this Act or that is the proceeds of any  
2 violation or act that constitutes a violation of this Act.

3 (b) Property subject to forfeiture under this Act may be  
4 seized by the Director or any peace officer upon process or  
5 seizure warrant issued by any court having jurisdiction over  
6 the property. Seizure by the Director or any peace officer  
7 without process may be made:

8 (1) if the property subject to seizure has been the  
9 subject of a prior judgment in favor of the State in a  
10 criminal proceeding or in an injunction or forfeiture  
11 proceeding based upon this Act or the Drug Asset Forfeiture  
12 Procedure Act;

13 (2) if there is probable cause to believe that the  
14 property is directly or indirectly dangerous to health or  
15 safety;

16 (3) if there is probable cause to believe that the  
17 property is subject to forfeiture under this Act and the  
18 property is seized under circumstances in which a  
19 warrantless seizure or arrest would be reasonable; or

20 (4) in accordance with the Code of Criminal Procedure  
21 of 1963.

22 (c) In the event of seizure pursuant to subsection (b),  
23 notice shall be given forthwith to all known interest holders  
24 that forfeiture proceedings, including a preliminary review,  
25 shall be instituted in accordance with the Drug Asset  
26 Forfeiture Procedure Act and such proceedings shall thereafter

1 be instituted in accordance with that Act. Upon a showing of  
2 good cause, the notice required for a preliminary review under  
3 this Section may be postponed.

4 (d) Property taken or detained under this Section is not  
5 subject to replevin, but is deemed to be in the custody of the  
6 Director subject only to the order and judgments of the circuit  
7 court having jurisdiction over the forfeiture proceedings and  
8 the decisions of the State's Attorney under the Drug Asset  
9 Forfeiture Procedure Act. When property is seized under this  
10 Act, the seizing agency shall promptly conduct an inventory of  
11 the seized property, estimate the property's value, and forward  
12 a copy of the inventory of seized property and the estimate of  
13 the property's value to the Director. Upon receiving notice of  
14 seizure, the Director may:

15 (1) place the property under seal;

16 (2) remove the property to a place designated by him or  
17 her;

18 (3) keep the property in the possession of the seizing  
19 agency;

20 (4) remove the property to a storage area for  
21 safekeeping or, if the property is a negotiable instrument  
22 or money and is not needed for evidentiary purposes,  
23 deposit it in an interest bearing account;

24 (5) place the property under constructive seizure by  
25 posting notice of pending forfeiture on it, by giving  
26 notice of pending forfeiture to its owners and interest

1 holders, or by filing notice of pending forfeiture in any  
2 appropriate public record relating to the property; or

3 (6) provide for another agency or custodian, including  
4 an owner, secured party, or lienholder, to take custody of  
5 the property upon the terms and conditions set by the  
6 Director.

7 (e) No disposition may be made of property under seal until  
8 the time for taking an appeal has elapsed or until all appeals  
9 have been concluded unless a court, upon application therefor,  
10 orders the sale of perishable substances and the deposit of the  
11 proceeds of the sale with the court.

12 (f) When property is forfeited under this Act, the Director  
13 shall sell the property unless the property is required by law  
14 to be destroyed or is harmful to the public, and shall  
15 distribute the proceeds of the sale, together with any moneys  
16 forfeited or seized, in accordance with subsection (g).  
17 However, upon the application of the seizing agency or  
18 prosecutor who was responsible for the investigation, arrest or  
19 arrests and prosecution which lead to the forfeiture, the  
20 Director may return any item of forfeited property to the  
21 seizing agency or prosecutor for official use in the  
22 enforcement of laws relating to methamphetamine, cannabis, or  
23 controlled substances, if the agency or prosecutor  
24 demonstrates that the item requested would be useful to the  
25 agency or prosecutor in their enforcement efforts. When any  
26 forfeited conveyance, including an aircraft, vehicle, or

1 vessel, is returned to the seizing agency or prosecutor, the  
2 conveyance may be used immediately in the enforcement of the  
3 criminal laws of this State. Upon disposal, all proceeds from  
4 the sale of the conveyance must be used for drug enforcement  
5 purposes. When any real property returned to the seizing agency  
6 is sold by the agency or its unit of government, the proceeds  
7 of the sale shall be delivered to the Director and distributed  
8 in accordance with subsection (g).

9 (g) All moneys and the sale proceeds of all other property  
10 forfeited and seized under this Act shall be distributed as  
11 follows:

12 (1) 65% shall be distributed to the metropolitan  
13 enforcement group, local, municipal, county, or State law  
14 enforcement agency or agencies which conducted or  
15 participated in the investigation resulting in the  
16 forfeiture. The distribution shall bear a reasonable  
17 relationship to the degree of direct participation of the  
18 law enforcement agency in the effort resulting in the  
19 forfeiture, taking into account the total value of the  
20 property forfeited and the total law enforcement effort  
21 with respect to the violation of the law upon which the  
22 forfeiture is based. Amounts distributed to the agency or  
23 agencies shall be used for the enforcement of laws  
24 governing methamphetamine, cannabis, and controlled  
25 substances or for security cameras used for the prevention  
26 or detection of violence, except that amounts distributed

1 to the Secretary of State shall be deposited into the  
2 Secretary of State Evidence Fund to be used as provided in  
3 Section 2-115 of the Illinois Vehicle Code.

4 (2) (i) 12.5% shall be distributed to the Office of the  
5 State's Attorney of the county in which the prosecution  
6 resulting in the forfeiture was instituted, deposited in a  
7 special fund in the county treasury and appropriated to the  
8 State's Attorney for use in the enforcement of laws  
9 governing methamphetamine, cannabis, and controlled  
10 substances, or at the discretion of the State's Attorney,  
11 in addition to other authorized purposes, to make grants to  
12 local substance abuse treatment facilities and half-way  
13 houses. In counties with a population over 3,000,000, 25%  
14 shall be distributed to the Office of the State's Attorney  
15 for use in the enforcement of laws governing  
16 methamphetamine, cannabis, and controlled substances, or  
17 at the discretion of the State's Attorney, in addition to  
18 other authorized purposes, to make grants to local  
19 substance abuse treatment facilities and half-way houses.  
20 If the prosecution is undertaken solely by the Attorney  
21 General, the portion provided hereunder shall be  
22 distributed to the Attorney General for use in the  
23 enforcement of laws governing methamphetamine, cannabis,  
24 and controlled substances.

25 (ii) 12.5% shall be distributed to the Office of the  
26 State's Attorneys Appellate Prosecutor and deposited in

1 the Narcotics Profit Forfeiture Fund of that Office to be  
2 used for additional expenses incurred in the  
3 investigation, prosecution and appeal of cases arising  
4 under laws governing methamphetamine, cannabis, and  
5 controlled substances. The Office of the State's Attorneys  
6 Appellate Prosecutor shall not receive distribution from  
7 cases brought in counties with a population over 3,000,000.

8 (3) 10% shall be retained by the Department of State  
9 Police for expenses related to the administration and sale  
10 of seized and forfeited property.

11 (Source: P.A. 97-253, eff. 1-1-12; 97-544, eff. 1-1-12; revised  
12 9-14-11.)

13 Section 640. The Code of Criminal Procedure of 1963 is  
14 amended by changing Sections 109-1 and 124B-125 as follows:

15 (725 ILCS 5/109-1) (from Ch. 38, par. 109-1)

16 Sec. 109-1. Person arrested.

17 (a) A person arrested with or without a warrant shall be  
18 taken without unnecessary delay before the nearest and most  
19 accessible judge in that county, except when such county is a  
20 participant in a regional jail authority, in which event such  
21 person may be taken to the nearest and most accessible judge,  
22 irrespective of the county where such judge presides, and a  
23 charge shall be filed. Whenever a person arrested either with  
24 or without a warrant is required to be taken before a judge, a

1 charge may be filed against such person by way of a two-way  
2 closed circuit television system, except that a hearing to deny  
3 bail to the defendant may not be conducted by way of closed  
4 circuit television.

5 (b) The judge shall:

6 (1) Inform the defendant of the charge against him and  
7 shall provide him with a copy of the charge;~~;~~

8 (2) Advise the defendant of his right to counsel and if  
9 indigent shall appoint a public defender or licensed  
10 attorney at law of this State to represent him in  
11 accordance with the provisions of Section 113-3 of this  
12 Code;~~;~~

13 (3) Schedule a preliminary hearing in appropriate  
14 cases; and

15 (4) Admit the defendant to bail in accordance with the  
16 provisions of Article 110 of this Code.

17 (c) The court may issue an order of protection in  
18 accordance with the provisions of Article 112A of this Code.

19 (Source: P.A. 90-140, eff. 1-1-98; revised 11-21-11.)

20 (725 ILCS 5/124B-125)

21 Sec. 124B-125. Real property exempt from forfeiture.

22 (a) An interest in real property is exempt from forfeiture  
23 under this Article if its owner or interest holder establishes  
24 by a preponderance of evidence that he or she meets all of the  
25 following requirements:

1           (1) He or she is not legally accountable for the  
2           conduct giving rise to the forfeiture, or did not solicit,  
3           conspire, or attempt to commit the conduct giving rise to  
4           the forfeiture.

5           (2) He or she had not acquired and did not stand to  
6           acquire substantial proceeds from the conduct giving rise  
7           to the forfeiture other than as an interest holder in an  
8           arms-length commercial transaction.

9           (3) He or she does not hold the property for the  
10          benefit of or as a nominee for any person whose conduct  
11          gave rise to the forfeiture, and, if he or she acquired the  
12          interest through any such person, he or she acquired it as  
13          a bona fide purchaser for value without knowingly taking  
14          part in the conduct giving rise to the forfeiture.

15          (4) He or she acquired the interest before a notice of  
16          seizure for forfeiture or a lis pendens notice with respect  
17          to the property was filed in the office of the recorder of  
18          deeds of the county in which the property is located and  
19          either:

20                 (A) acquired the interest before the commencement  
21                 of the conduct giving rise to the forfeiture, and the  
22                 person whose conduct gave rise to the forfeiture did  
23                 not have the authority to convey the interest to a bona  
24                 fide purchaser for value at the time of the conduct; or

25                 (B) acquired the interest after the commencement  
26                 of the conduct giving rise to the forfeiture, and he or



1 she acquired the interest as a mortgagee, secured  
2 creditor, lienholder, or bona fide purchaser for value  
3 without knowledge of the conduct that gave rise to the  
4 forfeiture.

5 (5) With respect to a property interest in existence at  
6 the time the illegal conduct giving rise to the forfeiture  
7 took place, he or she either:

8 (A) did not know of the conduct giving rise to the  
9 forfeiture; or

10 (B) upon learning of the conduct giving rise to the  
11 forfeiture, did all that reasonably could be expected  
12 under the circumstances to terminate that use of the  
13 property.

14 (6) ~~(7)~~ The property is not a type of property,  
15 possession of which is otherwise in violation of law.

16 (b) For purposes of paragraph (5) of subsection (a), ways  
17 in which a person may show that he or she did all that  
18 reasonably could be expected include demonstrating that he or  
19 she, to the extent permitted by law, did either of the  
20 following:

21 (1) Gave timely notice to an appropriate law  
22 enforcement agency of information that led the person to  
23 know that the conduct giving rise to a forfeiture would  
24 occur or had occurred.

25 (2) In a timely fashion revoked or made a good faith  
26 attempt to revoke permission for those engaging in the

1           conduct to use the property or took reasonable actions in  
2           consultation with a law enforcement agency to discourage or  
3           prevent the illegal use of the property.

4           A person is not required by this subsection (b) to take  
5           steps that the person reasonably believes would be likely to  
6           subject any person (other than the person whose conduct gave  
7           rise to the forfeiture) to physical danger.

8           (Source: P.A. 96-712, eff. 1-1-10; revised 11-21-11.)

9           Section 645. The Rights of Crime Victims and Witnesses Act  
10          is amended by changing Section 4.5 as follows:

11           (725 ILCS 120/4.5)

12           Sec. 4.5. Procedures to implement the rights of crime  
13          victims. To afford crime victims their rights, law enforcement,  
14          prosecutors, judges and corrections will provide information,  
15          as appropriate of the following procedures:

16           (a) At the request of the crime victim, law enforcement  
17          authorities investigating the case shall provide notice of the  
18          status of the investigation, except where the State's Attorney  
19          determines that disclosure of such information would  
20          unreasonably interfere with the investigation, until such time  
21          as the alleged assailant is apprehended or the investigation is  
22          closed.

23           (a-5) When law enforcement authorities re-open a closed  
24          case to resume investigating, they shall provide notice of the

1 re-opening of the case, except where the State's Attorney  
2 determines that disclosure of such information would  
3 unreasonably interfere with the investigation.

4 (b) The office of the State's Attorney:

5 (1) shall provide notice of the filing of information,  
6 the return of an indictment by which a prosecution for any  
7 violent crime is commenced, or the filing of a petition to  
8 adjudicate a minor as a delinquent for a violent crime;

9 (2) shall provide notice of the date, time, and place  
10 of trial;

11 (3) or victim advocate personnel shall provide  
12 information of social services and financial assistance  
13 available for victims of crime, including information of  
14 how to apply for these services and assistance;

15 (3.5) or victim advocate personnel shall provide  
16 information about available victim services, including  
17 referrals to programs, counselors, and agencies that  
18 assist a victim to deal with trauma, loss, and grief;

19 (4) shall assist in having any stolen or other personal  
20 property held by law enforcement authorities for  
21 evidentiary or other purposes returned as expeditiously as  
22 possible, pursuant to the procedures set out in Section  
23 115-9 of the Code of Criminal Procedure of 1963;

24 (5) or victim advocate personnel shall provide  
25 appropriate employer intercession services to ensure that  
26 employers of victims will cooperate with the criminal

1 justice system in order to minimize an employee's loss of  
2 pay and other benefits resulting from court appearances;

3 (6) shall provide information whenever possible, of a  
4 secure waiting area during court proceedings that does not  
5 require victims to be in close proximity to defendant or  
6 juveniles accused of a violent crime, and their families  
7 and friends;

8 (7) shall provide notice to the crime victim of the  
9 right to have a translator present at all court proceedings  
10 and, in compliance with the federal Americans with  
11 Disabilities Act of 1990, the right to communications  
12 access through a sign language interpreter or by other  
13 means;

14 (8) in the case of the death of a person, which death  
15 occurred in the same transaction or occurrence in which  
16 acts occurred for which a defendant is charged with an  
17 offense, shall notify the spouse, parent, child or sibling  
18 of the decedent of the date of the trial of the person or  
19 persons allegedly responsible for the death;

20 (9) shall inform the victim of the right to have  
21 present at all court proceedings, subject to the rules of  
22 evidence, an advocate or other support person of the  
23 victim's choice, and the right to retain an attorney, at  
24 the victim's own expense, who, upon written notice filed  
25 with the clerk of the court and State's Attorney, is to  
26 receive copies of all notices, motions and court orders

1 filed thereafter in the case, in the same manner as if the  
2 victim were a named party in the case;

3 (10) at the sentencing hearing shall make a good faith  
4 attempt to explain the minimum amount of time during which  
5 the defendant may actually be physically imprisoned. The  
6 Office of the State's Attorney shall further notify the  
7 crime victim of the right to request from the Prisoner  
8 Review Board information concerning the release of the  
9 defendant under subparagraph (d) (1) of this Section;

10 (11) shall request restitution at sentencing and shall  
11 consider restitution in any plea negotiation, as provided  
12 by law; and

13 (12) shall, upon the court entering a verdict of not  
14 guilty by reason of insanity, inform the victim of the  
15 notification services available from the Department of  
16 Human Services, including the statewide telephone number,  
17 under subparagraph (d) (2) of this Section.

18 (c) At the written request of the crime victim, the office  
19 of the State's Attorney shall:

20 (1) provide notice a reasonable time in advance of the  
21 following court proceedings: preliminary hearing, any  
22 hearing the effect of which may be the release of defendant  
23 from custody, or to alter the conditions of bond and the  
24 sentencing hearing. The crime victim shall also be notified  
25 of the cancellation of the court proceeding in sufficient  
26 time, wherever possible, to prevent an unnecessary

1 appearance in court;

2 (2) provide notice within a reasonable time after  
3 receipt of notice from the custodian, of the release of the  
4 defendant on bail or personal recognizance or the release  
5 from detention of a minor who has been detained for a  
6 violent crime;

7 (3) explain in nontechnical language the details of any  
8 plea or verdict of a defendant, or any adjudication of a  
9 juvenile as a delinquent for a violent crime;

10 (4) where practical, consult with the crime victim  
11 before the Office of the State's Attorney makes an offer of  
12 a plea bargain to the defendant or enters into negotiations  
13 with the defendant concerning a possible plea agreement,  
14 and shall consider the written victim impact statement, if  
15 prepared prior to entering into a plea agreement;

16 (5) provide notice of the ultimate disposition of the  
17 cases arising from an indictment or an information, or a  
18 petition to have a juvenile adjudicated as a delinquent for  
19 a violent crime;

20 (6) provide notice of any appeal taken by the defendant  
21 and information on how to contact the appropriate agency  
22 handling the appeal;

23 (7) provide notice of any request for post-conviction  
24 review filed by the defendant under Article 122 of the Code  
25 of Criminal Procedure of 1963, and of the date, time and  
26 place of any hearing concerning the petition. Whenever

1 possible, notice of the hearing shall be given in advance;

2 (8) forward a copy of any statement presented under  
3 Section 6 to the Prisoner Review Board to be considered by  
4 the Board in making its determination under subsection (b)  
5 of Section 3-3-8 of the Unified Code of Corrections.

6 (d) (1) The Prisoner Review Board shall inform a victim or  
7 any other concerned citizen, upon written request, of the  
8 prisoner's release on parole, mandatory supervised release,  
9 electronic detention, work release, international transfer or  
10 exchange, or by the custodian of the discharge of any  
11 individual who was adjudicated a delinquent for a violent crime  
12 from State custody and by the sheriff of the appropriate county  
13 of any such person's final discharge from county custody. The  
14 Prisoner Review Board, upon written request, shall provide to a  
15 victim or any other concerned citizen a recent photograph of  
16 any person convicted of a felony, upon his or her release from  
17 custody. The Prisoner Review Board, upon written request, shall  
18 inform a victim or any other concerned citizen when feasible at  
19 least 7 days prior to the prisoner's release on furlough of the  
20 times and dates of such furlough. Upon written request by the  
21 victim or any other concerned citizen, the State's Attorney  
22 shall notify the person once of the times and dates of release  
23 of a prisoner sentenced to periodic imprisonment. Notification  
24 shall be based on the most recent information as to victim's or  
25 other concerned citizen's residence or other location  
26 available to the notifying authority.

1           (2) When the defendant has been committed to the Department  
2 of Human Services pursuant to Section 5-2-4 or any other  
3 provision of the Unified Code of Corrections, the victim may  
4 request to be notified by the releasing authority of the  
5 defendant's furloughs, temporary release, or final discharge  
6 from State custody. The Department of Human Services shall  
7 establish and maintain a statewide telephone number to be used  
8 by victims to make notification requests under these provisions  
9 and shall publicize this telephone number on its website and to  
10 the State's Attorney of each county.

11           (3) In the event of an escape from State custody, the  
12 Department of Corrections or the Department of Juvenile Justice  
13 immediately shall notify the Prisoner Review Board of the  
14 escape and the Prisoner Review Board shall notify the victim.  
15 The notification shall be based upon the most recent  
16 information as to the victim's residence or other location  
17 available to the Board. When no such information is available,  
18 the Board shall make all reasonable efforts to obtain the  
19 information and make the notification. When the escapee is  
20 apprehended, the Department of Corrections or the Department of  
21 Juvenile Justice immediately shall notify the Prisoner Review  
22 Board and the Board shall notify the victim.

23           (4) The victim of the crime for which the prisoner has been  
24 sentenced shall receive reasonable written notice not less than  
25 30 days prior to the parole interview and may submit, in  
26 writing, on film, videotape or other electronic means or in the



1 form of a recording or in person at the parole interview or if  
2 a victim of a violent crime, by calling the toll-free number  
3 established in subsection (f) of this Section, information for  
4 consideration by the Prisoner Review Board. The victim shall be  
5 notified within 7 days after the prisoner has been granted  
6 parole and shall be informed of the right to inspect the  
7 registry of parole decisions, established under subsection (g)  
8 of Section 3-3-5 of the Unified Code of Corrections. The  
9 provisions of this paragraph (4) are subject to the Open Parole  
10 Hearings Act.

11 (5) If a statement is presented under Section 6, the  
12 Prisoner Review Board shall inform the victim of any order of  
13 discharge entered by the Board pursuant to Section 3-3-8 of the  
14 Unified Code of Corrections.

15 (6) At the written request of the victim of the crime for  
16 which the prisoner was sentenced or the State's Attorney of the  
17 county where the person seeking parole was prosecuted, the  
18 Prisoner Review Board shall notify the victim and the State's  
19 Attorney of the county where the person seeking parole was  
20 prosecuted of the death of the prisoner if the prisoner died  
21 while on parole or mandatory supervised release.

22 (7) When a defendant who has been committed to the  
23 Department of Corrections, the Department of Juvenile Justice,  
24 or the Department of Human Services is released or discharged  
25 and subsequently committed to the Department of Human Services  
26 as a sexually violent person and the victim had requested to be

1 notified by the releasing authority of the defendant's  
2 discharge from State custody, the releasing authority shall  
3 provide to the Department of Human Services such information  
4 that would allow the Department of Human Services to contact  
5 the victim.

6 (8) When a defendant has been convicted of a sex offense as  
7 defined in Section 2 of the Sex Offender Registration Act and  
8 has been sentenced to the Department of Corrections or the  
9 Department of Juvenile Justice, the Prisoner Review Board shall  
10 notify the victim of the sex offense of the prisoner's  
11 eligibility for release on parole, mandatory supervised  
12 release, electronic detention, work release, international  
13 transfer or exchange, or by the custodian of the discharge of  
14 any individual who was adjudicated a delinquent for a sex  
15 offense from State custody and by the sheriff of the  
16 appropriate county of any such person's final discharge from  
17 county custody. The notification shall be made to the victim at  
18 least 30 days, whenever possible, before release of the sex  
19 offender.

20 (e) The officials named in this Section may satisfy some or  
21 all of their obligations to provide notices and other  
22 information through participation in a statewide victim and  
23 witness notification system established by the Attorney  
24 General under Section 8.5 of this Act.

25 (f) To permit a victim of a violent crime to provide  
26 information to the Prisoner Review Board for consideration by

1 the Board at a parole hearing of a person who committed the  
2 crime against the victim in accordance with clause (d)(4) of  
3 this Section or at a proceeding to determine the conditions of  
4 mandatory supervised release of a person sentenced to a  
5 determinate sentence or at a hearing on revocation of mandatory  
6 supervised release of a person sentenced to a determinate  
7 sentence, the Board shall establish a toll-free number that may  
8 be accessed by the victim of a violent crime to present that  
9 information to the Board.

10 (Source: P.A. 96-328, eff. 8-11-09; 96-875, eff. 1-22-10;  
11 97-457, eff. 1-1-12; 97-572, eff. 1-1-12; revised 9-14-11.)

12 Section 650. The Unified Code of Corrections is amended by  
13 changing Sections 3-6-2, 3-8-2, 3-10-2, and 3-14-1 as follows:

14 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

15 Sec. 3-6-2. Institutions and Facility Administration.

16 (a) Each institution and facility of the Department shall  
17 be administered by a chief administrative officer appointed by  
18 the Director. A chief administrative officer shall be  
19 responsible for all persons assigned to the institution or  
20 facility. The chief administrative officer shall administer  
21 the programs of the Department for the custody and treatment of  
22 such persons.

23 (b) The chief administrative officer shall have such  
24 assistants as the Department may assign.

1           (c) The Director or Assistant Director shall have the  
2 emergency powers to temporarily transfer individuals without  
3 formal procedures to any State, county, municipal or regional  
4 correctional or detention institution or facility in the State,  
5 subject to the acceptance of such receiving institution or  
6 facility, or to designate any reasonably secure place in the  
7 State as such an institution or facility and to make transfers  
8 thereto. However, transfers made under emergency powers shall  
9 be reviewed as soon as practicable under Article 8, and shall  
10 be subject to Section 5-905 of the Juvenile Court Act of 1987.  
11 This Section shall not apply to transfers to the Department of  
12 Human Services which are provided for under Section 3-8-5 or  
13 Section 3-10-5.

14           (d) The Department shall provide educational programs for  
15 all committed persons so that all persons have an opportunity  
16 to attain the achievement level equivalent to the completion of  
17 the twelfth grade in the public school system in this State.  
18 Other higher levels of attainment shall be encouraged and  
19 professional instruction shall be maintained wherever  
20 possible. The Department may establish programs of mandatory  
21 education and may establish rules and regulations for the  
22 administration of such programs. A person committed to the  
23 Department who, during the period of his or her incarceration,  
24 participates in an educational program provided by or through  
25 the Department and through that program is awarded or earns the  
26 number of hours of credit required for the award of an

1 associate, baccalaureate, or higher degree from a community  
2 college, college, or university located in Illinois shall  
3 reimburse the State, through the Department, for the costs  
4 incurred by the State in providing that person during his or  
5 her incarceration with the education that qualifies him or her  
6 for the award of that degree. The costs for which reimbursement  
7 is required under this subsection shall be determined and  
8 computed by the Department under rules and regulations that it  
9 shall establish for that purpose. However, interest at the rate  
10 of 6% per annum shall be charged on the balance of those costs  
11 from time to time remaining unpaid, from the date of the  
12 person's parole, mandatory supervised release, or release  
13 constituting a final termination of his or her commitment to  
14 the Department until paid.

15 (d-5) A person committed to the Department is entitled to  
16 confidential testing for infection with human immunodeficiency  
17 virus (HIV) and to counseling in connection with such testing,  
18 with no copay to the committed person. A person committed to  
19 the Department who has tested positive for infection with HIV  
20 is entitled to medical care while incarcerated, counseling, and  
21 referrals to support services, in connection with that positive  
22 test result. Implementation of this subsection (d-5) is subject  
23 to appropriation.

24 (e) A person committed to the Department who becomes in  
25 need of medical or surgical treatment but is incapable of  
26 giving consent thereto shall receive such medical or surgical

1 treatment by the chief administrative officer consenting on the  
2 person's behalf. Before the chief administrative officer  
3 consents, he or she shall obtain the advice of one or more  
4 physicians licensed to practice medicine in all its branches in  
5 this State. If such physician or physicians advise:

6 (1) that immediate medical or surgical treatment is  
7 required relative to a condition threatening to cause  
8 death, damage or impairment to bodily functions, or  
9 disfigurement; and

10 (2) that the person is not capable of giving consent to  
11 such treatment; the chief administrative officer may give  
12 consent for such medical or surgical treatment, and such  
13 consent shall be deemed to be the consent of the person for  
14 all purposes, including, but not limited to, the authority  
15 of a physician to give such treatment.

16 (e-5) If a physician providing medical care to a committed  
17 person on behalf of the Department advises the chief  
18 administrative officer that the committed person's mental or  
19 physical health has deteriorated as a result of the cessation  
20 of ingestion of food or liquid to the point where medical or  
21 surgical treatment is required to prevent death, damage, or  
22 impairment to bodily functions, the chief administrative  
23 officer may authorize such medical or surgical treatment.

24 (f) In the event that the person requires medical care and  
25 treatment at a place other than the institution or facility,  
26 the person may be removed therefrom under conditions prescribed

1 by the Department. The Department shall require the committed  
2 person receiving medical or dental services on a non-emergency  
3 basis to pay a \$5 co-payment to the Department for each visit  
4 for medical or dental services. The amount of each co-payment  
5 shall be deducted from the committed person's individual  
6 account. A committed person who has a chronic illness, as  
7 defined by Department rules and regulations, shall be exempt  
8 from the \$5 co-payment for treatment of the chronic illness. A  
9 committed person shall not be subject to a \$5 co-payment for  
10 follow-up visits ordered by a physician, who is employed by, or  
11 contracts with, the Department. A committed person who is  
12 indigent is exempt from the \$5 co-payment and is entitled to  
13 receive medical or dental services on the same basis as a  
14 committed person who is financially able to afford the  
15 co-payment. For purposes of this Section only, "indigent" means  
16 a committed person who has \$20 or less in his or her Inmate  
17 Trust Fund at the time of such services or for the 30 days  
18 prior to such services. Notwithstanding any other provision in  
19 this subsection (f) to the contrary, any person committed to  
20 any facility operated by the Department of Juvenile Justice, as  
21 set forth in Section 3-2.5-15 of this Code, is exempt from the  
22 co-payment requirement for the duration of confinement in those  
23 facilities.

24 (g) Any person having sole custody of a child at the time  
25 of commitment or any woman giving birth to a child after her  
26 commitment, may arrange through the Department of Children and

1 Family Services for suitable placement of the child outside of  
2 the Department of Corrections. The Director of the Department  
3 of Corrections may determine that there are special reasons why  
4 the child should continue in the custody of the mother until  
5 the child is 6 years old.

6 (h) The Department may provide Family Responsibility  
7 Services which may consist of, but not be limited to the  
8 following:

9 (1) family advocacy counseling;

10 (2) parent self-help group;

11 (3) parenting skills training;

12 (4) parent and child overnight program;

13 (5) parent and child reunification counseling, either  
14 separately or together, preceding the inmate's release;  
15 and

16 (6) a prerelease reunification staffing involving the  
17 family advocate, the inmate and the child's counselor, or  
18 both and the inmate.

19 (i) (Blank). ~~a test approved by the Illinois Department of~~  
20 ~~Public Health to determine the presence of HIV infection, based~~  
21 ~~upon recommendations of United States Centers for Disease~~  
22 ~~Control and Prevention a reliable supplemental based upon~~  
23 ~~recommendations of the United States Centers for Disease~~  
24 ~~Control and Prevention information~~

25 (j) Any person convicted of a sex offense as defined in the  
26 Sex Offender Management Board Act shall be required to receive



1 a sex offender evaluation prior to release into the community  
2 from the Department of Corrections. The sex offender evaluation  
3 shall be conducted in conformance with the standards and  
4 guidelines developed under the Sex Offender Management Board  
5 Act and by an evaluator approved by the Board.

6 (k) Any minor committed to the Department of Juvenile  
7 Justice for a sex offense as defined by the Sex Offender  
8 Management Board Act shall be required to undergo sex offender  
9 treatment by a treatment provider approved by the Board and  
10 conducted in conformance with the Sex Offender Management Board  
11 Act.

12 (l) Prior to the release of any inmate committed to a  
13 facility of the Department or the Department of Juvenile  
14 Justice, the Department must provide the inmate with  
15 appropriate information verbally, in writing, by video, or  
16 other electronic means, concerning HIV and AIDS. The Department  
17 shall develop the informational materials in consultation with  
18 the Department of Public Health. At the same time, the  
19 Department must also offer the committed person the option of  
20 testing for infection with human immunodeficiency virus (HIV),  
21 with no copayment for the test. Pre-test information shall be  
22 provided to the committed person and informed consent obtained  
23 as required in subsection (d) of Section 3 and Section 5 of the  
24 AIDS Confidentiality Act. The Department may conduct opt-out  
25 HIV testing as defined in Section 4 of the AIDS Confidentiality  
26 Act. If the Department conducts opt-out HIV testing, the

1 Department shall place signs in English, Spanish and other  
2 languages as needed in multiple, highly visible locations in  
3 the area where HIV testing is conducted informing inmates that  
4 they will be tested for HIV unless they refuse, and refusal or  
5 acceptance of testing shall be documented in the inmate's  
6 medical record. The Department shall follow procedures  
7 established by the Department of Public Health to conduct HIV  
8 testing and testing to confirm positive HIV test results. All  
9 testing must be conducted by medical personnel, but pre-test  
10 and other information may be provided by committed persons who  
11 have received appropriate training. The Department, in  
12 conjunction with the Department of Public Health, shall develop  
13 a plan that complies with the AIDS Confidentiality Act to  
14 deliver confidentially all positive or negative HIV test  
15 results to inmates or former inmates. Nothing in this Section  
16 shall require the Department to offer HIV testing to an inmate  
17 who is known to be infected with HIV, or who has been tested  
18 for HIV within the previous 180 days and whose documented HIV  
19 test result is available to the Department electronically. The  
20 testing provided under this subsection (1) shall consist of a  
21 test approved by the Illinois Department of Public Health to  
22 determine the presence of HIV infection, based upon  
23 recommendations of the United States Centers for Disease  
24 Control and Prevention. If the test result is positive, a  
25 reliable supplemental test based upon recommendations of the  
26 United States Centers for Disease Control and Prevention shall

1 be administered.

2 Prior to the release of an inmate who the Department knows  
3 has tested positive for infection with HIV, the Department in a  
4 timely manner shall offer the inmate transitional case  
5 management, including referrals to other support services.

6 (m) The chief administrative officer of each institution or  
7 facility of the Department shall make a room in the institution  
8 or facility available for addiction recovery services to be  
9 provided to committed persons on a voluntary basis. The  
10 services shall be provided for one hour once a week at a time  
11 specified by the chief administrative officer of the  
12 institution or facility if the following conditions are met:

13 (1) the addiction recovery service contacts the chief  
14 administrative officer to arrange the meeting;

15 (2) the committed person may attend the meeting for  
16 addiction recovery services only if the committed person  
17 uses pre-existing free time already available to the  
18 committed person;

19 (3) all disciplinary and other rules of the institution  
20 or facility remain in effect;

21 (4) the committed person is not given any additional  
22 privileges to attend addiction recovery services;

23 (5) if the addiction recovery service does not arrange  
24 for scheduling a meeting for that week, no addiction  
25 recovery services shall be provided to the committed person  
26 in the institution or facility for that week;

1           (6) the number of committed persons who may attend an  
2 addiction recovery meeting shall not exceed 40 during any  
3 session held at the correctional institution or facility;

4           (7) a volunteer seeking to provide addiction recovery  
5 services under this subsection (m) must submit an  
6 application to the Department of Corrections under  
7 existing Department rules and the Department must review  
8 the application within 60 days after submission of the  
9 application to the Department; and

10           (8) each institution and facility of the Department  
11 shall manage the addiction recovery services program  
12 according to its own processes and procedures.

13           For the purposes of this subsection (m), "addiction  
14 recovery services" means recovery services for alcoholics and  
15 addicts provided by volunteers of recovery support services  
16 recognized by the Department of Human Services.

17           (Source: P.A. 96-284, eff. 1-1-10; 97-244, eff. 8-4-11; 97-323,  
18 eff. 8-12-11; 97-562, eff. 1-1-12; revised 9-14-11.)

19           (730 ILCS 5/3-8-2) (from Ch. 38, par. 1003-8-2)

20           Sec. 3-8-2. Social Evaluation; physical examination;  
21 HIV/AIDS.

22           (a) A social evaluation shall be made of a committed  
23 person's medical, psychological, educational and vocational  
24 condition and history, including the use of alcohol and other  
25 drugs, the circumstances of his offense, and such other

1 information as the Department may determine. The committed  
2 person shall be assigned to an institution or facility in so  
3 far as practicable in accordance with the social evaluation.  
4 Recommendations shall be made for medical, dental,  
5 psychiatric, psychological and social service treatment.

6 (b) A record of the social evaluation shall be entered in  
7 the committed person's master record file and shall be  
8 forwarded to the institution or facility to which the person is  
9 assigned.

10 (c) Upon admission to a correctional institution each  
11 committed person shall be given a physical examination. If he  
12 is suspected of having a communicable disease that in the  
13 judgment of the Department medical personnel requires medical  
14 isolation, the committed person shall remain in medical  
15 isolation until it is no longer deemed medically necessary.

16 (d) Upon arrival at a reception and classification center  
17 or an inmate's final destination, the Department must provide  
18 the committed person with appropriate information in writing,  
19 verbally, by video or other electronic means concerning HIV and  
20 AIDS. The Department shall develop the informational materials  
21 in consultation with the Department of Public Health. At the  
22 same time, the Department also must offer the committed person  
23 the option of being tested, with no copayment, for infection  
24 with human immunodeficiency virus (HIV). Pre-test information  
25 shall be provided to the committed person and informed consent  
26 obtained as required in subsection (d) of Section 3 and Section

1 5 of the AIDS Confidentiality Act. The Department may conduct  
2 opt-out HIV testing as defined in Section 4 of the AIDS  
3 Confidentiality Act. If the Department conducts opt-out HIV  
4 testing, the Department shall place signs in English, Spanish  
5 and other languages as needed in multiple, highly visible  
6 locations in the area where HIV testing is conducted informing  
7 inmates that they will be tested for HIV unless they refuse,  
8 and refusal or acceptance of testing shall be documented in the  
9 inmate's medical record. The Department shall follow  
10 procedures established by the Department of Public Health to  
11 conduct HIV testing and testing to confirm positive HIV test  
12 results. All testing must be conducted by medical personnel,  
13 but pre-test and other information may be provided by committed  
14 persons who have received appropriate training. The  
15 Department, in conjunction with the Department of Public  
16 Health, shall develop a plan that complies with the AIDS  
17 Confidentiality Act to deliver confidentially all positive or  
18 negative HIV test results to inmates or former inmates. Nothing  
19 in this Section shall require the Department to offer HIV  
20 testing to an inmate who is known to be infected with HIV, or  
21 who has been tested for HIV within the previous 180 days and  
22 whose documented HIV test result is available to the Department  
23 electronically. The testing provided under this subsection (d)  
24 shall consist of a test approved by the Illinois Department of  
25 Public Health to determine the presence of HIV infection, based  
26 upon recommendations of the United States Centers for Disease

1 Control and Prevention. If the test result is positive, a  
2 reliable supplemental test based upon recommendations of the  
3 United States Centers for Disease Control and Prevention shall  
4 be administered.

5 (Source: P.A. 97-244, eff. 8-4-11; 97-323, eff. 8-12-11;  
6 revised 9-21-11.)

7 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

8 Sec. 3-10-2. Examination of Persons Committed to the  
9 Department of Juvenile Justice.

10 (a) A person committed to the Department of Juvenile  
11 Justice shall be examined in regard to his medical,  
12 psychological, social, educational and vocational condition  
13 and history, including the use of alcohol and other drugs, the  
14 circumstances of his offense and any other information as the  
15 Department of Juvenile Justice may determine.

16 (a-5) Upon admission of a person committed to the  
17 Department of Juvenile Justice, the Department of Juvenile  
18 Justice must provide the person with appropriate information  
19 concerning HIV and AIDS in writing, verbally, or by video or  
20 other electronic means. The Department of Juvenile Justice  
21 shall develop the informational materials in consultation with  
22 the Department of Public Health. At the same time, the  
23 Department of Juvenile Justice also must offer the person the  
24 option of being tested, at no charge to the person, for  
25 infection with human immunodeficiency virus (HIV). Pre-test

1 information shall be provided to the committed person and  
2 informed consent obtained as required in subsection (d) of  
3 Section 3 and Section 5 of the AIDS Confidentiality Act. The  
4 Department of Juvenile Justice may conduct opt-out HIV testing  
5 as defined in Section 4 of the AIDS Confidentiality Act. If the  
6 Department conducts opt-out HIV testing, the Department shall  
7 place signs in English, Spanish and other languages as needed  
8 in multiple, highly visible locations in the area where HIV  
9 testing is conducted informing inmates that they will be tested  
10 for HIV unless they refuse, and refusal or acceptance of  
11 testing shall be documented in the inmate's medical record. The  
12 Department shall follow procedures established by the  
13 Department of Public Health to conduct HIV testing and testing  
14 to confirm positive HIV test results. All testing must be  
15 conducted by medical personnel, but pre-test and other  
16 information may be provided by committed persons who have  
17 received appropriate training. The Department, in conjunction  
18 with the Department of Public Health, shall develop a plan that  
19 complies with the AIDS Confidentiality Act to deliver  
20 confidentially all positive or negative HIV test results to  
21 inmates or former inmates. Nothing in this Section shall  
22 require the Department to offer HIV testing to an inmate who is  
23 known to be infected with HIV, or who has been tested for HIV  
24 within the previous 180 days and whose documented HIV test  
25 result is available to the Department electronically. The  
26 testing provided under this subsection (a-5) shall consist of a



1 test approved by the Illinois Department of Public Health to  
2 determine the presence of HIV infection, based upon  
3 recommendations of the United States Centers for Disease  
4 Control and Prevention. If the test result is positive, a  
5 reliable supplemental test based upon recommendations of the  
6 United States Centers for Disease Control and Prevention shall  
7 be administered.

8 Also upon admission of a person committed to the Department  
9 of Juvenile Justice, the Department of Juvenile Justice must  
10 inform the person of the Department's obligation to provide the  
11 person with medical care.

12 (b) Based on its examination, the Department of Juvenile  
13 Justice may exercise the following powers in developing a  
14 treatment program of any person committed to the Department of  
15 Juvenile Justice:

16 (1) Require participation by him in vocational,  
17 physical, educational and corrective training and  
18 activities to return him to the community.

19 (2) Place him in any institution or facility of the  
20 Department of Juvenile Justice.

21 (3) Order replacement or referral to the Parole and  
22 Pardon Board as often as it deems desirable. The Department  
23 of Juvenile Justice shall refer the person to the Parole  
24 and Pardon Board as required under Section 3-3-4.

25 (4) Enter into agreements with the Secretary of Human  
26 Services and the Director of Children and Family Services,

1 with courts having probation officers, and with private  
2 agencies or institutions for separate care or special  
3 treatment of persons subject to the control of the  
4 Department of Juvenile Justice.

5 (c) The Department of Juvenile Justice shall make periodic  
6 reexamination of all persons under the control of the  
7 Department of Juvenile Justice to determine whether existing  
8 orders in individual cases should be modified or continued.  
9 This examination shall be made with respect to every person at  
10 least once annually.

11 (d) A record of the treatment decision including any  
12 modification thereof and the reason therefor, shall be part of  
13 the committed person's master record file.

14 (e) The Department of Juvenile Justice shall by certified  
15 mail, return receipt requested, notify the parent, guardian or  
16 nearest relative of any person committed to the Department of  
17 Juvenile Justice of his physical location and any change  
18 thereof.

19 (Source: P.A. 97-244, eff. 8-4-11; 97-323, eff. 8-12-11;  
20 revised 9-1-11.)

21 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

22 Sec. 3-14-1. Release from the Institution.

23 (a) Upon release of a person on parole, mandatory release,  
24 final discharge or pardon the Department shall return all  
25 property held for him, provide him with suitable clothing and

1 procure necessary transportation for him to his designated  
2 place of residence and employment. It may provide such person  
3 with a grant of money for travel and expenses which may be paid  
4 in installments. The amount of the money grant shall be  
5 determined by the Department.

6 (a-1) The Department shall, before a wrongfully imprisoned  
7 person, as defined in Section 3-1-2 of this Code, is discharged  
8 from the Department, provide him or her with any documents  
9 necessary after discharge, including an identification card  
10 under subsection (e) of this Section.

11 (a-2) The Department of Corrections may establish and  
12 maintain, in any institution it administers, revolving funds to  
13 be known as "Travel and Allowances Revolving Funds". These  
14 revolving funds shall be used for advancing travel and expense  
15 allowances to committed, paroled, and discharged prisoners.  
16 The moneys paid into such revolving funds shall be from  
17 appropriations to the Department for Committed, Paroled, and  
18 Discharged Prisoners.

19 (b) (Blank).

20 (c) Except as otherwise provided in this Code, the  
21 Department shall establish procedures to provide written  
22 notification of any release of any person who has been  
23 convicted of a felony to the State's Attorney and sheriff of  
24 the county from which the offender was committed, and the  
25 State's Attorney and sheriff of the county into which the  
26 offender is to be paroled or released. Except as otherwise

1 provided in this Code, the Department shall establish  
2 procedures to provide written notification to the proper law  
3 enforcement agency for any municipality of any release of any  
4 person who has been convicted of a felony if the arrest of the  
5 offender or the commission of the offense took place in the  
6 municipality, if the offender is to be paroled or released into  
7 the municipality, or if the offender resided in the  
8 municipality at the time of the commission of the offense. If a  
9 person convicted of a felony who is in the custody of the  
10 Department of Corrections or on parole or mandatory supervised  
11 release informs the Department that he or she has resided,  
12 resides, or will reside at an address that is a housing  
13 facility owned, managed, operated, or leased by a public  
14 housing agency, the Department must send written notification  
15 of that information to the public housing agency that owns,  
16 manages, operates, or leases the housing facility. The written  
17 notification shall, when possible, be given at least 14 days  
18 before release of the person from custody, or as soon  
19 thereafter as possible.

20 (c-1) (Blank).

21 (c-2) The Department shall establish procedures to provide  
22 notice to the Department of State Police of the release or  
23 discharge of persons convicted of violations of the  
24 Methamphetamine Control and Community Protection Act or a  
25 violation of the Methamphetamine Precursor Control Act. The  
26 Department of State Police shall make this information

1 available to local, State, or federal law enforcement agencies  
2 upon request.

3 (c-5) If a person on parole or mandatory supervised release  
4 becomes a resident of a facility licensed or regulated by the  
5 Department of Public Health, the Illinois Department of Public  
6 Aid, or the Illinois Department of Human Services, the  
7 Department of Corrections shall provide copies of the following  
8 information to the appropriate licensing or regulating  
9 Department and the licensed or regulated facility where the  
10 person becomes a resident:

11 (1) The mittimus and any pre-sentence investigation  
12 reports.

13 (2) The social evaluation prepared pursuant to Section  
14 3-8-2.

15 (3) Any pre-release evaluation conducted pursuant to  
16 subsection (j) of Section 3-6-2.

17 (4) Reports of disciplinary infractions and  
18 dispositions.

19 (5) Any parole plan, including orders issued by the  
20 Prisoner Review Board, and any violation reports and  
21 dispositions.

22 (6) The name and contact information for the assigned  
23 parole agent and parole supervisor.

24 This information shall be provided within 3 days of the  
25 person becoming a resident of the facility.

26 (c-10) If a person on parole or mandatory supervised

1 release becomes a resident of a facility licensed or regulated  
2 by the Department of Public Health, the Illinois Department of  
3 Public Aid, or the Illinois Department of Human Services, the  
4 Department of Corrections shall provide written notification  
5 of such residence to the following:

6 (1) The Prisoner Review Board.

7 (2) The chief of police and sheriff in the municipality  
8 and county in which the licensed facility is located.

9 The notification shall be provided within 3 days of the  
10 person becoming a resident of the facility.

11 (d) Upon the release of a committed person on parole,  
12 mandatory supervised release, final discharge or pardon, the  
13 Department shall provide such person with information  
14 concerning programs and services of the Illinois Department of  
15 Public Health to ascertain whether such person has been exposed  
16 to the human immunodeficiency virus (HIV) or any identified  
17 causative agent of Acquired Immunodeficiency Syndrome (AIDS).

18 (e) Upon the release of a committed person on parole,  
19 mandatory supervised release, final discharge, pardon, or who  
20 has been wrongfully imprisoned, the Department shall provide  
21 the person who has met the criteria established by the  
22 Department with an identification card identifying the person  
23 as being on parole, mandatory supervised release, final  
24 discharge, pardon, or wrongfully imprisoned, as the case may  
25 be. The Department, in consultation with the Office of the  
26 Secretary of State, shall prescribe the form of the

1 identification card, which may be similar to the form of the  
2 standard Illinois Identification Card. The Department shall  
3 inform the committed person that he or she may present the  
4 identification card to the Office of the Secretary of State  
5 upon application for a standard Illinois Identification Card in  
6 accordance with the Illinois Identification Card Act. The  
7 Department shall require the committed person to pay a \$1 fee  
8 for the identification card.

9 For purposes of a committed person receiving an  
10 identification card issued by the Department under this  
11 subsection, the Department shall establish criteria that the  
12 committed person must meet before the card is issued. It is the  
13 sole responsibility of the committed person requesting the  
14 identification card issued by the Department to meet the  
15 established criteria. The person's failure to meet the criteria  
16 is sufficient reason to deny the committed person the  
17 identification card. An identification card issued by the  
18 Department under this subsection shall be valid for a period of  
19 time not to exceed 30 calendar days from the date the card is  
20 issued. The Department shall not be held civilly or criminally  
21 liable to anyone because of any act of any person utilizing a  
22 card issued by the Department under this subsection.

23 The Department shall adopt rules governing the issuance of  
24 identification cards to committed persons being released on  
25 parole, mandatory supervised release, final discharge, or  
26 pardon.

1 (Source: P.A. 96-1550, eff. 7-1-11; 97-560, eff. 1-1-12;  
2 revised 11-3-11.)

3 Section 655. The County Jail Act is amended by changing  
4 Section 17.10 as follows:

5 (730 ILCS 125/17.10)

6 Sec. 17.10. Requirements in connection with HIV/AIDS.

7 (a) In each county other than Cook, during the medical  
8 admissions exam, the warden of the jail, a correctional officer  
9 at the jail, or a member of the jail medical staff must provide  
10 the prisoner with appropriate written information concerning  
11 human immunodeficiency virus (HIV) and acquired  
12 immunodeficiency syndrome (AIDS). The Department of Public  
13 Health and community-based organizations certified to provide  
14 HIV/AIDS testing must provide these informational materials to  
15 the warden at no cost to the county. The warden, a correctional  
16 officer, or a member of the jail medical staff must inform the  
17 prisoner of the option of being tested for infection with HIV  
18 by a certified local community-based agency or other available  
19 medical provider at no charge to the prisoner.

20 (b) In Cook County, during the medical admissions exam, an  
21 employee of the Cook County Health & Hospitals System must  
22 provide the prisoner with appropriate information in writing,  
23 verbally or by video or other electronic means concerning human  
24 immunodeficiency virus (HIV) and acquired immunodeficiency



1 syndrome (AIDS) and must also provide the prisoner with option  
2 of testing for infection with HIV or any other identified  
3 causative agent of AIDS, as well as counseling in connection  
4 with such testing. The Cook County Health & Hospitals System  
5 may provide the inmate with opt-out human immunodeficiency  
6 virus (HIV) testing, as defined in Section 4 of the AIDS  
7 Confidentiality Act, unless the inmate refuses. If opt-out HIV  
8 testing is conducted, the Cook County Health & Hospitals System  
9 shall place signs in English, Spanish, and other languages as  
10 needed in multiple, highly visible locations in the area where  
11 HIV testing is conducted informing inmates that they will be  
12 tested for HIV unless they refuse, and refusal or acceptance of  
13 testing shall be documented in the inmate's medical record.  
14 Pre-test information shall be provided to the inmate and  
15 informed consent obtained from the inmate as required in  
16 subsection (d) of Section 3 and Section 5 of the AIDS  
17 Confidentiality Act. The Cook County Health & Hospitals System  
18 shall follow procedures established by the Department of Public  
19 Health to conduct HIV testing and testing to confirm positive  
20 HIV test results. All aspects of HIV testing shall comply with  
21 the requirements of the AIDS Confidentiality Act, including  
22 delivery of test results, as determined by the Cook County  
23 Health & Hospitals System in consultation with the Illinois  
24 Department of Public Health. Nothing in this Section shall  
25 require the Cook County Health & Hospitals System to offer HIV  
26 testing to inmates who are known to be infected with HIV. The

1 Department of Public Health and community-based organizations  
2 certified to provide HIV/AIDS testing may provide these  
3 informational materials to the Bureau at no cost to the county.  
4 The testing provided under this subsection (b) shall consist of  
5 a test approved by the Illinois Department of Public Health to  
6 determine the presence of HIV infection, based upon  
7 recommendations of the United States Centers for Disease  
8 Control and Prevention. If the test result is positive, a  
9 reliable supplemental test based upon recommendations of the  
10 United States Centers for Disease Control and Prevention shall  
11 be administered.

12 (c) In each county, the warden of the jail must make  
13 appropriate written information concerning HIV/AIDS available  
14 to every visitor to the jail. This information must include  
15 information concerning persons or entities to contact for local  
16 counseling and testing. The Department of Public Health and  
17 community-based organizations certified to provide HIV/AIDS  
18 testing must provide these informational materials to the  
19 warden at no cost to the office of the county sheriff.

20 (d) Implementation of this Section is subject to  
21 appropriation.

22 (Source: P.A. 97-244, eff. 8-4-11; 97-323, eff. 8-12-11;  
23 revised 10-4-11.)

24 Section 660. The Sex Offender Registration Act is amended  
25 by changing Section 7 as follows:

1 (730 ILCS 150/7) (from Ch. 38, par. 227)

2 Sec. 7. Duration of registration. A person who has been  
3 adjudicated to be sexually dangerous and is later released or  
4 found to be no longer sexually dangerous and discharged, shall  
5 register for the period of his or her natural life. A sexually  
6 violent person or sexual predator shall register for the period  
7 of his or her natural life after conviction or adjudication if  
8 not confined to a penal institution, hospital, or other  
9 institution or facility, and if confined, for the period of his  
10 or her natural life after parole, discharge, or release from  
11 any such facility. A person who becomes subject to registration  
12 under paragraph (2.1) of subsection (c) of Section 3 of this  
13 Article who has previously been subject to registration under  
14 this Article shall register for the period currently required  
15 for the offense for which the person was previously registered  
16 if not confined to a penal institution, hospital, or other  
17 institution or facility, and if confined, for the same period  
18 after parole, discharge, or release from any such facility.  
19 Except as otherwise provided in this Section, a person who  
20 becomes subject to registration under this Article who has  
21 previously been subject to registration under this Article or  
22 under the Murderer and Violent Offender Against Youth  
23 Registration Act or similar registration requirements of other  
24 jurisdictions shall register for the period of his or her  
25 natural life if not confined to a penal institution, hospital,

1 or other institution or facility, and if confined, for the  
2 period of his or her natural life after parole, discharge, or  
3 release from any such facility. Any other person who is  
4 required to register under this Article shall be required to  
5 register for a period of 10 years after conviction or  
6 adjudication if not confined to a penal institution, hospital  
7 or any other institution or facility, and if confined, for a  
8 period of 10 years after parole, discharge or release from any  
9 such facility. A sex offender who is allowed to leave a county,  
10 State, or federal facility for the purposes of work release,  
11 education, or overnight visitations shall be required to  
12 register within 3 days of beginning such a program. Liability  
13 for registration terminates at the expiration of 10 years from  
14 the date of conviction or adjudication if not confined to a  
15 penal institution, hospital or any other institution or  
16 facility and if confined, at the expiration of 10 years from  
17 the date of parole, discharge or release from any such  
18 facility, providing such person does not, during that period,  
19 again become liable to register under the provisions of this  
20 Article. Reconfinement due to a violation of parole or other  
21 circumstances that relates to the original conviction or  
22 adjudication shall extend the period of registration to 10  
23 years after final parole, discharge, or release. Reconfinement  
24 due to a violation of parole, a conviction reviving  
25 registration, or other circumstances that do not relate to the  
26 original conviction or adjudication shall toll the running of

1 the balance of the 10-year period of registration, which shall  
2 not commence running until after final parole, discharge, or  
3 release. The Director of State Police, consistent with  
4 administrative rules, shall extend for 10 years the  
5 registration period of any sex offender, as defined in Section  
6 2 of this Act, who fails to comply with the provisions of this  
7 Article. The registration period for any sex offender who fails  
8 to comply with any provision of the Act shall extend the period  
9 of registration by 10 years beginning from the first date of  
10 registration after the violation. If the registration period is  
11 extended, the Department of State Police shall send a  
12 registered letter to the law enforcement agency where the sex  
13 offender resides within 3 days after the extension of the  
14 registration period. The sex offender shall report to that law  
15 enforcement agency and sign for that letter. One copy of that  
16 letter shall be kept on file with the law enforcement agency of  
17 the jurisdiction where the sex offender resides and one copy  
18 shall be returned to the Department of State Police.

19 (Source: P.A. 97-154, eff. 1-1-12; 97-578, eff. 1-1-12; revised  
20 10-4-11.)

21 Section 665. The Secure Residential Youth Care Facility  
22 Licensing Act is amended by changing Section 45-10 as follows:

23 (730 ILCS 175/45-10)

24 Sec. 45-10. Definitions. As used in this Act:

1 "Department" means the Illinois Department of Corrections.

2 "Director" means the Director of Corrections.

3 "Secure residential youth care facility" means a facility  
4 (1) where youth are placed and reside for care, treatment, and  
5 custody; (2) that is designed and operated so as to ensure that  
6 all entrances and exits from the facility, or from a building  
7 or distinct part of a building within the facility, are under  
8 the exclusive control of the staff of the facility, whether or  
9 not the youth has freedom of movement within the perimeter of  
10 the facility or within the perimeter of a building or distinct  
11 part of a building within the facility; and (3) that uses  
12 physically restrictive construction including, but not limited  
13 to, locks, bolts, gates, doors, bars, fences, and screen  
14 barriers. This definition does not include jails, prisons,  
15 detention centers, or other such correctional facilities;  
16 State operated mental health facilities; or facilities  
17 operating as psychiatric hospitals under a license pursuant to  
18 the ID/DD Community Care Act, the Nursing Home Care Act, the  
19 Specialized Mental Health Rehabilitation Act, or the Hospital  
20 Licensing Act.

21 "Youth" means an adjudicated delinquent who is 18 years of  
22 age or under and is transferred to the Department pursuant to  
23 Section 3-10-11 of the Unified Code of Corrections.

24 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
25 eff. 1-1-12; revised 10-4-11.)

1           Section 670. The Code of Civil Procedure is amended by  
2 changing Sections 2-203, 5-105, and 8-802 as follows:

3           (735 ILCS 5/2-203) (from Ch. 110, par. 2-203)

4           Sec. 2-203. Service on individuals.

5           (a) Except as otherwise expressly provided, service of  
6 summons upon an individual defendant shall be made (1) by  
7 leaving a copy of the summons with the defendant personally,  
8 (2) by leaving a copy at the defendant's usual place of abode,  
9 with some person of the family or a person residing there, of  
10 the age of 13 years or upwards, and informing that person of  
11 the contents of the summons, provided the officer or other  
12 person making service shall also send a copy of the summons in  
13 a sealed envelope with postage fully prepaid, addressed to the  
14 defendant at his or her usual place of abode, or (3) as  
15 provided in Section 1-2-9.2 of the Illinois Municipal Code with  
16 respect to violation of an ordinance governing parking or  
17 standing of vehicles in cities with a population over 500,000.  
18 The certificate of the officer or affidavit of the person that  
19 he or she has sent the copy in pursuance of this Section is  
20 evidence that he or she has done so. No employee of a facility  
21 licensed under the Nursing Home Care Act, the Specialized  
22 Mental Health Rehabilitation Act, or the ID/DD Community Care  
23 Act shall obstruct an officer or other person making service in  
24 compliance with this Section.

25           (b) The officer, in his or her certificate or in a record

1 filed and maintained in the Sheriff's office, or other person  
2 making service, in his or her affidavit or in a record filed  
3 and maintained in his or her employer's office, shall (1)  
4 identify as to sex, race, and approximate age the defendant or  
5 other person with whom the summons was left and (2) state the  
6 place where (whenever possible in terms of an exact street  
7 address) and the date and time of the day when the summons was  
8 left with the defendant or other person.

9 (c) Any person who knowingly sets forth in the certificate  
10 or affidavit any false statement, shall be liable in civil  
11 contempt. When the court holds a person in civil contempt under  
12 this Section, it shall award such damages as it determines to  
13 be just and, when the contempt is prosecuted by a private  
14 attorney, may award reasonable attorney's fees.

15 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,  
16 eff. 1-1-12; revised 10-4-11.)

17 (735 ILCS 5/5-105) (from Ch. 110, par. 5-105)

18 Sec. 5-105. Leave to sue or defend as an indigent person.

19 (a) As used in this Section:

20 (1) "Fees, costs, and charges" means payments imposed  
21 on a party in connection with the prosecution or defense of  
22 a civil action, including, but not limited to: filing fees;  
23 appearance fees; fees for service of process and other  
24 papers served either within or outside this State,  
25 including service by publication pursuant to Section 2-206



1 of this Code and publication of necessary legal notices;  
2 motion fees; jury demand fees; charges for participation  
3 in, or attendance at, any mandatory process or procedure  
4 including, but not limited to, conciliation, mediation,  
5 arbitration, counseling, evaluation, "Children First",  
6 "Focus on Children" or similar programs; fees for  
7 supplementary proceedings; charges for translation  
8 services; guardian ad litem fees; charges for certified  
9 copies of court documents; and all other processes and  
10 procedures deemed by the court to be necessary to commence,  
11 prosecute, defend, or enforce relief in a civil action.

12 (2) "Indigent person" means any person who meets one or  
13 more of the following criteria:

14 (i) He or she is receiving assistance under one or  
15 more of the following public benefits programs:  
16 Supplemental Security Income (SSI), Aid to the Aged,  
17 Blind and Disabled (AABD), Temporary Assistance for  
18 Needy Families (TANF), Food Stamps, General  
19 Assistance, State Transitional Assistance, or State  
20 Children and Family Assistance.

21 (ii) His or her available income is 125% or less of  
22 the current poverty level as established by the United  
23 States Department of Health and Human Services, unless  
24 the applicant's assets that are not exempt under Part 9  
25 or 10 of Article XII of this Code are of a nature and  
26 value that the court determines that the applicant is

1           able to pay the fees, costs, and charges.

2           (iii) He or she is, in the discretion of the court,  
3           unable to proceed in an action without payment of fees,  
4           costs, and charges and whose payment of those fees,  
5           costs, and charges would result in substantial  
6           hardship to the person or his or her family.

7           (iv) He or she is an indigent person pursuant to  
8           Section 5-105.5 of this Code.

9           (b) On the application of any person, before, or after the  
10          commencement of an action, a court, on finding that the  
11          applicant is an indigent person, shall grant the applicant  
12          leave to sue or defend the action without payment of the fees,  
13          costs, and charges of the action.

14          (c) An application for leave to sue or defend an action as  
15          an indigent person shall be in writing and supported by the  
16          affidavit of the applicant or, if the applicant is a minor or  
17          an incompetent adult, by the affidavit of another person having  
18          knowledge of the facts. The contents of the affidavit shall be  
19          established by Supreme Court Rule. The court shall provide,  
20          through the office of the clerk of the court, simplified forms  
21          consistent with the requirements of this Section and applicable  
22          Supreme Court Rules to any person seeking to sue or defend an  
23          action who indicates an inability to pay the fees, costs, and  
24          charges of the action. The application and supporting affidavit  
25          may be incorporated into one simplified form. The clerk of the  
26          court shall post in a conspicuous place in the courthouse a

1 notice no smaller than 8.5 x 11 inches, using no smaller than  
2 30-point typeface printed in English and in Spanish, advising  
3 the public that they may ask the court for permission to sue or  
4 defend a civil action without payment of fees, costs, and  
5 charges. The notice shall be substantially as follows:

6 "If you are unable to pay the fees, costs, and charges  
7 of an action you may ask the court to allow you to proceed  
8 without paying them. Ask the clerk of the court for forms."

9 (d) The court shall rule on applications under this Section  
10 in a timely manner based on information contained in the  
11 application unless the court, in its discretion, requires the  
12 applicant to personally appear to explain or clarify  
13 information contained in the application. If the court finds  
14 that the applicant is an indigent person, the court shall enter  
15 an order permitting the applicant to sue or defend without  
16 payment of fees, costs, or charges. If the application is  
17 denied, the court shall enter an order to that effect stating  
18 the specific reasons for the denial. The clerk of the court  
19 shall promptly mail or deliver a copy of the order to the  
20 applicant.

21 (e) The clerk of the court shall not refuse to accept and  
22 file any complaint, appearance, or other paper presented by the  
23 applicant if accompanied by an application to sue or defend in  
24 forma pauperis, and those papers shall be considered filed on  
25 the date the application is presented. If the application is  
26 denied, the order shall state a date certain by which the

1 necessary fees, costs, and charges must be paid. The court, for  
2 good cause shown, may allow an applicant whose application is  
3 denied to defer payment of fees, costs, and charges, make  
4 installment payments, or make payment upon reasonable terms and  
5 conditions stated in the order. The court may dismiss the  
6 claims or defenses of any party failing to pay the fees, costs,  
7 or charges within the time and in the manner ordered by the  
8 court. A determination concerning an application to sue or  
9 defend in forma pauperis shall not be construed as a ruling on  
10 the merits.

11 (f) The court may order an indigent person to pay all or a  
12 portion of the fees, costs, or charges waived pursuant to this  
13 Section out of moneys recovered by the indigent person pursuant  
14 to a judgment or settlement resulting from the civil action.  
15 However, nothing in ~~is~~ this Section shall be construed to limit  
16 the authority of a court to order another party to the action  
17 to pay the fees, costs, or charges of the action.

18 (g) A court, in its discretion, may appoint counsel to  
19 represent an indigent person, and that counsel shall perform  
20 his or her duties without fees, charges, or reward.

21 (h) Nothing in this Section shall be construed to affect  
22 the right of a party to sue or defend an action in forma  
23 pauperis without the payment of fees, costs, or charges, or the  
24 right of a party to court-appointed counsel, as authorized by  
25 any other provision of law or by the rules of the Illinois  
26 Supreme Court.

1 (i) The provisions of this Section are severable under  
2 Section 1.31 of the Statute on Statutes.

3 (Source: P.A. 91-621, eff. 8-19-99; revised 11-21-11.)

4 (735 ILCS 5/8-802) (from Ch. 110, par. 8-802)

5 Sec. 8-802. Physician and patient. No physician or surgeon  
6 shall be permitted to disclose any information he or she may  
7 have acquired in attending any patient in a professional  
8 character, necessary to enable him or her professionally to  
9 serve the patient, except only (1) in trials for homicide when  
10 the disclosure relates directly to the fact or immediate  
11 circumstances of the homicide, (2) in actions, civil or  
12 criminal, against the physician for malpractice, (3) with the  
13 expressed consent of the patient, or in case of his or her  
14 death or disability, of his or her personal representative or  
15 other person authorized to sue for personal injury or of the  
16 beneficiary of an insurance policy on his or her life, health,  
17 or physical condition, or as authorized by Section 8-2001.5,  
18 (4) in all actions brought by or against the patient, his or  
19 her personal representative, a beneficiary under a policy of  
20 insurance, or the executor or administrator of his or her  
21 estate wherein the patient's physical or mental condition is an  
22 issue, (5) upon an issue as to the validity of a document as a  
23 will of the patient, (6) in any criminal action where the  
24 charge is either first degree murder by abortion, attempted  
25 abortion or abortion, (7) in actions, civil or criminal,

1 arising from the filing of a report in compliance with the  
2 Abused and Neglected Child Reporting Act, (8) to any  
3 department, agency, institution or facility which has custody  
4 of the patient pursuant to State statute or any court order of  
5 commitment, (9) in prosecutions where written results of blood  
6 alcohol tests are admissible pursuant to Section 11-501.4 of  
7 the Illinois Vehicle Code, (10) in prosecutions where written  
8 results of blood alcohol tests are admissible under Section  
9 5-11a of the Boat Registration and Safety Act, (11) in criminal  
10 actions arising from the filing of a report of suspected  
11 terrorist offense in compliance with Section 29D-10(p)(7) of  
12 the Criminal Code of 1961, or (12) upon the issuance of a  
13 subpoena pursuant to Section 38 of the Medical Practice Act of  
14 1987; the issuance of a subpoena pursuant to Section 25.1 of  
15 the Illinois Dental Practice Act; the issuance of a subpoena  
16 pursuant to Section 22 of the Nursing Home Administrators  
17 Licensing and Disciplinary Act; or the issuance of a subpoena  
18 pursuant to Section 25.5 of the Workers' Compensation Act.

19 In the event of a conflict between the application of this  
20 Section and the Mental Health and Developmental Disabilities  
21 Confidentiality Act to a specific situation, the provisions of  
22 the Mental Health and Developmental Disabilities  
23 Confidentiality Act shall control.

24 (Source: P.A. 97-18, eff. 6-28-11; 97-623, eff. 11-23-11;  
25 revised 11-29-11.)

1 Section 675. The Eminent Domain Act is amended by changing  
2 Sections 15-5-15 and 15-5-46 and by setting forth and  
3 renumbering multiple versions of Section 25-5-30 as follows:

4 (735 ILCS 30/15-5-15)

5 Sec. 15-5-15. Eminent domain powers in ILCS Chapters 70  
6 through 75. The following provisions of law may include express  
7 grants of the power to acquire property by condemnation or  
8 eminent domain:

9 (70 ILCS 5/8.02 and 5/9); Airport Authorities Act; airport  
10 authorities; for public airport facilities.

11 (70 ILCS 5/8.05 and 5/9); Airport Authorities Act; airport  
12 authorities; for removal of airport hazards.

13 (70 ILCS 5/8.06 and 5/9); Airport Authorities Act; airport  
14 authorities; for reduction of the height of objects or  
15 structures.

16 (70 ILCS 10/4); Interstate Airport Authorities Act; interstate  
17 airport authorities; for general purposes.

18 (70 ILCS 15/3); Kankakee River Valley Area Airport Authority  
19 Act; Kankakee River Valley Area Airport Authority; for  
20 acquisition of land for airports.

21 (70 ILCS 200/2-20); Civic Center Code; civic center  
22 authorities; for grounds, centers, buildings, and parking.

23 (70 ILCS 200/5-35); Civic Center Code; Aledo Civic Center  
24 Authority; for grounds, centers, buildings, and parking.

1 (70 ILCS 200/10-15); Civic Center Code; Aurora Metropolitan  
2 Exposition, Auditorium and Office Building Authority; for  
3 grounds, centers, buildings, and parking.

4 (70 ILCS 200/15-40); Civic Center Code; Benton Civic Center  
5 Authority; for grounds, centers, buildings, and parking.

6 (70 ILCS 200/20-15); Civic Center Code; Bloomington Civic  
7 Center Authority; for grounds, centers, buildings, and  
8 parking.

9 (70 ILCS 200/35-35); Civic Center Code; Brownstown Park  
10 District Civic Center Authority; for grounds, centers,  
11 buildings, and parking.

12 (70 ILCS 200/40-35); Civic Center Code; Carbondale Civic Center  
13 Authority; for grounds, centers, buildings, and parking.

14 (70 ILCS 200/55-60); Civic Center Code; Chicago South Civic  
15 Center Authority; for grounds, centers, buildings, and  
16 parking.

17 (70 ILCS 200/60-30); Civic Center Code; Collinsville  
18 Metropolitan Exposition, Auditorium and Office Building  
19 Authority; for grounds, centers, buildings, and parking.

20 (70 ILCS 200/70-35); Civic Center Code; Crystal Lake Civic  
21 Center Authority; for grounds, centers, buildings, and  
22 parking.

23 (70 ILCS 200/75-20); Civic Center Code; Decatur Metropolitan  
24 Exposition, Auditorium and Office Building Authority; for  
25 grounds, centers, buildings, and parking.

26 (70 ILCS 200/80-15); Civic Center Code; DuPage County



1 Metropolitan Exposition, Auditorium and Office Building  
2 Authority; for grounds, centers, buildings, and parking.

3 (70 ILCS 200/85-35); Civic Center Code; Elgin Metropolitan  
4 Exposition, Auditorium and Office Building Authority; for  
5 grounds, centers, buildings, and parking.

6 (70 ILCS 200/95-25); Civic Center Code; Herrin Metropolitan  
7 Exposition, Auditorium and Office Building Authority; for  
8 grounds, centers, buildings, and parking.

9 (70 ILCS 200/110-35); Civic Center Code; Illinois Valley Civic  
10 Center Authority; for grounds, centers, buildings, and  
11 parking.

12 (70 ILCS 200/115-35); Civic Center Code; Jasper County Civic  
13 Center Authority; for grounds, centers, buildings, and  
14 parking.

15 (70 ILCS 200/120-25); Civic Center Code; Jefferson County  
16 Metropolitan Exposition, Auditorium and Office Building  
17 Authority; for grounds, centers, buildings, and parking.

18 (70 ILCS 200/125-15); Civic Center Code; Jo Daviess County  
19 Civic Center Authority; for grounds, centers, buildings,  
20 and parking.

21 (70 ILCS 200/130-30); Civic Center Code; Katherine Dunham  
22 Metropolitan Exposition, Auditorium and Office Building  
23 Authority; for grounds, centers, buildings, and parking.

24 (70 ILCS 200/145-35); Civic Center Code; Marengo Civic Center  
25 Authority; for grounds, centers, buildings, and parking.

26 (70 ILCS 200/150-35); Civic Center Code; Mason County Civic

1 Center Authority; for grounds, centers, buildings, and  
2 parking.

3 (70 ILCS 200/155-15); Civic Center Code; Matteson Metropolitan  
4 Civic Center Authority; for grounds, centers, buildings,  
5 and parking.

6 (70 ILCS 200/160-35); Civic Center Code; Maywood Civic Center  
7 Authority; for grounds, centers, buildings, and parking.

8 (70 ILCS 200/165-35); Civic Center Code; Melrose Park  
9 Metropolitan Exposition Auditorium and Office Building  
10 Authority; for grounds, centers, buildings, and parking.

11 (70 ILCS 200/170-20); Civic Center Code; certain Metropolitan  
12 Exposition, Auditorium and Office Building Authorities;  
13 for general purposes.

14 (70 ILCS 200/180-35); Civic Center Code; Normal Civic Center  
15 Authority; for grounds, centers, buildings, and parking.

16 (70 ILCS 200/185-15); Civic Center Code; Oak Park Civic Center  
17 Authority; for grounds, centers, buildings, and parking.

18 (70 ILCS 200/195-35); Civic Center Code; Ottawa Civic Center  
19 Authority; for grounds, centers, buildings, and parking.

20 (70 ILCS 200/200-15); Civic Center Code; Pekin Civic Center  
21 Authority; for grounds, centers, buildings, and parking.

22 (70 ILCS 200/205-15); Civic Center Code; Peoria Civic Center  
23 Authority; for grounds, centers, buildings, and parking.

24 (70 ILCS 200/210-35); Civic Center Code; Pontiac Civic Center  
25 Authority; for grounds, centers, buildings, and parking.

26 (70 ILCS 200/215-15); Civic Center Code; Illinois Quad City

1 Civic Center Authority; for grounds, centers, buildings,  
2 and parking.

3 (70 ILCS 200/220-30); Civic Center Code; Quincy Metropolitan  
4 Exposition, Auditorium and Office Building Authority; for  
5 grounds, centers, buildings, and parking.

6 (70 ILCS 200/225-35); Civic Center Code; Randolph County Civic  
7 Center Authority; for grounds, centers, buildings, and  
8 parking.

9 (70 ILCS 200/230-35); Civic Center Code; River Forest  
10 Metropolitan Exposition, Auditorium and Office Building  
11 Authority; for grounds, centers, buildings, and parking.

12 (70 ILCS 200/235-40); Civic Center Code; Riverside Civic Center  
13 Authority; for grounds, centers, buildings, and parking.

14 (70 ILCS 200/245-35); Civic Center Code; Salem Civic Center  
15 Authority; for grounds, centers, buildings, and parking.

16 (70 ILCS 200/255-20); Civic Center Code; Springfield  
17 Metropolitan Exposition and Auditorium Authority; for  
18 grounds, centers, and parking.

19 (70 ILCS 200/260-35); Civic Center Code; Sterling Metropolitan  
20 Exposition, Auditorium and Office Building Authority; for  
21 grounds, centers, buildings, and parking.

22 (70 ILCS 200/265-20); Civic Center Code; Vermilion County  
23 Metropolitan Exposition, Auditorium and Office Building  
24 Authority; for grounds, centers, buildings, and parking.

25 (70 ILCS 200/270-35); Civic Center Code; Waukegan Civic Center  
26 Authority; for grounds, centers, buildings, and parking.

1 (70 ILCS 200/275-35); Civic Center Code; West Frankfort Civic  
2 Center Authority; for grounds, centers, buildings, and  
3 parking.

4 (70 ILCS 200/280-20); Civic Center Code; Will County  
5 Metropolitan Exposition and Auditorium Authority; for  
6 grounds, centers, and parking.

7 (70 ILCS 210/5); Metropolitan Pier and Exposition Authority  
8 Act; Metropolitan Pier and Exposition Authority; for  
9 general purposes, including quick-take power.

10 (70 ILCS 405/22.04); Soil and Water Conservation Districts Act;  
11 soil and water conservation districts; for general  
12 purposes.

13 (70 ILCS 410/10 and 410/12); Conservation District Act;  
14 conservation districts; for open space, wildland, scenic  
15 roadway, pathway, outdoor recreation, or other  
16 conservation benefits.

17 (70 ILCS 503/25); Chanute-Rantoul National Aviation Center  
18 Redevelopment Commission Act; Chanute-Rantoul National  
19 Aviation Center Redevelopment Commission; for general  
20 purposes.

21 (70 ILCS 507/15); Fort Sheridan Redevelopment Commission Act;  
22 Fort Sheridan Redevelopment Commission; for general  
23 purposes or to carry out comprehensive or redevelopment  
24 plans.

25 (70 ILCS 520/8); Southwestern Illinois Development Authority  
26 Act; Southwestern Illinois Development Authority; for

1           general purposes, including quick-take power.  
2           (70 ILCS 605/4-17 and 605/5-7); Illinois Drainage Code;  
3           drainage districts; for general purposes.  
4           (70 ILCS 615/5 and 615/6); Chicago Drainage District Act;  
5           corporate authorities; for construction and maintenance of  
6           works.  
7           (70 ILCS 705/10); Fire Protection District Act; fire protection  
8           districts; for general purposes.  
9           (70 ILCS 750/20); Flood Prevention District Act; flood  
10          prevention districts; for general purposes.  
11          (70 ILCS 805/6); Downstate Forest Preserve District Act;  
12          certain forest preserve districts; for general purposes.  
13          (70 ILCS 805/18.8); Downstate Forest Preserve District Act;  
14          certain forest preserve districts; for recreational and  
15          cultural facilities.  
16          (70 ILCS 810/8); Cook County Forest Preserve District Act;  
17          Forest Preserve District of Cook County; for general  
18          purposes.  
19          (70 ILCS 810/38); Cook County Forest Preserve District Act;  
20          Forest Preserve District of Cook County; for recreational  
21          facilities.  
22          (70 ILCS 910/15 and 910/16); Hospital District Law; hospital  
23          districts; for hospitals or hospital facilities.  
24          (70 ILCS 915/3); Illinois Medical District Act; Illinois  
25          Medical District Commission; for general purposes.  
26          (70 ILCS 915/4.5); Illinois Medical District Act; Illinois

1 Medical District Commission; quick-take power for the  
2 Illinois State Police Forensic Science Laboratory  
3 (obsolete).

4 (70 ILCS 920/5); Tuberculosis Sanitarium District Act;  
5 tuberculosis sanitarium districts; for tuberculosis  
6 sanitariums.

7 (70 ILCS 925/20); Mid-Illinois Medical District Act;  
8 Mid-Illinois Medical District; for general purposes.

9 (70 ILCS 930/20); Mid-America Medical District Act;  
10 Mid-America Medical District Commission; for general  
11 purposes.

12 (70 ILCS 935/20); Roseland Community Medical District Act;  
13 medical district; for general purposes.

14 (70 ILCS 1005/7); Mosquito Abatement District Act; mosquito  
15 abatement districts; for general purposes.

16 (70 ILCS 1105/8); Museum District Act; museum districts; for  
17 general purposes.

18 (70 ILCS 1205/7-1); Park District Code; park districts; for  
19 streets and other purposes.

20 (70 ILCS 1205/8-1); Park District Code; park districts; for  
21 parks.

22 (70 ILCS 1205/9-2 and 1205/9-4); Park District Code; park  
23 districts; for airports and landing fields.

24 (70 ILCS 1205/11-2 and 1205/11-3); Park District Code; park  
25 districts; for State land abutting public water and certain  
26 access rights.

1 (70 ILCS 1205/11.1-3); Park District Code; park districts; for  
2 harbors.

3 (70 ILCS 1225/2); Park Commissioners Land Condemnation Act;  
4 park districts; for street widening.

5 (70 ILCS 1230/1 and 1230/1-a); Park Commissioners Water Control  
6 Act; park districts; for parks, boulevards, driveways,  
7 parkways, viaducts, bridges, or tunnels.

8 (70 ILCS 1250/2); Park Commissioners Street Control (1889) Act;  
9 park districts; for boulevards or driveways.

10 (70 ILCS 1290/1); Park District Aquarium and Museum Act;  
11 municipalities or park districts; for aquariums or  
12 museums.

13 (70 ILCS 1305/2); Park District Airport Zoning Act; park  
14 districts; for restriction of the height of structures.

15 (70 ILCS 1310/5); Park District Elevated Highway Act; park  
16 districts; for elevated highways.

17 (70 ILCS 1505/15); Chicago Park District Act; Chicago Park  
18 District; for parks and other purposes.

19 (70 ILCS 1505/25.1); Chicago Park District Act; Chicago Park  
20 District; for parking lots or garages.

21 (70 ILCS 1505/26.3); Chicago Park District Act; Chicago Park  
22 District; for harbors.

23 (70 ILCS 1570/5); Lincoln Park Commissioners Land Condemnation  
24 Act; Lincoln Park Commissioners; for land and interests in  
25 land, including riparian rights.

26 (70 ILCS 1801/30); Alexander-Cairo Port District Act;

1 Alexander-Cairo Port District; for general purposes.  
2 (70 ILCS 1805/8); Havana Regional Port District Act; Havana  
3 Regional Port District; for general purposes.  
4 (70 ILCS 1810/7); Illinois International Port District Act;  
5 Illinois International Port District; for general  
6 purposes.  
7 (70 ILCS 1815/13); Illinois Valley Regional Port District Act;  
8 Illinois Valley Regional Port District; for general  
9 purposes.  
10 (70 ILCS 1820/4); Jackson-Union Counties Regional Port  
11 District Act; Jackson-Union Counties Regional Port  
12 District; for removal of airport hazards or reduction of  
13 the height of objects or structures.  
14 (70 ILCS 1820/5); Jackson-Union Counties Regional Port  
15 District Act; Jackson-Union Counties Regional Port  
16 District; for general purposes.  
17 (70 ILCS 1825/4.9); Joliet Regional Port District Act; Joliet  
18 Regional Port District; for removal of airport hazards.  
19 (70 ILCS 1825/4.10); Joliet Regional Port District Act; Joliet  
20 Regional Port District; for reduction of the height of  
21 objects or structures.  
22 (70 ILCS 1825/4.18); Joliet Regional Port District Act; Joliet  
23 Regional Port District; for removal of hazards from ports  
24 and terminals.  
25 (70 ILCS 1825/5); Joliet Regional Port District Act; Joliet  
26 Regional Port District; for general purposes.



1 (70 ILCS 1830/7.1); Kaskaskia Regional Port District Act;  
2 Kaskaskia Regional Port District; for removal of hazards  
3 from ports and terminals.

4 (70 ILCS 1830/14); Kaskaskia Regional Port District Act;  
5 Kaskaskia Regional Port District; for general purposes.

6 (70 ILCS 1831/30); Massac-Metropolis Port District Act;  
7 Massac-Metropolis Port District; for general purposes.

8 (70 ILCS 1835/5.10); Mt. Carmel Regional Port District Act; Mt.  
9 Carmel Regional Port District; for removal of airport  
10 hazards.

11 (70 ILCS 1835/5.11); Mt. Carmel Regional Port District Act; Mt.  
12 Carmel Regional Port District; for reduction of the height  
13 of objects or structures.

14 (70 ILCS 1835/6); Mt. Carmel Regional Port District Act; Mt.  
15 Carmel Regional Port District; for general purposes.

16 (70 ILCS 1837/30); Ottawa Port District Act; Ottawa Port  
17 District; for general purposes.

18 (70 ILCS 1845/4.9); Seneca Regional Port District Act; Seneca  
19 Regional Port District; for removal of airport hazards.

20 (70 ILCS 1845/4.10); Seneca Regional Port District Act; Seneca  
21 Regional Port District; for reduction of the height of  
22 objects or structures.

23 (70 ILCS 1845/5); Seneca Regional Port District Act; Seneca  
24 Regional Port District; for general purposes.

25 (70 ILCS 1850/4); Shawneetown Regional Port District Act;  
26 Shawneetown Regional Port District; for removal of airport

1 hazards or reduction of the height of objects or  
2 structures.

3 (70 ILCS 1850/5); Shawneetown Regional Port District Act;  
4 Shawneetown Regional Port District; for general purposes.

5 (70 ILCS 1855/4); Southwest Regional Port District Act;  
6 Southwest Regional Port District; for removal of airport  
7 hazards or reduction of the height of objects or  
8 structures.

9 (70 ILCS 1855/5); Southwest Regional Port District Act;  
10 Southwest Regional Port District; for general purposes.

11 (70 ILCS 1860/4); Tri-City Regional Port District Act; Tri-City  
12 Regional Port District; for removal of airport hazards.

13 (70 ILCS 1860/5); Tri-City Regional Port District Act; Tri-City  
14 Regional Port District; for the development of facilities.

15 (70 ILCS 1863/11); Upper Mississippi River International Port  
16 District Act; Upper Mississippi River International Port  
17 District; for general purposes.

18 (70 ILCS 1865/4.9); Waukegan Port District Act; Waukegan Port  
19 District; for removal of airport hazards.

20 (70 ILCS 1865/4.10); Waukegan Port District Act; Waukegan Port  
21 District; for restricting the height of objects or  
22 structures.

23 (70 ILCS 1865/5); Waukegan Port District Act; Waukegan Port  
24 District; for the development of facilities.

25 (70 ILCS 1870/8); White County Port District Act; White County  
26 Port District; for the development of facilities.

1 (70 ILCS 1905/16); Railroad Terminal Authority Act; Railroad  
2 Terminal Authority (Chicago); for general purposes.

3 (70 ILCS 1915/25); Grand Avenue Railroad Relocation Authority  
4 Act; Grand Avenue Railroad Relocation Authority; for  
5 general purposes, including quick-take power (now  
6 obsolete).

7 (70 ILCS 2105/9b); River Conservancy Districts Act; river  
8 conservancy districts; for general purposes.

9 (70 ILCS 2105/10a); River Conservancy Districts Act; river  
10 conservancy districts; for corporate purposes.

11 (70 ILCS 2205/15); Sanitary District Act of 1907; sanitary  
12 districts; for corporate purposes.

13 (70 ILCS 2205/18); Sanitary District Act of 1907; sanitary  
14 districts; for improvements and works.

15 (70 ILCS 2205/19); Sanitary District Act of 1907; sanitary  
16 districts; for access to property.

17 (70 ILCS 2305/8); North Shore Sanitary District Act; North  
18 Shore Sanitary District; for corporate purposes.

19 (70 ILCS 2305/15); North Shore Sanitary District Act; North  
20 Shore Sanitary District; for improvements.

21 (70 ILCS 2405/7.9); Sanitary District Act of 1917; Sanitary  
22 District of Decatur; for carrying out agreements to sell,  
23 convey, or disburse treated wastewater to a private entity.

24 (70 ILCS 2405/8); Sanitary District Act of 1917; sanitary  
25 districts; for corporate purposes.

26 (70 ILCS 2405/15); Sanitary District Act of 1917; sanitary

1 districts; for improvements.

2 (70 ILCS 2405/16.9 and 2405/16.10); Sanitary District Act of  
3 1917; sanitary districts; for waterworks.

4 (70 ILCS 2405/17.2); Sanitary District Act of 1917; sanitary  
5 districts; for public sewer and water utility treatment  
6 works.

7 (70 ILCS 2405/18); Sanitary District Act of 1917; sanitary  
8 districts; for dams or other structures to regulate water  
9 flow.

10 (70 ILCS 2605/8); Metropolitan Water Reclamation District Act;  
11 Metropolitan Water Reclamation District; for corporate  
12 purposes.

13 (70 ILCS 2605/16); Metropolitan Water Reclamation District  
14 Act; Metropolitan Water Reclamation District; quick-take  
15 power for improvements.

16 (70 ILCS 2605/17); Metropolitan Water Reclamation District  
17 Act; Metropolitan Water Reclamation District; for bridges.

18 (70 ILCS 2605/35); Metropolitan Water Reclamation District  
19 Act; Metropolitan Water Reclamation District; for widening  
20 and deepening a navigable stream.

21 (70 ILCS 2805/10); Sanitary District Act of 1936; sanitary  
22 districts; for corporate purposes.

23 (70 ILCS 2805/24); Sanitary District Act of 1936; sanitary  
24 districts; for improvements.

25 (70 ILCS 2805/26i and 2805/26j); Sanitary District Act of 1936;  
26 sanitary districts; for drainage systems.

1 (70 ILCS 2805/27); Sanitary District Act of 1936; sanitary  
2 districts; for dams or other structures to regulate water  
3 flow.

4 (70 ILCS 2805/32k); Sanitary District Act of 1936; sanitary  
5 districts; for water supply.

6 (70 ILCS 2805/32l); Sanitary District Act of 1936; sanitary  
7 districts; for waterworks.

8 (70 ILCS 2905/2-7); Metro-East Sanitary District Act of 1974;  
9 Metro-East Sanitary District; for corporate purposes.

10 (70 ILCS 2905/2-8); Metro-East Sanitary District Act of 1974;  
11 Metro-East Sanitary District; for access to property.

12 (70 ILCS 3010/10); Sanitary District Revenue Bond Act; sanitary  
13 districts; for sewerage systems.

14 (70 ILCS 3205/12); Illinois Sports Facilities Authority Act;  
15 Illinois Sports Facilities Authority; quick-take power for  
16 its corporate purposes (obsolete).

17 (70 ILCS 3405/16); Surface Water Protection District Act;  
18 surface water protection districts; for corporate  
19 purposes.

20 (70 ILCS 3605/7); Metropolitan Transit Authority Act; Chicago  
21 Transit Authority; for transportation systems.

22 (70 ILCS 3605/8); Metropolitan Transit Authority Act; Chicago  
23 Transit Authority; for general purposes.

24 (70 ILCS 3605/10); Metropolitan Transit Authority Act; Chicago  
25 Transit Authority; for general purposes, including  
26 railroad property.

1 (70 ILCS 3610/3 and 3610/5); Local Mass Transit District Act;  
2 local mass transit districts; for general purposes.

3 (70 ILCS 3615/2.13); Regional Transportation Authority Act;  
4 Regional Transportation Authority; for general purposes.

5 (70 ILCS 3705/8 and 3705/12); Public Water District Act; public  
6 water districts; for waterworks.

7 (70 ILCS 3705/23a); Public Water District Act; public water  
8 districts; for sewerage properties.

9 (70 ILCS 3705/23e); Public Water District Act; public water  
10 districts; for combined waterworks and sewerage systems.

11 (70 ILCS 3715/6); Water Authorities Act; water authorities; for  
12 facilities to ensure adequate water supply.

13 (70 ILCS 3715/27); Water Authorities Act; water authorities;  
14 for access to property.

15 (75 ILCS 5/4-7); Illinois Local Library Act; boards of library  
16 trustees; for library buildings.

17 (75 ILCS 16/30-55.80); Public Library District Act of 1991;  
18 public library districts; for general purposes.

19 (75 ILCS 65/1 and 65/3); Libraries in Parks Act; corporate  
20 authorities of city or park district, or board of park  
21 commissioners; for free public library buildings.

22 (Source: P.A. 96-1000, eff. 7-2-10; 97-333, eff. 8-12-11;  
23 incorporates 96-1522, eff. 2-14-11, and 97-259, eff. 8-5-11;  
24 revised 9-21-11.)

25 (735 ILCS 30/15-5-46)



1           NORTHEASTERLY RIGHT-OF-WAY LINE OF FEDERAL AID ROUTE 420  
2           (ALSO KNOWN AS FEDERAL AID ROUTE 201); THENCE NORTH 61  
3           DEGREES 54 MINUTES 08 SECONDS WEST (BEARINGS BASED ON  
4           ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM)  
5           ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF  
6           503.21 FEET TO A BEND POINT IN SAID NORTHEASTERLY  
7           RIGHT-OF-WAY LINE; THENCE NORTH 63 DEGREES 49 MINUTES 56  
8           SECONDS WEST ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A  
9           DISTANCE OF 837.29 FEET TO A BEND POINT IN SAID  
10          NORTHEASTERLY RIGHT-OF-WAY LINE; THENCE NORTH 64 DEGREES  
11          23 MINUTES 38 SECONDS WEST ALONG SAID NORTHEASTERLY  
12          RIGHT-OF-WAY LINE, A DISTANCE OF 81.77 FEET; THENCE NORTH  
13          11 DEGREES 48 MINUTES 49 SECONDS WEST, A DISTANCE OF 737.72  
14          FEET; THENCE NORTH 35 DEGREES 16 MINUTES 32 SECONDS WEST, A  
15          DISTANCE OF 1001.50 FEET; THENCE NORTH 33 DEGREES 34  
16          MINUTES 33 SECONDS WEST, A DISTANCE OF 1019.96 FEET TO A  
17          POINT OF CURVATURE; THENCE NORTHERLY ALONG A CURVE, CONCAVE  
18          TO THE EAST, HAVING A RADIUS OF 600.00 FEET, AN ARC LENGTH  
19          OF 346.77 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID  
20          CURVE HAVING A LENGTH OF 341.97 FEET AND A BEARING OF NORTH  
21          17 DEGREES 01 MINUTES 07 SECONDS WEST; THENCE NORTH 00  
22          DEGREES 27 MINUTES 41 SECONDS WEST, A DISTANCE OF 518.80  
23          FEET TO THE POINT OF INTERSECTION WITH A LINE 80.00 FEET  
24          SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH HALF  
25          OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE SOUTH  
26          89 DEGREES 04 MINUTES 23 SECONDS EAST ALONG SAID LINE 80.00



1 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH  
2 HALF OF THE NORTHWEST QUARTER OF SAID SECTION 15, A  
3 DISTANCE OF 323.79 FEET; THENCE SOUTH 00 DEGREES 27 MINUTES  
4 41 SECONDS EAST, A DISTANCE OF 545.39 FEET; THENCE SOUTH 33  
5 DEGREES 34 MINUTES 33 SECONDS EAST, A DISTANCE OF 563.07  
6 FEET; THENCE SOUTH 86 DEGREES 02 MINUTES 35 SECONDS EAST, A  
7 DISTANCE OF 289.88 FEET; THENCE SOUTH 3 DEGREES 57 MINUTES  
8 25 SECONDS WEST, A DISTANCE OF 242.15 FEET; THENCE SOUTH 51  
9 DEGREES 02 MINUTES 02 SECONDS EAST, A DISTANCE OF 159.41  
10 FEET; THENCE NORTH 88 DEGREES 00 MINUTES 32 SECONDS EAST, A  
11 DISTANCE OF 750.85 FEET TO THE POINT OF INTERSECTION WITH  
12 SAID WESTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC  
13 RAILROAD; THENCE SOUTH 19 DEGREES 11 MINUTES 49 SECONDS  
14 EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF  
15 2677.76 FEET TO THE POINT OF BEGINNING, IN McHENRY COUNTY,  
16 ILLINOIS.

17 (Source: P.A. 96-1525, eff. 2-14-11.)

18 (735 ILCS 30/25-5-35)

19 Sec. 25-5-35 ~~25-5-30~~. Quick-take; City of Country Club  
20 Hills. Quick-take proceedings under Article 20 may be used for  
21 a period of no longer than one year from the effective date of  
22 this amendatory Act of the 96th General Assembly by the City of  
23 Country Club Hills for the acquisition of the following  
24 described property for the purpose of building streets,  
25 roadways, or other public improvements to serve the City's

1 I-57/I-80 Tax Increment Financing District:

2 That part of Lots 2, 4 through 10 (both inclusive) and 16  
3 in Gatling Country Club Hills Resubdivision being a  
4 Resubdivision of part of Gatling Country Club Hills  
5 Subdivision in the Northeast Quarter of Section 27,  
6 Township 36 North, Range 13 East of the Third Principal  
7 Meridian, South of the Indian Boundary Line, according to  
8 the plat thereof recorded June 9, 2004 as Document No.  
9 0416145163, taken as a tract and described as follows:  
10 Beginning at the Northwesterly corner of said Lot 10;  
11 thence North 89 Degrees 58 Minutes 52 Seconds West along  
12 the North line of said Lot 16, 100.47 feet to the Northeast  
13 corner of said Lot 16; thence South 00 Degrees 01 Minute 08  
14 Seconds West along the West line of Lot 16, 24.00 feet;  
15 thence North 89 Degrees 58 Minutes 52 Seconds West, 12.20  
16 Feet; thence South 11 Degrees 27 Minutes 13 Seconds East,  
17 46.94 feet; thence South 00 Degrees 00 Minutes 31 Seconds  
18 East, 132.33 feet to a point of curve; thence Southerly  
19 along a curve concave Westerly having a radius of 37.73  
20 feet and a central angle of 50 Degrees 50 Minutes 17  
21 Seconds a distance of 30.81 feet to a point of tangency,  
22 thence South 50 Degrees 05 Minutes 28 Seconds West, 30.65  
23 feet; thence South 90 Degrees 00 Minutes 00 Seconds West,  
24 1177.04 feet to the West line of said Resubdivision; thence  
25 South 00 Degrees 00 Minutes 00 Seconds West along said last

1 described line, 45.00 feet; thence South 90 Degrees 00  
2 Minutes 00 Seconds East, 1192.95 feet; thence South 45  
3 Degrees 00 Minutes 00 Seconds East, 54.13 feet; thence  
4 South 00 Degrees 03 Minutes 38 Seconds East, 18.73 feet;  
5 thence North 89 Degrees 56 Minutes 22 Seconds East, 45.00  
6 feet; thence North 00 Degrees 03 Minutes 38 Seconds West,  
7 20.23 feet; thence North 45 Degrees 00 Minutes 00 Seconds,  
8 43.46 feet; thence North 90 Degrees 00 Minutes 00 Seconds  
9 East, 163.27 feet; thence North 00 Degrees 00 Minutes 00  
10 Seconds West, 50.00 feet; thence North 89 Degrees 59  
11 Minutes 59 Seconds West, 69.27 feet; thence North 85  
12 Degrees 04 Minutes 24 Seconds West, 51.65 feet; thence  
13 North 74 Degrees 17 Minutes 00 Seconds West, 26.77 feet;  
14 thence North 00 Degrees 00 Minutes 00 Seconds East, 8.29  
15 feet; thence North 45 Degrees 00 Minutes 00 Seconds West,  
16 43.54 feet; thence North 00 Degrees 00 Minutes 00 Seconds  
17 East, 133.54 feet; thence North 19 Degrees 33 Minutes 58  
18 Seconds East, 69.77 feet to the point of beginning, all in  
19 Cook County, Illinois.

20 (Source: P.A. 96-1537, eff. 3-4-11; revised 4-18-11.)

21 (735 ILCS 30/25-5-40)

22 Sec. 25-5-40 ~~25-5-30~~. Quick-take; Will County. Quick-take  
23 proceedings under Article 20 may be used for a period of one  
24 year after the effective date of this amendatory Act of the  
25 97th General Assembly by Will County for the acquisition of

1 property to be used for the reconstruction of the Weber Road  
2 (County Highway 88) and Renwick Road (County Highway 36)  
3 intersection, as follows:

4 PARCEL 0001

5 The east 30.00 feet of that part of Lot 6 in McGilvray Acres,  
6 being a subdivision of part of the Northeast Quarter of Section  
7 19, Township 36 North, Range 10 East of the Third Principal  
8 Meridian, according to the plat thereof recorded December 15,  
9 1965, as Document No. R65-11631, lying southerly of a line  
10 described as follows: Beginning at a point on the west line of  
11 Lot 6, said point being 110.00 feet south of the north line of  
12 said lot; thence southeasterly to a point on the east line of  
13 said lot, said point being 114.00 feet south of the north line  
14 of said Lot 6

15 Together with

16 That part of the east half of the Northeast Quarter of Section  
17 19, Township 36 North, Range 10 East of the Third Principal  
18 Meridian lying south of the south line (and easterly projection  
19 thereof) of aforementioned Lot 6 in McGilvray Acres, lying  
20 northerly of the north line of McGilvray Drive, and lying east  
21 of the east line of McGilvray Acres Unit No. 3, according to  
22 the plat thereof recorded May 25, 1973, as Document No.

1 R73-14934 bounded by a line described as follows, to wit:  
2 Beginning at the intersection of the west line of Weber Road as  
3 dedicated by Document No. R78-19275, recorded May 25, 1978 with  
4 the north line of McGilvray Drive as dedicated by Document No.  
5 R69-20184, recorded October 30, 1969; thence South 89 Degrees  
6 25 Minutes 29 Seconds West, (on an assumed bearing) along the  
7 north line of said McGilvray Drive, 70.00 feet; thence North 44  
8 Degrees 42 Minutes 59 Seconds East, 71.07 feet to a point in  
9 the west line of the east 70.00 feet of the Northeast Quarter  
10 of aforesaid Section 19; thence North 00 Degrees 00 Minutes 29  
11 Seconds East, along said west line, 46.02 to a point in the  
12 south line of aforementioned Lot 6 in McGilvray Acres; thence  
13 North 89 Degrees 39 Minutes 49 Seconds East, along said south  
14 line, 20.00 feet to a point in the aforementioned west line of  
15 Weber Road; thence South 00 Degrees 00 Minutes 29 Seconds West,  
16 along said west line, 95.94 feet to the point of beginning. All  
17 situated in Will County, Illinois.

18 Said parcel containing 6,686 square feet, (0.154 acres) of  
19 land, more or less.

20 PARCEL 0002

21 The east 30.00 feet of the north 114.00 feet of Lot 6 in  
22 McGilvray Acres, being a subdivision of part of the Northeast  
23 Quarter of Section 19, Township 36 North, Range 10 East of the

1 Third Principal Meridian, according to the plat thereof  
2 recorded December 15, 1965, as Document No. R65-11631, in Will  
3 County, Illinois, excepting therefrom that part of the north  
4 114.00 feet of said Lot 6 described as beginning at a point on  
5 the west line of said Lot 6, said point being 110 feet south of  
6 the north line of said lot; thence southeasterly to a point on  
7 the east line of said lot, said point being 114 feet south of  
8 the north line of said lot; thence west parallel to the north  
9 line of said lot, 290 feet to the west line of said lot; thence  
10 north 4 feet to the point of beginning. Situated in the County  
11 of Will and State of Illinois.

12 Said parcel containing 3,414 square feet, (0.078 acres) of  
13 land, more or less.

14 PARCEL 0004

15 The east 30.00 feet of Lot 4 in McGilvray Acres, being a  
16 subdivision of part of the Northeast Quarter of Section 19,  
17 Township 36 North, Range 10 East of the Third Principal  
18 Meridian, according to the plat thereof recorded December 15,  
19 1965, as Document No. R65-11631. Situated in Will County,  
20 Illinois.

21 Said parcel containing 3,960 square feet, (0.091 acres) of  
22 land, more or less.

1 PARCEL 0005

2 The east 30.00 feet of Lot 3 in McGilvray Acres, being a  
3 subdivision of part of the Northeast Quarter of Section 19,  
4 Township 36 North, Range 10 East of the Third Principal  
5 Meridian, according to the plat thereof recorded December 15,  
6 1965, as Document No. R65-11631. Situated in Will County,  
7 Illinois.

8 Said parcel containing 3,960 square feet, (0.091 acres) of  
9 land, more or less.

10 PARCEL 0006

11 The east 30.00 feet of Lot 2 in McGilvray Acres, being a  
12 subdivision of part of the Northeast Quarter of Section 19,  
13 Township 36 North, Range 10 East of the Third Principal  
14 Meridian, according to the plat thereof recorded December 15,  
15 1965, as Document No. R65-11631. Situated in Will County,  
16 Illinois.

17 Said parcel containing 3,960 square feet, (0.091 acres) of  
18 land, more or less.

19 PARCEL 0007

1 The east 30.00 feet of Lot 1 in McGilvray Acres, being a  
2 subdivision of part of the Northeast Quarter of Section 19,  
3 Township 36 North, Range 10 East of the Third Principal  
4 Meridian, according to the plat thereof recorded December 15,  
5 1965, as Document No. R65-11631. Situated in Will County,  
6 Illinois.

7 Said parcel containing 3,960 square feet, (0.091 acres) of  
8 land, more or less.

9 PARCEL 0007 T.E.

10 The south 50.00 feet of the north 64.00 feet of the west 10.00  
11 feet of the east 40.00 feet of Lot 1 in McGilvray Acres, being  
12 a subdivision of part of the Northeast Quarter of Section 19,  
13 Township 36 North, Range 10 East of the Third Principal  
14 Meridian, according to the plat thereof recorded December 15,  
15 1965, as Document No. R65-11631. Situated in Will County,  
16 Illinois.

17 Said parcel containing 500 square feet, (.011 Acres) of land,  
18 more or less.

19 PARCEL 0008

20 The west 20.00 feet of the east 70.00 feet of the south 132.00  
21 feet of the north 1,056.00 feet of the east 330.00 feet of the



1 Northeast Quarter of Section 19, Township 36 North, Range 10  
2 East of the Third Principal Meridian, in Will County, Illinois.

3 Said parcel containing 2,640 square feet, (0.061 acres) of  
4 land, more or less.

5 PARCEL 0008 T.E.

6 That part of the south 132.00 feet of the north 1,056.00 feet  
7 of the Northeast Quarter of Section 19, Township 36 North,  
8 Range 10 East of the Third Principal Meridian, bounded by a  
9 line described as follows, to wit: Commencing at the  
10 intersection of the south line of the north 1,056.00 feet of  
11 the aforesaid Northeast Quarter with the west line of Weber  
12 Road according to Document Numbers R83-13447 and R85-05784,  
13 said line also being the west line of the east 50.00 feet of  
14 said Northeast Quarter; thence South 89 Degrees 39 Minutes 49  
15 Seconds West, along the south line of the north 1,056.00 feet  
16 of said Northeast Quarter, 20.00 feet; thence North 00 Degrees  
17 00 Minutes 29 Seconds East, parallel with the east line of said  
18 Northeast Quarter, 5.00 feet to the Point of Beginning; thence  
19 South 89 Degrees 39 Minutes 49 Seconds West, parallel with the  
20 north line of said Northeast Quarter, 10.00 feet; thence North  
21 00 Degrees 00 Minutes 29 Seconds East, parallel with the east  
22 line of said Northeast Quarter, 50.00 feet; thence North 89  
23 Degrees 39 Minutes 49 Seconds East, parallel with the north

1 line of said Northeast Quarter, 10.00 feet; thence South 00  
2 Degrees 00 Minutes 29 Seconds West, parallel with the east line  
3 of said Northeast Quarter, 50.00 feet to the Point of  
4 Beginning, in Will County, Illinois.

5 Said parcel containing 500 square feet, (0.011 Acres) of land,  
6 more or less.

7 PARCEL 0009

8 The west 20.00 feet of the east 70.00 feet of the south 132.00  
9 feet of the north 924.00 feet of the east 330.00 feet of the  
10 Northeast Quarter of Section 19, Township 36 North, Range 10  
11 East of the Third Principal Meridian, in Will County, Illinois.  
12 Said parcel containing 2,640 square feet, (0.061 acres) of  
13 land, more or less.

14 PARCEL 0010

15 The west 20.00 feet of the east 70.00 feet of the south 120.00  
16 feet of the north 792.00 feet of the east 330.00 feet of the  
17 Northeast Quarter of Section 19, Township 36 North, Range 10  
18 East of the Third Principal Meridian, in Will County, Illinois.  
19 Said parcel containing 2,400 square feet, (0.055 acres) of  
20 land, more or less.

21 PARCEL 0011

1 The west 20.00 feet of the east 70.00 feet of the south 132.00  
2 feet of the north 672.00 feet of the east 330.00 feet of the  
3 Northeast Quarter of Section 19, Township 36 North, Range 10  
4 East of the Third Principal Meridian, in Will County, Illinois.

5 Said parcel containing 2,640 square feet, (0.061 acres) of  
6 land, more or less.

7 PARCEL 0012

8 The west 20.00 feet of the east 70.00 feet of the south 144.00  
9 feet of the north 540.00 feet of the east 330.00 feet of the  
10 Northeast Quarter of Section 19, Township 36 North, Range 10  
11 East of the Third Principal Meridian, in Will County, Illinois.

12 Said parcel containing 2,880 square feet, (0.066 acres) of  
13 land, more or less.

14 PARCEL 0013

15 The west 20.00 feet of the east 70.00 feet of the south 132.00  
16 feet of the north 396.00 feet of the east 330.00 feet of the  
17 Northeast Quarter of Section 19, Township 36 North, Range 10  
18 East of the Third Principal Meridian, in Will County, Illinois.

1 Said parcel containing 2,640 square feet, (0.061 acres) of  
2 land, more or less.

3 PARCEL 0014

4 That part of the North 264.00 feet of the East 330.00 feet of  
5 the Northeast Quarter of Section 19, Township 36 North, Range  
6 10 East of the Third Principal Meridian, bounded by a line  
7 described as follows: Beginning at the point of intersection of  
8 the south line of the north 264.00 feet of the East 330.00 feet  
9 of said Northeast Quarter with the west line of the East 50.00  
10 feet of said Northeast Quarter, said line being the west line  
11 of Weber Road according to Document R78-31739; thence South 89  
12 Degrees 39 Minutes 49 Seconds West, on an assumed bearing,  
13 along the south line of the North 264.00 feet of said Northeast  
14 Quarter, 20.00 feet to a point in the west line of the East  
15 70.00 feet of said Northeast Quarter; thence North 0 Degrees 00  
16 Minutes 29 Seconds East, along the west line of the East 70.00  
17 feet of said Northeast Quarter, 188.23 feet; thence North 45  
18 Degrees 12 Minutes 33 Seconds West, 37.07 feet to a point in  
19 the south line of Renwick Road, according to Document No.  
20 538055; thence South 89 Degrees 34 Minutes 24 Seconds West,  
21 along said south line, 233.70 feet to the west line of the East  
22 330.00 feet of said Northeast Quarter; thence North 0 Degrees  
23 00 Minutes 29 Seconds East, along said line, 49.87 feet to the  
24 north line of the Northeast Quarter of said Section 19; thence

1 North 89 Degrees 39 Minutes 49 Seconds East, along said north  
2 line, 280.01 feet to the aforementioned west line of Weber  
3 Road; thence South 0 Degrees 00 Minutes 29 Seconds West, along  
4 said west line, 264.00 feet to the point of beginning, all in  
5 Will County, Illinois.

6 Said parcel containing 0.426 Acres of land, more or less, of  
7 which 0.319 Acres of land, more or less has been previously  
8 dedicated for roadway purposes by Document No. 538055.

9 PARCEL 0014 T.E.

10 That part of the North 264.00 feet of the East 330.00 feet of  
11 the Northeast Quarter of Section 19, Township 36 North, Range  
12 10 East of the Third Principal Meridian, bounded by a line  
13 described as follows: Commencing at the intersection of the  
14 west line of the East 330.00 feet of said Northeast Quarter  
15 with the north line of said Northeast Quarter; thence, on an  
16 assumed bearing, South 00 Degrees 00 Minutes 29 Seconds West,  
17 along the west line of the East 330.00 of said Northeast  
18 Quarter, 49.87 feet to a point in the south line of Renwick  
19 Road according to Document No. 538055; thence North 89 Degrees  
20 34 Minutes 24 Seconds East, along the south line of Renwick  
21 Road aforesaid, 50.00 feet to the point of beginning; thence  
22 continuing North 89 Degrees 34 Minutes 24 Seconds East, along  
23 the south line of Renwick Road aforesaid, 65.00 feet; thence

1 South 00 Degrees 25 Minutes 36 Seconds East, perpendicular to  
2 the last described course, 10.00 feet; thence South 89 Degrees  
3 34 Minutes 24 Seconds West, parallel with the south line of  
4 Renwick Road aforesaid, 65.00 feet; thence North 00 Degrees 25  
5 Minutes 36 Seconds West, perpendicular to the last described  
6 course, 10.00 feet to the Point of Beginning, in Will County,  
7 Illinois.

8 Said parcel containing 650 square feet, (0.015 Acres) of land,  
9 more or less.

10 PARCEL 0014 T.E.-A

11 That part of the North 264.00 feet of the East 330.00 feet of  
12 the Northeast Quarter of Section 19, Township 36 North, Range  
13 10 East of the Third Principal Meridian, bounded by a line  
14 described as follows: Beginning at the intersection of the  
15 south line of the North 264.00 feet of the East 330.00 feet of  
16 said Northeast Quarter with the west line of the East 70.00  
17 feet of said Northeast Quarter; thence South 89 Degrees 39  
18 Minutes 49 Seconds West, along the south line of said North  
19 264.00 feet of said Northeast Quarter, 10.00 feet; thence North  
20 00 Degrees 00 Minutes 29 Seconds East, along the west line of  
21 the East 80.00 feet of said Northeast Quarter, 65.00 feet;  
22 thence North 89 Degrees 39 Minutes 49 Seconds East,  
23 perpendicular to the last described course, 5.00 feet; thence

1 North 00 Degrees 00 Minutes 29 Seconds East, along the west  
2 line of the East 75.00 feet of said Northeast Quarter, 121.18  
3 feet; thence North 45 Degrees 12 Minutes 33 Seconds West, 39.95  
4 feet to a point in the south line of Renwick Road according to  
5 Document No. 538055; thence North 89 Degrees 34 Minutes 24  
6 Seconds East, along said south line of Renwick Road, 7.04 feet;  
7 thence South 45 Degrees 12 Minutes 33 Seconds East, 37.07 feet  
8 to a point in the west line of the East 70.00 feet of the  
9 aforesaid Northeast Quarter of said Section 19; thence South 00  
10 Degrees 00 Minutes 29 Seconds West, along said west line,  
11 188.23 feet to the point of beginning, in Will County,  
12 Illinois.

13 Said parcel containing 1,454 square feet (0.033 Acres) of land,  
14 more or less.

15 PARCEL 0022

16 The south 65.00 feet of the west 60.00 feet of the East Half of  
17 the Southwest Quarter of Section 17, Township 36 North, Range  
18 10 East of the Third Principal Meridian. All situated in Will  
19 County, Illinois.

20 Said parcel containing 0.089 acres, more or less of which 0.069  
21 acres, more or less, has been previously dedicated for roadway  
22 purposes by Document No.'s 538058 and 538059.

1 PARCEL 0023

2 The south 65.00 feet of the east 440.00 feet of the west 500.00  
3 feet of the East Half of the Southwest Quarter of Section 17,  
4 Township 36 North, Range 10 East of the Third Principal  
5 Meridian. All situated in Will County, Illinois.

6 Said parcel containing 0.657 acres, more or less of which 0.509  
7 acres, more or less, has been previously dedicated for roadway  
8 purposes by Document No.'s 538058 and 538059.

9 PARCEL 0024

10 That part of Lot C in Lakewood Falls Unit 7C being a  
11 subdivision of part of the Southeast Quarter of Section 18,  
12 Township 36 North, Range 10 East of the Third Principal  
13 Meridian, according to the plat thereof recorded August 26,  
14 2002 as Document Number R2002-138021 bounded by a line  
15 described as follows, to wit: Beginning at the southwest corner  
16 of said Lot C; thence North 0 Degrees 25 Minutes 36 Seconds  
17 West (assumed) (North 02 Degrees 04 Minutes 21 Seconds West,  
18 record) along the west line of said Lot C, also being the east  
19 line of Zachary Drive, 31.21 feet; thence northerly along the  
20 arc of a curve right, tangent to the last described course and  
21 having a radius of 470.00 feet, the chord of which bears North



1 01 Degrees 19 Minutes 45 seconds East, an arc distance of 28.81  
2 feet; thence South 44 Degrees 54 Minutes 59 Seconds East, 70.09  
3 feet to a point in the north line of the south 10.00 feet of  
4 said Lot C; thence North 89 Degrees 34 Minutes 24 Seconds East  
5 (North 87 Degrees 55 Minutes 39 Seconds East, record), parallel  
6 with the north line of Renwick Road, as dedicated by  
7 aforementioned Document Number R2002-138021, a distance of  
8 225.90 feet to a point in the east line of said Lot C; thence  
9 South 0 Degrees 00 Minutes 11 Seconds East (South 1 Degree 38  
10 Minutes 56 Seconds East, record) along said east line, 10.00  
11 feet to the southeast corner of said Lot C, also being the  
12 north line of Renwick Road, aforesaid; thence South 89 Degrees  
13 34 Minutes 24 Seconds West (South 87 Degrees 55 Minutes 39  
14 Seconds West, record), along said north line of Renwick Road,  
15 275.82 feet to the point of beginning. All situated in Will  
16 County, Illinois.

17 Said parcel containing 4,022 Sq. Ft., (0.092 acres) of land,  
18 more or less.

19 PARCEL 0025

20 That part of Lot B in Lakewood Falls Unit 7C being a  
21 subdivision of part of the Southeast Quarter of Section 18,  
22 Township 36 North, Range 10 East of the Third Principal  
23 Meridian, according to the plat thereof recorded August 26,

1 2002 as Document Number R2002-138021 bounded by a line  
2 described as follows, to wit: Beginning at the southeast corner  
3 of said Lot B; thence South 89 Degrees 34 Minutes 24 Seconds  
4 West (assumed bearing) (South 87 Degrees 55 Minutes 39 Seconds  
5 West, record), along the south line of said Lot B, also being  
6 the north line of Renwick Road, 206.11 feet; thence North 0  
7 Degrees 25 Minutes 36 Seconds West, perpendicular to the last  
8 described course, 10.00 feet to the north line of the south  
9 10.00 feet of said Lot B; thence North 89 Degrees 34 Minutes 24  
10 Seconds East, parallel with the north line of Renwick Road,  
11 aforesaid, 156.11 feet; thence North 45 Degrees 01 Minutes 05  
12 Seconds East, 71.27 feet to a point in the east line of said  
13 Lot B, also being the west line of Zachary Drive; thence  
14 southerly along the arc of a curve left, along the West line of  
15 said Zachary Drive, not tangent to the last described course,  
16 having a radius of 530.00 feet, the chord of which bears South  
17 01 Degrees 07 Minutes 49 Seconds West, an arc distance of 28.80  
18 feet; thence South 0 Degrees 25 Minutes 36 Seconds East,  
19 tangent to the last described curve, continuing along said west  
20 line of Zachary Drive, 31.21 feet to the point of beginning.  
21 All situated in Will County, Illinois.

22 Said parcel containing 3,299 Sq. Ft., (0.076 acres) of land,  
23 more or less

24 PARCEL 0026

1 That part of the north 258.71 feet of the west 259.71 feet of  
2 the Northwest Quarter of Section 20, Township 36 North, Range  
3 10 East of the Third Principal Meridian, bounded by a line  
4 described as follows: Beginning at the point intersection of  
5 the south line of Renwick Road as dedicated by Document Number  
6 538061, recorded January 15, 1941 with the east line of the  
7 west 259.71 feet of said Northwest Quarter, said point being  
8 49.40 feet south from the north line of said Northwest Quarter  
9 when measured along the east line of the west 259.71 feet of  
10 said Northwest Quarter; thence South 00 Degrees 00 Minutes 29  
11 Seconds West, on an assumed bearing, parallel with the west  
12 line of said Northwest Quarter, along the east line of the west  
13 259.71 feet of said Northwest Quarter, 10.60 feet to a point in  
14 the south line of the north 60.00 feet of said Northwest  
15 Quarter; thence South 89 Degrees 31 Minutes 14 Seconds West,  
16 parallel with the north line of said Northwest Quarter, along  
17 the south line of the north 60.00 feet of said Northwest  
18 Quarter, 167.59 feet; thence South 44 Degrees 45 Minutes 52  
19 Seconds West, 31.43 feet to a point in the east line of the  
20 west 70.00 feet of said Northwest Quarter; thence South 00  
21 Degrees 00 Minutes 29 Seconds West, parallel with the west line  
22 of said Northwest Quarter, along the east line of the west  
23 70.00 feet of said Northwest Quarter, 176.59 feet to a point in  
24 the south line of the north 258.71 feet of said Northwest  
25 Quarter; thence South 89 Degrees 31 Minutes 14 Seconds West,

1 parallel with the north line of said Northwest Quarter, along  
2 the south line of the north 258.71 feet of said Northwest  
3 Quarter, 10.00 feet to a point in the east line of the west  
4 60.00 feet of said Northwest Quarter said line being the east  
5 line of Weber Road according to the Plat of Dedication to the  
6 Will County Highway Department recorded October 28, 1996 as  
7 Document R96-096956; thence North 00 Degrees 00 Minutes 29  
8 Seconds East, along said east line, 174.35 feet (173.72 feet  
9 record); thence North 44 Degrees 46 Minutes 10 Seconds East,  
10 along the southeasterly line of Weber Road according to  
11 aforementioned Document R96-0969056, a distance of 49.71 feet  
12 to a point in the south line of Renwick Road according to  
13 aforementioned Document Number 538061; thence South 89 Degrees  
14 31 Minutes 52 Seconds West, along said line, 45.00 feet to the  
15 east line of the west 50.00 feet of said Section 20, also being  
16 the east line of Weber Road according to Condemnation  
17 Proceedings No. 81ED22 in the Circuit Court of the 12th  
18 Judicial District, Will County as adjudicated on February 18,  
19 1983; thence North 00 Degrees 00 Minutes 29 Seconds East, along  
20 said line, 49.36 feet to the North line of the Northwest  
21 Quarter of said Section 20; thence North 89 Degrees 31 Minutes  
22 14 Seconds West, along said north line, 209.72 feet to the east  
23 line of the west 259.71 feet of the Northwest Quarter of said  
24 Section 20; thence South 00 Degrees 00 Minutes 29 Seconds West,  
25 along said line, 49.40 feet to the point of beginning. All  
26 situated in Will County, Illinois.

1 Said parcel containing 0.324 acres of land more or less, of  
2 which 0.238 acres, more or less, has been previously dedicated  
3 for roadway purposes by Document No. 538061.

4 PARCEL 0026 T.E.

5 That part of the north 258.71 feet of the west 259.71 feet of  
6 the Northwest Quarter of Section 20, Township 36 North, Range  
7 10 East of the Third Principal Meridian, bounded by a line  
8 described as follows: Commencing at the point intersection of  
9 the south line of the north 258.71 feet of said Northwest  
10 Quarter with the east line of the west 70.00 feet of said  
11 Northwest Quarter, when measured perpendicular to the north and  
12 west lines thereof; thence North 00 Degrees 00 Minutes 29  
13 Seconds East, along the east line of the west 70.00 feet of  
14 said Northwest Quarter, 25.48 feet to the point of beginning;  
15 thence South 89 Degrees 59 Minutes 31 Seconds East,  
16 perpendicular to the last described course, 10.00 feet, thence  
17 North 00 Degrees 00 Minutes 29 Seconds East, along the east  
18 line of the west 80.00 feet of said Northwest Quarter, 65.00  
19 feet; thence North 89 Degrees 59 Minutes 31 Seconds West,  
20 perpendicular to the last described course, 5.00 feet to a  
21 point in the east line of the west 75.00 feet of said Northwest  
22 Quarter; thence North 00 Degrees 00 Minutes 29 Seconds East,  
23 along the east line of the west 75.00 feet of said Northwest

1 Quarter, 84.04 feet; thence North 44 Degrees 45 Minutes 52  
2 Seconds East, 27.31 feet to a point in the south line of the  
3 north 65.00 feet of said Northwest Quarter of said Section 20;  
4 thence North 89 Degrees 31 Minutes 14 Seconds East, along said  
5 line, 45.10 feet; thence South 00 Degrees 28 Minutes 46 Seconds  
6 East, perpendicular to the last described course, 5.00 feet;  
7 thence North 89 Degrees 31 Minutes 14 Seconds East,  
8 perpendicular to the last described course, 65.00 feet; thence  
9 North 00 Degrees 28 Minutes 46 Seconds West, perpendicular to  
10 the last described course, 5.00 feet to a point in the south  
11 line of the north 65.00 feet of said Northwest Quarter of said  
12 Section 20; thence North 89 Degrees 31 Minutes 14 Seconds East,  
13 along said line, 55.38 feet to a point in the east line of the  
14 west 259.71 feet of said Northwest Quarter of said Section 20;  
15 thence North 00 Degrees 00 Minutes 29 Seconds East, along said  
16 east line, 5.00 feet to a point in the south line of the north  
17 60.00 feet of said Northwest Quarter of said Section 20; thence  
18 South 89 Degrees 31 Minutes 14 Seconds West, along said south  
19 line of the north 60.00 feet of said Northwest Quarter of said  
20 Section 20, a distance of 167.59 feet; thence South 44 Degrees  
21 45 Minutes 52 Seconds West, 31.43 feet to a point in the east  
22 line of the west 70.00 feet of said Northwest Quarter of said  
23 Section 20; thence South 00 Degrees 00 Minutes 29 Seconds West,  
24 along said east line of the west 70.00 feet of said Northwest  
25 Quarter of said Section 20, a distance of 151.11 feet to the  
26 point of beginning. All situated in Will County, Illinois.

1 Said parcel containing 2,380 square feet, (0.055 acres) of land  
2 more or less

3 PARCEL 0028

4 The north 60.00 feet of the west 80.00 feet of the East Half of  
5 the Northwest Quarter and the north 60.00 feet of the east  
6 20.00 feet of the West Half of the Northwest Quarter of Section  
7 20, Township 36 North, Range 10 East of the Third Principal  
8 Meridian. All situated in Will County, Illinois.

9 Said parcel containing 0.138 acres, more or less of which 0.114  
10 acres, more or less, has been previously dedicated for roadway  
11 purposes by Document No. 538061.

12 PARCEL 0029

13 That part of the north 60.00 feet of the East Half of the  
14 Northwest Quarter of Section 20, except the west 80.00 feet  
15 thereof, Township 36 North, Range 10 East of the Third  
16 Principal Meridian, bounded by a line described as follows:  
17 Beginning at the point intersection of the south line of north  
18 60.00 feet of said Northwest Quarter with the east line of the  
19 west 80.00 feet of the East Half of said Northwest Quarter;  
20 thence North 00 Degrees 00 Minutes 42 Seconds West, on an

1 assumed bearing along the east line of the west 80.00 feet of  
2 the East Half of said Northwest Quarter, a distance of 60.00  
3 feet to the north line of the Northwest Quarter of said Section  
4 20; thence North 89 Degrees 31 Minutes 14 Seconds East, along  
5 said north line, 106.52 feet; thence South 0 Degrees 28 Minutes  
6 46 Seconds East, perpendicular to the north line of said  
7 Northwest Quarter, 60.00 feet to a point of intersection with a  
8 line 60.00 feet south from and parallel with the north line of  
9 said Northwest Quarter when measured perpendicular thereto;  
10 thence South 89 Degrees 31 Minutes 14 Seconds West, along said  
11 parallel line, perpendicular to the last described course,  
12 107.01 feet to the point of beginning. All situated in Will  
13 County, Illinois.

14 Said parcel containing 0.148 acres, more or less of which 0.122  
15 Acres, more or less, has been previously dedicated for roadway  
16 purposes by Document No. 538061.

17 PARCEL 0030 T.E.

18 That part of Lot 6 in Crest Hill Business Center being a  
19 subdivision of part of the Northwest Quarter of Section 20,  
20 Township 36 North, Range 10 East of the Third Principal  
21 Meridian, according to the plat thereof recorded July 25, 2005  
22 as Document No. R2005124097, bounded by a line described as  
23 follows: Beginning at the Northeast corner of Lot 6, thence



1 South 00 Degrees 28 Minutes 09 Seconds East (South 02 Degrees  
2 06 Minutes 31 Seconds East record), along the east line of said  
3 Lot 6 a distance of 65.00 feet; thence South 89 Degrees 31  
4 Minutes 14 Seconds West, parallel with the north line of said  
5 Lot 6, a distance of 44.46 feet; thence North 00 Degrees 28  
6 Minutes 09 Seconds West, parallel with the east line of said  
7 Lot 6, a distance of 65.00 feet to the north line of said Lot 6,  
8 also being the south line of Renwick Road as dedicated by  
9 aforementioned Document No. R2005124097; thence North 89  
10 Degrees 31 Minutes 14 Seconds East (North 87 Degrees 53 Minutes  
11 29 Seconds East record), along the north line of said Lot 6,  
12 also being the south line of Renwick Road, 44.46 feet to the  
13 point of beginning. All situated in Will County, Illinois.

14 Said parcel containing 2,890 square feet, (0.066 acres) of land  
15 more or less

16 PARCEL 0031 T.E.

17 That part of Lot 7 in Crest Hill Business Center being a  
18 subdivision of part of the Northwest Quarter of Section 20,  
19 Township 36 North, Range 10 East of the Third Principal  
20 Meridian, according to the plat thereof recorded July 25, 2005  
21 as Document No. R2005124097, bounded by a line described as  
22 follows: Beginning at the Northwest corner of Lot 7, thence  
23 South 00 Degrees 28 Minutes 09 Seconds East (South 02 Degrees

1 06 Minutes 31 Seconds East record), along the west line of said  
2 Lot 7 a distance of 65.00 feet; thence North 89 Degrees 31  
3 Minutes 14 Seconds East, parallel with the north line of said  
4 Lot 7, a distance of 30.54 feet; thence North 00 Degrees 28  
5 Minutes 09 Seconds West, parallel with the west line of said  
6 Lot 7, a distance of 65.00 feet to the north line of said Lot 7,  
7 also being the south line of Renwick Road as dedicated by  
8 aforementioned Document No. R2005124097; thence South 89  
9 Degrees 31 Minutes 14 Seconds West (South 87 Degrees 53 Minutes  
10 29 Seconds West, record), along the north line of said Lot 7,  
11 also being the south line of Renwick Road, 30.54 feet to the  
12 point of beginning. All situated in Will County, Illinois.

13 Said parcel containing 1,985 square feet, (0.046 acres) of land  
14 more or less

15 PARCEL 0032 T.E.

16 That part of Outlot A of Rose Subdivision, being a subdivision  
17 of part of the Southeast Quarter of Section 18, Township 36  
18 North, Range 10 East of the Third Principal Meridian, according  
19 to the plat thereof recorded on March 9, 2005 as Document No.  
20 R2005040528 as corrected by Certificate of Correction recorded  
21 December 28, 2005 as Document R2005228067 as further corrected  
22 by Certificate of Correction recorded December 18, 2006 as  
23 Document R2006208515 bounded by a line described as follows:

1 Beginning at the easterly most southeast corner of said Outlot  
2 A located on the west line of Weber Road (County Highway 88) as  
3 dedicated by Document No. R2003016054, recorded January 23,  
4 2003; thence North 53 Degrees 23 Minutes 42 Seconds West (North  
5 55 Degrees 02 Minutes 09 Seconds, record), along a southerly  
6 line of said Outlot A, 23.96 feet; thence South 89 Degrees 35  
7 Minutes 27 Seconds West (South 87 Degrees 57 Minutes 00 Seconds  
8 West, record) along a south line of said Outlot A, 50.77 feet;  
9 thence North 00 Degrees 00 Minutes 29 Seconds West, parallel  
10 with the east line of said Outlot A, 33.86 feet to a point on a  
11 north line of said Outlot A, thence North 89 Degrees 35 Minutes  
12 27 Seconds East, along said north line, 50.00 feet; thence  
13 North 56 Degrees 37 Minutes 56 Seconds East (North 45 Degrees  
14 37 Minutes 22 Seconds East, record), along a northerly line of  
15 said Outlot A, 23.95 feet to a point on an east line of said  
16 Outlot A, also being the west line of Weber Road aforesaid;  
17 thence South 00 Degrees 00 Minutes 29 Seconds East (South 01  
18 Degrees 38 Minutes 56 Seconds East, record), along the west  
19 line of said Weber Road, 61.32 feet to the point of beginning,  
20 in Will County, Illinois.

21 Said parcel containing 2,640 square feet, (0.060 acres) of  
22 land, more or less.

23 PARCEL 0033 T.E.

1 That part of Lot 2 of Rose Resubdivision, being a resubdivision  
2 of Lots 1 through 4 (both inclusive) along with part of Outlot  
3 A all in Rose Subdivision, being a resubdivision of the  
4 Southeast Quarter of Section 18, Township 36 North, Range 10  
5 East of the Third Principal Meridian, according to the plat of  
6 said Rose Resubdivision recorded on November 1, 2005 as  
7 Document No. R2005-191530 bounded by a line described as  
8 follows: Beginning at the southerly most southeast corner of  
9 said Lot 2; thence South 89 Degrees 35 Minutes 27 Seconds West  
10 (South 87 Degrees 57 Minutes 00 Seconds West, record) along the  
11 south line of said Lot 2 a distance of 50.00 feet; thence North  
12 00 Degrees 00 Minutes 29 Seconds West, parallel with the east  
13 line of said Lot 2 a distance of 10.00 feet; thence North 89  
14 Degrees 35 Minutes 27 Seconds East (North 87 Degrees 57 Minutes  
15 00 Seconds East, record), parallel with the south line of said  
16 Lot 2, a distance of 65.35 feet to a point in the southeasterly  
17 line of said Lot 2; thence South 56 Degrees 37 Minutes 56  
18 Seconds West (South 55 Degrees 00 Minutes 31 Seconds West,  
19 record) along said southeasterly line, 18.38 feet to the point  
20 of beginning, in Will County, Illinois.

21 Said parcel containing 577 square feet, (0.013 acres) of land,  
22 more or less.

23 PARCEL 0034DED

1 The west 25.00 feet of Lot 2 in E.M.S. Subdivision (being a  
2 subdivision of part of the Southwest Quarter of Section 17,  
3 Township 36 North, Range 10 East of the Third Principal  
4 Meridian) as per plat thereof recorded December 7, 1989 as  
5 document number R89-64001, in Will County, Illinois.

6 Said parcel containing 0.034 acres more or less.

7 PARCEL 0035DED

8 The west 25.00 feet of Lot 1 in E.M.S. Subdivision (being a  
9 subdivision of part of the Southwest Quarter of Section 17,  
10 Township 36 North, Range 10 East of the Third Principal  
11 Meridian) as per plat thereof recorded December 7, 1989 as  
12 document number R89-64001, in Will County, Illinois.

13 Said parcel containing 0.060 acres more or less.

14 PARCEL 0037DED

15 A part of the West Half of the Northwest Quarter of Section 17,  
16 Township 36 North, Range 10 East of the Third Principal  
17 Meridian, described as follows: the east 25.00 feet of the west  
18 75.00 feet of the south 50.00 feet of the West Half of the  
19 Northwest Quarter of said Section 17, in Will County, Illinois.

1 Said parcel containing 0.029 acres more or less.

2 PARCEL 0038DED

3 That part of Lot 1 in Grand Haven Retail Development (being a  
4 subdivision in the Southeast Quarter of Section 18, Township 36  
5 North, Range 10 East of the Third Principal Meridian) as per  
6 plat thereof recorded December 15, 2003 as document number  
7 R2003302173 described as follows: Beginning at a southeast  
8 corner of said Lot 1, said southeast corner bears South 01  
9 degrees 38 minutes 41 seconds East (South 01 degrees 38 minutes  
10 56 seconds East, record), 184.08 feet (184.18 feet Record) from  
11 the northeast corner of said Lot 1; thence South 43 degrees 15  
12 minutes 40 seconds West, along the southeast line of said Lot  
13 1, 56.66 feet, to a south line of said Lot 1; thence South 88  
14 degrees 10 minutes 49 seconds West, along said south line,  
15 28.32 feet, to a line 20.00 feet northwest of and parallel to  
16 the southeast line of said Lot 1; thence North 43 degrees 15  
17 minutes 40 seconds East, along said parallel line, 96.78 feet,  
18 to the east line of said Lot 1; thence South 01 degrees 38  
19 minutes 41 seconds East, along said east line, 28.33 feet, to  
20 the Point of Beginning, in Will County, Illinois.

21 Said parcel containing 0.035 acres more or less.

22 PARCEL 0039DED

1 That part of the Northeast Quarter of Section 18, Township 36  
2 North, Range 10 East of the Third Principal Meridian described  
3 as follows: Commencing at the southeast corner of said  
4 Northeast Quarter; thence North 01 degrees 40 minutes 43  
5 seconds West, along the east line of said Section 18, a  
6 distance of 456.50 feet; thence South 68 degrees 19 minutes 17  
7 seconds West, in a southwesterly direction at an angle of 70  
8 degrees, 63.85 feet to the west line of the east 60.00 feet of  
9 said Northeast Quarter and the Point of Beginning; thence  
10 continuing South 68 degrees 19 minutes 17 seconds West, along  
11 the last described line, 15.96 feet to the west line of the  
12 east 75.00 feet of said Northeast Quarter; thence South 01  
13 degrees 40 minutes 43 seconds East, along said west line, 74.54  
14 feet; thence North 88 degrees 19 minutes 17 seconds East, at  
15 right angles to the last described line, 15.00 feet, to the  
16 west line of the east 60.00 feet of said Northeast Quarter;  
17 thence North 01 degrees 40 minutes 43 seconds West, along said  
18 west line, 80.00 feet to the Point of Beginning, all in Will  
19 County, Illinois.

20 Said parcel containing 0.027 acres more or less.

21 PARCEL 0039TEA

22 That part of the Northeast Quarter of Section 18, Township 36

1 North, Range 10 East of the Third Principal Meridian described  
2 as follows: Commencing at the southeast corner of said  
3 Northeast Quarter; thence North 01 degrees 40 minutes 43  
4 seconds West, along the east line of said Section 18, a  
5 distance of 456.50 feet; thence South 68 degrees 19 minutes 17  
6 seconds West, in a southwesterly direction at an angle of 70  
7 degrees, 79.81 feet, to the west line of the east 75.00 feet of  
8 said Northeast Quarter; thence South 01 degrees 40 minutes 43  
9 seconds East, along said west line, 74.54 feet; thence North 88  
10 degrees 19 minutes 17 seconds East, at right angles to the last  
11 described line, 5.00 feet, to the west line of the east 70.00  
12 feet of said Northeast Quarter, and the Point of Beginning;  
13 thence continuing North 88 degrees 19 minutes 17 seconds East,  
14 10.00 feet, to the west line of the east 60.00 feet of said  
15 Northeast Quarter; thence South 01 degrees 40 minutes 43  
16 seconds East, along said west line, 304.88 feet, to the north  
17 line of the south 50.00 feet of said Northeast Quarter; thence  
18 South 88 degrees 07 minutes 04 seconds West, along said north  
19 line, 10.00 feet, to the west line of the east 70.00 feet of  
20 said Northeast Quarter; thence North 01 degrees 40 minutes 43  
21 seconds West, along said west line, 304.91 feet to the Point of  
22 Beginning, all in Will County, Illinois.

23 Said parcel containing 0.070 acres more or less.

24 PARCEL 0039TEB



1 That part of the Northeast Quarter of Section 18, Township 36  
2 North, Range 10 East of the Third Principal Meridian described  
3 as follows: Commencing at the southeast corner of said  
4 Northeast Quarter; thence North 01 degrees 40 minutes 43  
5 seconds West, along the east line of said Section 18, a  
6 distance of 456.50 feet; thence South 68 degrees 19 minutes 17  
7 seconds West, in a southwesterly direction at an angle of 70  
8 degrees, 79.81 feet, to the west line of the east 75.00 feet of  
9 said Northeast Quarter, and the Point of Beginning; thence  
10 continuing South 68 degrees 19 minutes 17 seconds West, along  
11 the last described line, 42.57 feet, to the west line of the  
12 east 115.00 feet of said Northeast Quarter; thence South 01  
13 degrees 40 minutes 43 seconds East, along said west line, 48.60  
14 feet; thence North 88 degrees 19 minutes 17 seconds East, at  
15 right angles to the last described line, 40.00 feet, to the  
16 west line of the east 75.00 feet of said Northeast Quarter;  
17 thence North 01 degrees 40 minutes 43 seconds West, along said  
18 west line, 63.16 feet, to the Point of Beginning, all in Will  
19 County, Illinois.

20 Said parcel containing 0.051 acres more or less.

21 PARCEL 0040TE

22 The south 59.00 feet of the north 328.45 feet of the east 25.00

1 feet of the west 100.00 feet of the West Half of the Southwest  
2 Quarter of Section 17, Township 36 North, Range 10 East of the  
3 Third Principal Meridian, Will County, Illinois.

4 Said parcel containing 0.033 acres more or less.

5 PARCEL 0042TE

6 That part of Lot 3 in Grand Haven Retail Development (being a  
7 subdivision in the Southeast Quarter of Section 18, Township 36  
8 North, Range 10 East of the Third Principal Meridian) as per  
9 plat thereof recorded December 15, 2003 as document number  
10 R2003302173 described as follows: Beginning at the northeast  
11 corner of said Lot 3; thence South 01 degrees 38 minutes 41  
12 seconds East, along the east line of said Lot 3, 40.15 feet;  
13 thence South 88 degrees 21 minutes 19 seconds West, at right  
14 angles to the last described line, 40.00 feet; thence North 01  
15 degrees 38 minutes 41 seconds West, at right angles to the last  
16 described line, 20.00 feet; thence South 88 degrees 21 minutes  
17 19 seconds West, at right angles to the last described line,  
18 25.00 feet; thence North 01 degrees 38 minutes 41 seconds West,  
19 at right angles to the last described line, 20.15 feet, to the  
20 north line of said Lot 3; thence North 88 degrees 21 minutes 19  
21 seconds East, along said north line, 65.00 feet, to the Point  
22 of Beginning.

1 Said parcel containing 0.048 acres more or less.

2 PARCEL 0044DED

3 The West 10.00 feet of the East 70.00 feet of the South 50.00  
4 feet of the Northeast Quarter of Section 18, Township 36 North,  
5 Range 10 East of the Third Principal Meridian, in Will County,  
6 Illinois.

7 Said parcel containing 0.011 acres more or less.

8 (Source: P.A. 97-458, eff. 8-19-11; revised 11-4-11.)

9 Section 680. The Illinois Marriage and Dissolution of  
10 Marriage Act is amended by changing Sections 504 and 505 as  
11 follows:

12 (750 ILCS 5/504) (from Ch. 40, par. 504)

13 Sec. 504. Maintenance.

14 (a) In a proceeding for dissolution of marriage or legal  
15 separation or declaration of invalidity of marriage, or a  
16 proceeding for maintenance following dissolution of the  
17 marriage by a court which lacked personal jurisdiction over the  
18 absent spouse, the court may grant a temporary or permanent  
19 maintenance award for either spouse in amounts and for periods  
20 of time as the court deems just, without regard to marital  
21 misconduct, in gross or for fixed or indefinite periods of

1 time, and the maintenance may be paid from the income or  
2 property of the other spouse after consideration of all  
3 relevant factors, including:

4 (1) the income and property of each party, including  
5 marital property apportioned and non-marital property  
6 assigned to the party seeking maintenance;

7 (2) the needs of each party;

8 (3) the present and future earning capacity of each  
9 party;

10 (4) any impairment of the present and future earning  
11 capacity of the party seeking maintenance due to that party  
12 devoting time to domestic duties or having forgone or  
13 delayed education, training, employment, or career  
14 opportunities due to the marriage;

15 (5) the time necessary to enable the party seeking  
16 maintenance to acquire appropriate education, training,  
17 and employment, and whether that party is able to support  
18 himself or herself through appropriate employment or is the  
19 custodian of a child making it appropriate that the  
20 custodian not seek employment;

21 (6) the standard of living established during the  
22 marriage;

23 (7) the duration of the marriage;

24 (8) the age and the physical and emotional condition of  
25 both parties;

26 (9) the tax consequences of the property division upon

1 the respective economic circumstances of the parties;

2 (10) contributions and services by the party seeking  
3 maintenance to the education, training, career or career  
4 potential, or license of the other spouse;

5 (11) any valid agreement of the parties; and

6 (12) any other factor that the court expressly finds to  
7 be just and equitable.

8 (b) (Blank).

9 (b-5) Any maintenance obligation including any unallocated  
10 maintenance and child support obligation, or any portion of any  
11 support obligation, that becomes due and remains unpaid shall  
12 accrue simple interest as set forth in Section 505 of this Act.

13 (b-7) Any new or existing maintenance order including any  
14 unallocated maintenance and child support order entered by the  
15 court under this Section shall be deemed to be a series of  
16 judgments against the person obligated to pay support  
17 thereunder. Each such judgment to be in the amount of each  
18 payment or installment of support and each such judgment to be  
19 deemed entered as of the date the corresponding payment or  
20 installment becomes due under the terms of the support order,  
21 except no judgment shall arise as to any installment coming due  
22 after the termination of maintenance as provided by Section 510  
23 of the Illinois Marriage and Dissolution of Marriage Act or the  
24 provisions of any order for maintenance. Each such judgment  
25 shall have the full force, effect and attributes of any other  
26 judgment of this State, including the ability to be enforced.

1 Notwithstanding any other State or local law to the contrary, a  
2 lien arises by operation of law against the real and personal  
3 property of the obligor for each installment of overdue support  
4 owed by the obligor.

5 (c) The court may grant and enforce the payment of  
6 maintenance during the pendency of an appeal as the court shall  
7 deem reasonable and proper.

8 (d) No maintenance shall accrue during the period in which  
9 a party is imprisoned for failure to comply with the court's  
10 order for the payment of such maintenance.

11 (e) When maintenance is to be paid through the clerk of the  
12 court in a county of 1,000,000 inhabitants or less, the order  
13 shall direct the obligor to pay to the clerk, in addition to  
14 the maintenance payments, all fees imposed by the county board  
15 under paragraph (3) of subsection (u) of Section 27.1 of the  
16 Clerks of Courts Act. Unless paid in cash or pursuant to an  
17 order for withholding, the payment of the fee shall be by a  
18 separate instrument from the support payment and shall be made  
19 to the order of the Clerk.

20 (f) An award ordered by a court upon entry of a dissolution  
21 judgment or upon entry of an award of maintenance following a  
22 reservation of maintenance in a dissolution judgment may be  
23 reasonably secured, in whole or in part, by life insurance on  
24 the payor's life on terms as to which the parties agree, or, if  
25 they do not agree, on such terms determined by the court,  
26 subject to the following:

1           (1) With respect to existing life insurance, provided  
2           the court is apprised through evidence, stipulation, or  
3           otherwise as to level of death benefits, premium, and other  
4           relevant data and makes findings relative thereto, the  
5           court may allocate death benefits, the right to assign  
6           death benefits, or the obligation for future premium  
7           payments between the parties as it deems just.

8           (2) To the extent the court determines that its award  
9           should be secured, in whole or in part, by new life  
10          insurance on the payor's life, the court may only order:

11           (i) that the payor cooperate on all appropriate  
12           steps for the payee to obtain such new life insurance;  
13           and

14           (ii) that the payee, at his or her sole option and  
15           expense, may obtain such new life insurance on the  
16           payor's life up to a maximum level of death benefit  
17           coverage, or descending death benefit coverage, as is  
18           set by the court, such level not to exceed a reasonable  
19           amount in light of the court's award, with the payee or  
20           the payee's designee being the beneficiary of such life  
21           insurance.

22          In determining the maximum level of death benefit coverage,  
23          the court shall take into account all relevant facts and  
24          circumstances, including the impact on access to life  
25          insurance by the maintenance payor. If in resolving any  
26          issues under paragraph (2) of this subsection (f) a court

1 reviews any submitted or proposed application for new  
2 insurance on the life of a maintenance payor, the review  
3 shall be in camera.

4 (3) A judgment shall expressly set forth that all death  
5 benefits paid under life insurance on a payor's life  
6 maintained or obtained pursuant to this subsection to  
7 secure maintenance are designated as excludable from the  
8 gross income of the maintenance payee under Section  
9 71(b)(1)(B) of the Internal Revenue Code, unless an  
10 agreement or stipulation of the parties otherwise  
11 provides.

12 (Source: P.A. 97-186, eff. 7-22-11; 97-608, eff. 1-1-12;  
13 revised 9-29-11.)

14 (750 ILCS 5/505) (from Ch. 40, par. 505)

15 Sec. 505. Child support; contempt; penalties.

16 (a) In a proceeding for dissolution of marriage, legal  
17 separation, declaration of invalidity of marriage, a  
18 proceeding for child support following dissolution of the  
19 marriage by a court which lacked personal jurisdiction over the  
20 absent spouse, a proceeding for modification of a previous  
21 order for child support under Section 510 of this Act, or any  
22 proceeding authorized under Section 501 or 601 of this Act, the  
23 court may order either or both parents owing a duty of support  
24 to a child of the marriage to pay an amount reasonable and  
25 necessary for his support, without regard to marital



1 misconduct. The duty of support owed to a child includes the  
2 obligation to provide for the reasonable and necessary  
3 physical, mental and emotional health needs of the child. For  
4 purposes of this Section, the term "child" shall include any  
5 child under age 18 and any child under age 19 who is still  
6 attending high school.

7 (1) The Court shall determine the minimum amount of  
8 support by using the following guidelines:

9 Number of Children	Percent of Supporting Party's 10 Net Income
11 1	20%
12 2	28%
13 3	32%
14 4	40%
15 5	45%
16 6 or more	50%

17 (2) The above guidelines shall be applied in each case  
18 unless the court makes a finding that application of the  
19 guidelines would be inappropriate, after considering the  
20 best interests of the child in light of evidence including  
21 but not limited to one or more of the following relevant  
22 factors:

23 (a) the financial resources and needs of the child;

24 (b) the financial resources and needs of the  
25 custodial parent;

26 (c) the standard of living the child would have

1           enjoyed had the marriage not been dissolved;

2                   (d) the physical and emotional condition of the  
3           child, and his educational needs; and

4                   (e) the financial resources and needs of the  
5           non-custodial parent.

6           If the court deviates from the guidelines, the court's  
7           finding shall state the amount of support that would have  
8           been required under the guidelines, if determinable. The  
9           court shall include the reason or reasons for the variance  
10          from the guidelines.

11          (3) "Net income" is defined as the total of all income  
12          from all sources, minus the following deductions:

13                   (a) Federal income tax (properly calculated  
14                  withholding or estimated payments);

15                   (b) State income tax (properly calculated  
16                  withholding or estimated payments);

17                   (c) Social Security (FICA payments);

18                   (d) Mandatory retirement contributions required by  
19                  law or as a condition of employment;

20                   (e) Union dues;

21                   (f)           Dependent           and           individual  
22                  health/hospitalization insurance premiums and life  
23                  insurance premiums for life insurance ordered by the  
24                  court to reasonably secure child support or support  
25                  ordered pursuant to Section 513, any such order to  
26                  entail provisions on which the parties agree or,

1 otherwise, in accordance with the limitations set  
2 forth in subsection 504(f) (1) and (2);

3 (g) Prior obligations of support or maintenance  
4 actually paid pursuant to a court order;

5 (h) Expenditures for repayment of debts that  
6 represent reasonable and necessary expenses for the  
7 production of income, medical expenditures necessary  
8 to preserve life or health, reasonable expenditures  
9 for the benefit of the child and the other parent,  
10 exclusive of gifts. The court shall reduce net income  
11 in determining the minimum amount of support to be  
12 ordered only for the period that such payments are due  
13 and shall enter an order containing provisions for its  
14 self-executing modification upon termination of such  
15 payment period;

16 (i) Foster care payments paid by the Department of  
17 Children and Family Services for providing licensed  
18 foster care to a foster child.

19 (4) In cases where the court order provides for  
20 health/hospitalization insurance coverage pursuant to  
21 Section 505.2 of this Act, the premiums for that insurance,  
22 or that portion of the premiums for which the supporting  
23 party is responsible in the case of insurance provided  
24 through an employer's health insurance plan where the  
25 employer pays a portion of the premiums, shall be  
26 subtracted from net income in determining the minimum

1 amount of support to be ordered.

2 (4.5) In a proceeding for child support following  
3 dissolution of the marriage by a court that lacked personal  
4 jurisdiction over the absent spouse, and in which the court  
5 is requiring payment of support for the period before the  
6 date an order for current support is entered, there is a  
7 rebuttable presumption that the supporting party's net  
8 income for the prior period was the same as his or her net  
9 income at the time the order for current support is  
10 entered.

11 (5) If the net income cannot be determined because of  
12 default or any other reason, the court shall order support  
13 in an amount considered reasonable in the particular case.  
14 The final order in all cases shall state the support level  
15 in dollar amounts. However, if the court finds that the  
16 child support amount cannot be expressed exclusively as a  
17 dollar amount because all or a portion of the payor's net  
18 income is uncertain as to source, time of payment, or  
19 amount, the court may order a percentage amount of support  
20 in addition to a specific dollar amount and enter such  
21 other orders as may be necessary to determine and enforce,  
22 on a timely basis, the applicable support ordered.

23 (6) If (i) the non-custodial parent was properly served  
24 with a request for discovery of financial information  
25 relating to the non-custodial parent's ability to provide  
26 child support, (ii) the non-custodial parent failed to

1           comply with the request, despite having been ordered to do  
2           so by the court, and (iii) the non-custodial parent is not  
3           present at the hearing to determine support despite having  
4           received proper notice, then any relevant financial  
5           information concerning the non-custodial parent's ability  
6           to provide child support that was obtained pursuant to  
7           subpoena and proper notice shall be admitted into evidence  
8           without the need to establish any further foundation for  
9           its admission.

10           (a-5) In an action to enforce an order for support based on  
11           the respondent's failure to make support payments as required  
12           by the order, notice of proceedings to hold the respondent in  
13           contempt for that failure may be served on the respondent by  
14           personal service or by regular mail addressed to the  
15           respondent's last known address. The respondent's last known  
16           address may be determined from records of the clerk of the  
17           court, from the Federal Case Registry of Child Support Orders,  
18           or by any other reasonable means.

19           (b) Failure of either parent to comply with an order to pay  
20           support shall be punishable as in other cases of contempt. In  
21           addition to other penalties provided by law the Court may,  
22           after finding the parent guilty of contempt, order that the  
23           parent be:

24                   (1) placed on probation with such conditions of  
25                   probation as the Court deems advisable;

26                   (2) sentenced to periodic imprisonment for a period not

1 to exceed 6 months; provided, however, that the Court may  
2 permit the parent to be released for periods of time during  
3 the day or night to:

4 (A) work; or

5 (B) conduct a business or other self-employed  
6 occupation.

7 The Court may further order any part or all of the earnings  
8 of a parent during a sentence of periodic imprisonment paid to  
9 the Clerk of the Circuit Court or to the parent having custody  
10 or to the guardian having custody of the children of the  
11 sentenced parent for the support of said children until further  
12 order of the Court.

13 If there is a unity of interest and ownership sufficient to  
14 render no financial separation between a non-custodial parent  
15 and another person or persons or business entity, the court may  
16 pierce the ownership veil of the person, persons, or business  
17 entity to discover assets of the non-custodial parent held in  
18 the name of that person, those persons, or that business  
19 entity. The following circumstances are sufficient to  
20 authorize a court to order discovery of the assets of a person,  
21 persons, or business entity and to compel the application of  
22 any discovered assets toward payment on the judgment for  
23 support:

24 (1) the non-custodial parent and the person, persons,  
25 or business entity maintain records together.

26 (2) the non-custodial parent and the person, persons,

1 or business entity fail to maintain an arms length  
2 relationship between themselves with regard to any assets.

3 (3) the non-custodial parent transfers assets to the  
4 person, persons, or business entity with the intent to  
5 perpetrate a fraud on the custodial parent.

6 With respect to assets which are real property, no order  
7 entered under this paragraph shall affect the rights of bona  
8 fide purchasers, mortgagees, judgment creditors, or other lien  
9 holders who acquire their interests in the property prior to  
10 the time a notice of lis pendens pursuant to the Code of Civil  
11 Procedure or a copy of the order is placed of record in the  
12 office of the recorder of deeds for the county in which the  
13 real property is located.

14 The court may also order in cases where the parent is 90  
15 days or more delinquent in payment of support or has been  
16 adjudicated in arrears in an amount equal to 90 days obligation  
17 or more, that the parent's Illinois driving privileges be  
18 suspended until the court determines that the parent is in  
19 compliance with the order of support. The court may also order  
20 that the parent be issued a family financial responsibility  
21 driving permit that would allow limited driving privileges for  
22 employment and medical purposes in accordance with Section  
23 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit  
24 court shall certify the order suspending the driving privileges  
25 of the parent or granting the issuance of a family financial  
26 responsibility driving permit to the Secretary of State on

1 forms prescribed by the Secretary. Upon receipt of the  
2 authenticated documents, the Secretary of State shall suspend  
3 the parent's driving privileges until further order of the  
4 court and shall, if ordered by the court, subject to the  
5 provisions of Section 7-702.1 of the Illinois Vehicle Code,  
6 issue a family financial responsibility driving permit to the  
7 parent.

8 In addition to the penalties or punishment that may be  
9 imposed under this Section, any person whose conduct  
10 constitutes a violation of Section 15 of the Non-Support  
11 Punishment Act may be prosecuted under that Act, and a person  
12 convicted under that Act may be sentenced in accordance with  
13 that Act. The sentence may include but need not be limited to a  
14 requirement that the person perform community service under  
15 Section 50 of that Act or participate in a work alternative  
16 program under Section 50 of that Act. A person may not be  
17 required to participate in a work alternative program under  
18 Section 50 of that Act if the person is currently participating  
19 in a work program pursuant to Section 505.1 of this Act.

20 A support obligation, or any portion of a support  
21 obligation, which becomes due and remains unpaid as of the end  
22 of each month, excluding the child support that was due for  
23 that month to the extent that it was not paid in that month,  
24 shall accrue simple interest as set forth in Section 12-109 of  
25 the Code of Civil Procedure. An order for support entered or  
26 modified on or after January 1, 2006 shall contain a statement



1 that a support obligation required under the order, or any  
2 portion of a support obligation required under the order, that  
3 becomes due and remains unpaid as of the end of each month,  
4 excluding the child support that was due for that month to the  
5 extent that it was not paid in that month, shall accrue simple  
6 interest as set forth in Section 12-109 of the Code of Civil  
7 Procedure. Failure to include the statement in the order for  
8 support does not affect the validity of the order or the  
9 accrual of interest as provided in this Section.

10 (c) A one-time charge of 20% is imposable upon the amount  
11 of past-due child support owed on July 1, 1988 which has  
12 accrued under a support order entered by the court. The charge  
13 shall be imposed in accordance with the provisions of Section  
14 10-21 of the Illinois Public Aid Code and shall be enforced by  
15 the court upon petition.

16 (d) Any new or existing support order entered by the court  
17 under this Section shall be deemed to be a series of judgments  
18 against the person obligated to pay support thereunder, each  
19 such judgment to be in the amount of each payment or  
20 installment of support and each such judgment to be deemed  
21 entered as of the date the corresponding payment or installment  
22 becomes due under the terms of the support order. Each such  
23 judgment shall have the full force, effect and attributes of  
24 any other judgment of this State, including the ability to be  
25 enforced. Notwithstanding any other State or local law to the  
26 contrary, a lien arises by operation of law against the real

1 and personal property of the noncustodial parent for each  
2 installment of overdue support owed by the noncustodial parent.

3 (e) When child support is to be paid through the clerk of  
4 the court in a county of 1,000,000 inhabitants or less, the  
5 order shall direct the obligor to pay to the clerk, in addition  
6 to the child support payments, all fees imposed by the county  
7 board under paragraph (3) of subsection (u) of Section 27.1 of  
8 the Clerks of Courts Act. Unless paid in cash or pursuant to an  
9 order for withholding, the payment of the fee shall be by a  
10 separate instrument from the support payment and shall be made  
11 to the order of the Clerk.

12 (f) All orders for support, when entered or modified, shall  
13 include a provision requiring the obligor to notify the court  
14 and, in cases in which a party is receiving child and spouse  
15 services under Article X of the Illinois Public Aid Code, the  
16 Department of Healthcare and Family Services, within 7 days,  
17 (i) of the name and address of any new employer of the obligor,  
18 (ii) whether the obligor has access to health insurance  
19 coverage through the employer or other group coverage and, if  
20 so, the policy name and number and the names of persons covered  
21 under the policy, and (iii) of any new residential or mailing  
22 address or telephone number of the non-custodial parent. In any  
23 subsequent action to enforce a support order, upon a sufficient  
24 showing that a diligent effort has been made to ascertain the  
25 location of the non-custodial parent, service of process or  
26 provision of notice necessary in the case may be made at the

1 last known address of the non-custodial parent in any manner  
2 expressly provided by the Code of Civil Procedure or this Act,  
3 which service shall be sufficient for purposes of due process.

4 (g) An order for support shall include a date on which the  
5 current support obligation terminates. The termination date  
6 shall be no earlier than the date on which the child covered by  
7 the order will attain the age of 18. However, if the child will  
8 not graduate from high school until after attaining the age of  
9 18, then the termination date shall be no earlier than the  
10 earlier of the date on which the child's high school graduation  
11 will occur or the date on which the child will attain the age  
12 of 19. The order for support shall state that the termination  
13 date does not apply to any arrearage that may remain unpaid on  
14 that date. Nothing in this subsection shall be construed to  
15 prevent the court from modifying the order or terminating the  
16 order in the event the child is otherwise emancipated.

17 (g-5) If there is an unpaid arrearage or delinquency (as  
18 those terms are defined in the Income Withholding for Support  
19 Act) equal to at least one month's support obligation on the  
20 termination date stated in the order for support or, if there  
21 is no termination date stated in the order, on the date the  
22 child attains the age of majority or is otherwise emancipated,  
23 the periodic amount required to be paid for current support of  
24 that child immediately prior to that date shall automatically  
25 continue to be an obligation, not as current support but as  
26 periodic payment toward satisfaction of the unpaid arrearage or

1 delinquency. That periodic payment shall be in addition to any  
2 periodic payment previously required for satisfaction of the  
3 arrearage or delinquency. The total periodic amount to be paid  
4 toward satisfaction of the arrearage or delinquency may be  
5 enforced and collected by any method provided by law for  
6 enforcement and collection of child support, including but not  
7 limited to income withholding under the Income Withholding for  
8 Support Act. Each order for support entered or modified on or  
9 after the effective date of this amendatory Act of the 93rd  
10 General Assembly must contain a statement notifying the parties  
11 of the requirements of this subsection. Failure to include the  
12 statement in the order for support does not affect the validity  
13 of the order or the operation of the provisions of this  
14 subsection with regard to the order. This subsection shall not  
15 be construed to prevent or affect the establishment or  
16 modification of an order for support of a minor child or the  
17 establishment or modification of an order for support of a  
18 non-minor child or educational expenses under Section 513 of  
19 this Act.

20 (h) An order entered under this Section shall include a  
21 provision requiring the obligor to report to the obligee and to  
22 the clerk of court within 10 days each time the obligor obtains  
23 new employment, and each time the obligor's employment is  
24 terminated for any reason. The report shall be in writing and  
25 shall, in the case of new employment, include the name and  
26 address of the new employer. Failure to report new employment

1 or the termination of current employment, if coupled with  
2 nonpayment of support for a period in excess of 60 days, is  
3 indirect criminal contempt. For any obligor arrested for  
4 failure to report new employment bond shall be set in the  
5 amount of the child support that should have been paid during  
6 the period of unreported employment. An order entered under  
7 this Section shall also include a provision requiring the  
8 obligor and obligee parents to advise each other of a change in  
9 residence within 5 days of the change except when the court  
10 finds that the physical, mental, or emotional health of a party  
11 or that of a child, or both, would be seriously endangered by  
12 disclosure of the party's address.

13 (i) The court does not lose the powers of contempt,  
14 driver's license suspension, or other child support  
15 enforcement mechanisms, including, but not limited to,  
16 criminal prosecution as set forth in this Act, upon the  
17 emancipation of the minor child or children.

18 (Source: P.A. 96-1134, eff. 7-21-10; 97-186, eff. 7-22-11;  
19 97-608, eff. 1-1-12; revised 10-4-11.)

20 Section 685. The Illinois Domestic Violence Act of 1986 is  
21 amended by changing Section 214 as follows:

22 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

23 Sec. 214. Order of protection; remedies.

24 (a) Issuance of order. If the court finds that petitioner

1 has been abused by a family or household member or that  
2 petitioner is a high-risk adult who has been abused, neglected,  
3 or exploited, as defined in this Act, an order of protection  
4 prohibiting the abuse, neglect, or exploitation shall issue;  
5 provided that petitioner must also satisfy the requirements of  
6 one of the following Sections, as appropriate: Section 217 on  
7 emergency orders, Section 218 on interim orders, or Section 219  
8 on plenary orders. Petitioner shall not be denied an order of  
9 protection because petitioner or respondent is a minor. The  
10 court, when determining whether or not to issue an order of  
11 protection, shall not require physical manifestations of abuse  
12 on the person of the victim. Modification and extension of  
13 prior orders of protection shall be in accordance with this  
14 Act.

15 (b) Remedies and standards. The remedies to be included in  
16 an order of protection shall be determined in accordance with  
17 this Section and one of the following Sections, as appropriate:  
18 Section 217 on emergency orders, Section 218 on interim orders,  
19 and Section 219 on plenary orders. The remedies listed in this  
20 subsection shall be in addition to other civil or criminal  
21 remedies available to petitioner.

22 (1) Prohibition of abuse, neglect, or exploitation.  
23 Prohibit respondent's harassment, interference with  
24 personal liberty, intimidation of a dependent, physical  
25 abuse, or willful deprivation, neglect or exploitation, as  
26 defined in this Act, or stalking of the petitioner, as

1 defined in Section 12-7.3 of the Criminal Code of 1961, if  
2 such abuse, neglect, exploitation, or stalking has  
3 occurred or otherwise appears likely to occur if not  
4 prohibited.

5 (2) Grant of exclusive possession of residence.  
6 Prohibit respondent from entering or remaining in any  
7 residence, household, or premises of the petitioner,  
8 including one owned or leased by respondent, if petitioner  
9 has a right to occupancy thereof. The grant of exclusive  
10 possession of the residence, household, or premises shall  
11 not affect title to real property, nor shall the court be  
12 limited by the standard set forth in Section 701 of the  
13 Illinois Marriage and Dissolution of Marriage Act.

14 (A) Right to occupancy. A party has a right to  
15 occupancy of a residence or household if it is solely  
16 or jointly owned or leased by that party, that party's  
17 spouse, a person with a legal duty to support that  
18 party or a minor child in that party's care, or by any  
19 person or entity other than the opposing party that  
20 authorizes that party's occupancy (e.g., a domestic  
21 violence shelter). Standards set forth in subparagraph  
22 (B) shall not preclude equitable relief.

23 (B) Presumption of hardships. If petitioner and  
24 respondent each has the right to occupancy of a  
25 residence or household, the court shall balance (i) the  
26 hardships to respondent and any minor child or

1 dependent adult in respondent's care resulting from  
2 entry of this remedy with (ii) the hardships to  
3 petitioner and any minor child or dependent adult in  
4 petitioner's care resulting from continued exposure to  
5 the risk of abuse (should petitioner remain at the  
6 residence or household) or from loss of possession of  
7 the residence or household (should petitioner leave to  
8 avoid the risk of abuse). When determining the balance  
9 of hardships, the court shall also take into account  
10 the accessibility of the residence or household.  
11 Hardships need not be balanced if respondent does not  
12 have a right to occupancy.

13 The balance of hardships is presumed to favor  
14 possession by petitioner unless the presumption is  
15 rebutted by a preponderance of the evidence, showing  
16 that the hardships to respondent substantially  
17 outweigh the hardships to petitioner and any minor  
18 child or dependent adult in petitioner's care. The  
19 court, on the request of petitioner or on its own  
20 motion, may order respondent to provide suitable,  
21 accessible, alternate housing for petitioner instead  
22 of excluding respondent from a mutual residence or  
23 household.

24 (3) Stay away order and additional prohibitions. Order  
25 respondent to stay away from petitioner or any other person  
26 protected by the order of protection, or prohibit



1       respondent from entering or remaining present at  
2       petitioner's school, place of employment, or other  
3       specified places at times when petitioner is present, or  
4       both, if reasonable, given the balance of hardships.  
5       Hardships need not be balanced for the court to enter a  
6       stay away order or prohibit entry if respondent has no  
7       right to enter the premises.

8               (A) If an order of protection grants petitioner  
9       exclusive possession of the residence, or prohibits  
10      respondent from entering the residence, or orders  
11      respondent to stay away from petitioner or other  
12      protected persons, then the court may allow respondent  
13      access to the residence to remove items of clothing and  
14      personal adornment used exclusively by respondent,  
15      medications, and other items as the court directs. The  
16      right to access shall be exercised on only one occasion  
17      as the court directs and in the presence of an  
18      agreed-upon adult third party or law enforcement  
19      officer.

20              (B) When the petitioner and the respondent attend  
21      the same public, private, or non-public elementary,  
22      middle, or high school, the court when issuing an order  
23      of protection and providing relief shall consider the  
24      severity of the act, any continuing physical danger or  
25      emotional distress to the petitioner, the educational  
26      rights guaranteed to the petitioner and respondent

1 under federal and State law, the availability of a  
2 transfer of the respondent to another school, a change  
3 of placement or a change of program of the respondent,  
4 the expense, difficulty, and educational disruption  
5 that would be caused by a transfer of the respondent to  
6 another school, and any other relevant facts of the  
7 case. The court may order that the respondent not  
8 attend the public, private, or non-public elementary,  
9 middle, or high school attended by the petitioner,  
10 order that the respondent accept a change of placement  
11 or change of program, as determined by the school  
12 district or private or non-public school, or place  
13 restrictions on the respondent's movements within the  
14 school attended by the petitioner. The respondent  
15 bears the burden of proving by a preponderance of the  
16 evidence that a transfer, change of placement, or  
17 change of program of the respondent is not available.  
18 The respondent also bears the burden of production with  
19 respect to the expense, difficulty, and educational  
20 disruption that would be caused by a transfer of the  
21 respondent to another school. A transfer, change of  
22 placement, or change of program is not unavailable to  
23 the respondent solely on the ground that the respondent  
24 does not agree with the school district's or private or  
25 non-public school's transfer, change of placement, or  
26 change of program or solely on the ground that the

1           respondent fails or refuses to consent or otherwise  
2           does not take an action required to effectuate a  
3           transfer, change of placement, or change of program.  
4           When a court orders a respondent to stay away from the  
5           public, private, or non-public school attended by the  
6           petitioner and the respondent requests a transfer to  
7           another attendance center within the respondent's  
8           school district or private or non-public school, the  
9           school district or private or non-public school shall  
10          have sole discretion to determine the attendance  
11          center to which the respondent is transferred. In the  
12          event the court order results in a transfer of the  
13          minor respondent to another attendance center, a  
14          change in the respondent's placement, or a change of  
15          the respondent's program, the parents, guardian, or  
16          legal custodian of the respondent is responsible for  
17          transportation and other costs associated with the  
18          transfer or change.

19                (C) The court may order the parents, guardian, or  
20                legal custodian of a minor respondent to take certain  
21                actions or to refrain from taking certain actions to  
22                ensure that the respondent complies with the order. ~~The~~  
23                ~~court may order the parents, guardian, or legal~~  
24                ~~custodian of a minor respondent to take certain actions~~  
25                ~~or to refrain from taking certain actions to ensure~~  
26                ~~that the respondent complies with the order.~~ In the

1 event the court orders a transfer of the respondent to  
2 another school, the parents, guardian, or legal  
3 custodian of the respondent is responsible for  
4 transportation and other costs associated with the  
5 change of school by the respondent.

6 (4) Counseling. Require or recommend the respondent to  
7 undergo counseling for a specified duration with a social  
8 worker, psychologist, clinical psychologist, psychiatrist,  
9 family service agency, alcohol or substance abuse program,  
10 mental health center guidance counselor, agency providing  
11 services to elders, program designed for domestic violence  
12 abusers or any other guidance service the court deems  
13 appropriate. The Court may order the respondent in any  
14 intimate partner relationship to report to an Illinois  
15 Department of Human Services protocol approved partner  
16 abuse intervention program for an assessment and to follow  
17 all recommended treatment.

18 (5) Physical care and possession of the minor child. In  
19 order to protect the minor child from abuse, neglect, or  
20 unwarranted separation from the person who has been the  
21 minor child's primary caretaker, or to otherwise protect  
22 the well-being of the minor child, the court may do either  
23 or both of the following: (i) grant petitioner physical  
24 care or possession of the minor child, or both, or (ii)  
25 order respondent to return a minor child to, or not remove  
26 a minor child from, the physical care of a parent or person

1 in loco parentis.

2 If a court finds, after a hearing, that respondent has  
3 committed abuse (as defined in Section 103) of a minor  
4 child, there shall be a rebuttable presumption that  
5 awarding physical care to respondent would not be in the  
6 minor child's best interest.

7 (6) Temporary legal custody. Award temporary legal  
8 custody to petitioner in accordance with this Section, the  
9 Illinois Marriage and Dissolution of Marriage Act, the  
10 Illinois Parentage Act of 1984, and this State's Uniform  
11 Child-Custody Jurisdiction and Enforcement Act.

12 If a court finds, after a hearing, that respondent has  
13 committed abuse (as defined in Section 103) of a minor  
14 child, there shall be a rebuttable presumption that  
15 awarding temporary legal custody to respondent would not be  
16 in the child's best interest.

17 (7) Visitation. Determine the visitation rights, if  
18 any, of respondent in any case in which the court awards  
19 physical care or temporary legal custody of a minor child  
20 to petitioner. The court shall restrict or deny  
21 respondent's visitation with a minor child if the court  
22 finds that respondent has done or is likely to do any of  
23 the following: (i) abuse or endanger the minor child during  
24 visitation; (ii) use the visitation as an opportunity to  
25 abuse or harass petitioner or petitioner's family or  
26 household members; (iii) improperly conceal or detain the

1 minor child; or (iv) otherwise act in a manner that is not  
2 in the best interests of the minor child. The court shall  
3 not be limited by the standards set forth in Section 607.1  
4 of the Illinois Marriage and Dissolution of Marriage Act.  
5 If the court grants visitation, the order shall specify  
6 dates and times for the visitation to take place or other  
7 specific parameters or conditions that are appropriate. No  
8 order for visitation shall refer merely to the term  
9 "reasonable visitation".

10 Petitioner may deny respondent access to the minor  
11 child if, when respondent arrives for visitation,  
12 respondent is under the influence of drugs or alcohol and  
13 constitutes a threat to the safety and well-being of  
14 petitioner or petitioner's minor children or is behaving in  
15 a violent or abusive manner.

16 If necessary to protect any member of petitioner's  
17 family or household from future abuse, respondent shall be  
18 prohibited from coming to petitioner's residence to meet  
19 the minor child for visitation, and the parties shall  
20 submit to the court their recommendations for reasonable  
21 alternative arrangements for visitation. A person may be  
22 approved to supervise visitation only after filing an  
23 affidavit accepting that responsibility and acknowledging  
24 accountability to the court.

25 (8) Removal or concealment of minor child. Prohibit  
26 respondent from removing a minor child from the State or

1 concealing the child within the State.

2 (9) Order to appear. Order the respondent to appear in  
3 court, alone or with a minor child, to prevent abuse,  
4 neglect, removal or concealment of the child, to return the  
5 child to the custody or care of the petitioner or to permit  
6 any court-ordered interview or examination of the child or  
7 the respondent.

8 (10) Possession of personal property. Grant petitioner  
9 exclusive possession of personal property and, if  
10 respondent has possession or control, direct respondent to  
11 promptly make it available to petitioner, if:

12 (i) petitioner, but not respondent, owns the  
13 property; or

14 (ii) the parties own the property jointly; sharing  
15 it would risk abuse of petitioner by respondent or is  
16 impracticable; and the balance of hardships favors  
17 temporary possession by petitioner.

18 If petitioner's sole claim to ownership of the property  
19 is that it is marital property, the court may award  
20 petitioner temporary possession thereof under the  
21 standards of subparagraph (ii) of this paragraph only if a  
22 proper proceeding has been filed under the Illinois  
23 Marriage and Dissolution of Marriage Act, as now or  
24 hereafter amended.

25 No order under this provision shall affect title to  
26 property.

1           (11) Protection of property. Forbid the respondent  
2           from taking, transferring, encumbering, concealing,  
3           damaging or otherwise disposing of any real or personal  
4           property, except as explicitly authorized by the court, if:

5                   (i) petitioner, but not respondent, owns the  
6           property; or

7                   (ii) the parties own the property jointly, and the  
8           balance of hardships favors granting this remedy.

9           If petitioner's sole claim to ownership of the property  
10          is that it is marital property, the court may grant  
11          petitioner relief under subparagraph (ii) of this  
12          paragraph only if a proper proceeding has been filed under  
13          the Illinois Marriage and Dissolution of Marriage Act, as  
14          now or hereafter amended.

15          The court may further prohibit respondent from  
16          improperly using the financial or other resources of an  
17          aged member of the family or household for the profit or  
18          advantage of respondent or of any other person.

19          (11.5) Protection of animals. Grant the petitioner the  
20          exclusive care, custody, or control of any animal owned,  
21          possessed, leased, kept, or held by either the petitioner  
22          or the respondent or a minor child residing in the  
23          residence or household of either the petitioner or the  
24          respondent and order the respondent to stay away from the  
25          animal and forbid the respondent from taking,  
26          transferring, encumbering, concealing, harming, or



1 otherwise disposing of the animal.

2 (12) Order for payment of support. Order respondent to  
3 pay temporary support for the petitioner or any child in  
4 the petitioner's care or custody, when the respondent has a  
5 legal obligation to support that person, in accordance with  
6 the Illinois Marriage and Dissolution of Marriage Act,  
7 which shall govern, among other matters, the amount of  
8 support, payment through the clerk and withholding of  
9 income to secure payment. An order for child support may be  
10 granted to a petitioner with lawful physical care or  
11 custody of a child, or an order or agreement for physical  
12 care or custody, prior to entry of an order for legal  
13 custody. Such a support order shall expire upon entry of a  
14 valid order granting legal custody to another, unless  
15 otherwise provided in the custody order.

16 (13) Order for payment of losses. Order respondent to  
17 pay petitioner for losses suffered as a direct result of  
18 the abuse, neglect, or exploitation. Such losses shall  
19 include, but not be limited to, medical expenses, lost  
20 earnings or other support, repair or replacement of  
21 property damaged or taken, reasonable attorney's fees,  
22 court costs and moving or other travel expenses, including  
23 additional reasonable expenses for temporary shelter and  
24 restaurant meals.

25 (i) Losses affecting family needs. If a party is  
26 entitled to seek maintenance, child support or

1 property distribution from the other party under the  
2 Illinois Marriage and Dissolution of Marriage Act, as  
3 now or hereafter amended, the court may order  
4 respondent to reimburse petitioner's actual losses, to  
5 the extent that such reimbursement would be  
6 "appropriate temporary relief", as authorized by  
7 subsection (a) (3) of Section 501 of that Act.

8 (ii) Recovery of expenses. In the case of an  
9 improper concealment or removal of a minor child, the  
10 court may order respondent to pay the reasonable  
11 expenses incurred or to be incurred in the search for  
12 and recovery of the minor child, including but not  
13 limited to legal fees, court costs, private  
14 investigator fees, and travel costs.

15 (14) Prohibition of entry. Prohibit the respondent  
16 from entering or remaining in the residence or household  
17 while the respondent is under the influence of alcohol or  
18 drugs and constitutes a threat to the safety and well-being  
19 of the petitioner or the petitioner's children.

20 (14.5) Prohibition of firearm possession.

21 (a) Prohibit a respondent against whom an order of  
22 protection was issued from possessing any firearms  
23 during the duration of the order if the order:

24 (1) was issued after a hearing of which such  
25 person received actual notice, and at which such  
26 person had an opportunity to participate;

1           (2) restrains such person from harassing,  
2           stalking, or threatening an intimate partner of  
3           such person or child of such intimate partner or  
4           person, or engaging in other conduct that would  
5           place an intimate partner in reasonable fear of  
6           bodily injury to the partner or child; and

7           (3)(i) includes a finding that such person  
8           represents a credible threat to the physical  
9           safety of such intimate partner or child; or (ii)  
10          by its terms explicitly prohibits the use,  
11          attempted use, or threatened use of physical force  
12          against such intimate partner or child that would  
13          reasonably be expected to cause bodily injury.

14          Any Firearm Owner's Identification Card in the  
15          possession of the respondent, except as provided in  
16          subsection (b), shall be ordered by the court to be  
17          turned over to the local law enforcement agency for  
18          safekeeping. The court shall issue a warrant for  
19          seizure of any firearm and Firearm Owner's  
20          Identification Card in the possession of the  
21          respondent, to be kept by the local law enforcement  
22          agency for safekeeping, except as provided in  
23          subsection (b). The period of safekeeping shall be for  
24          the duration of the order of protection. The firearm or  
25          firearms and Firearm Owner's Identification Card shall  
26          be returned to the respondent at the end of the order

1 of protection.

2 (b) If the respondent is a peace officer as defined  
3 in Section 2-13 of the Criminal Code of 1961, the court  
4 shall order that any firearms used by the respondent in  
5 the performance of his or her duties as a peace officer  
6 be surrendered to the chief law enforcement executive  
7 of the agency in which the respondent is employed, who  
8 shall retain the firearms for safekeeping for the  
9 duration of the order of protection.

10 (c) Upon expiration of the period of safekeeping,  
11 if the firearms or Firearm Owner's Identification Card  
12 cannot be returned to respondent because respondent  
13 cannot be located, fails to respond to requests to  
14 retrieve the firearms, or is not lawfully eligible to  
15 possess a firearm, upon petition from the local law  
16 enforcement agency, the court may order the local law  
17 enforcement agency to destroy the firearms, use the  
18 firearms for training purposes, or for any other  
19 application as deemed appropriate by the local law  
20 enforcement agency; or that the firearms be turned over  
21 to a third party who is lawfully eligible to possess  
22 firearms, and who does not reside with respondent.

23 (15) Prohibition of access to records. If an order of  
24 protection prohibits respondent from having contact with  
25 the minor child, or if petitioner's address is omitted  
26 under subsection (b) of Section 203, or if necessary to

1 prevent abuse or wrongful removal or concealment of a minor  
2 child, the order shall deny respondent access to, and  
3 prohibit respondent from inspecting, obtaining, or  
4 attempting to inspect or obtain, school or any other  
5 records of the minor child who is in the care of  
6 petitioner.

7 (16) Order for payment of shelter services. Order  
8 respondent to reimburse a shelter providing temporary  
9 housing and counseling services to the petitioner for the  
10 cost of the services, as certified by the shelter and  
11 deemed reasonable by the court.

12 (17) Order for injunctive relief. Enter injunctive  
13 relief necessary or appropriate to prevent further abuse of  
14 a family or household member or further abuse, neglect, or  
15 exploitation of a high-risk adult with disabilities or to  
16 effectuate one of the granted remedies, if supported by the  
17 balance of hardships. If the harm to be prevented by the  
18 injunction is abuse or any other harm that one of the  
19 remedies listed in paragraphs (1) through (16) of this  
20 subsection is designed to prevent, no further evidence is  
21 necessary that the harm is an irreparable injury.

22 (c) Relevant factors; findings.

23 (1) In determining whether to grant a specific remedy,  
24 other than payment of support, the court shall consider  
25 relevant factors, including but not limited to the  
26 following:

1 (i) the nature, frequency, severity, pattern and  
2 consequences of the respondent's past abuse, neglect  
3 or exploitation of the petitioner or any family or  
4 household member, including the concealment of his or  
5 her location in order to evade service of process or  
6 notice, and the likelihood of danger of future abuse,  
7 neglect, or exploitation to petitioner or any member of  
8 petitioner's or respondent's family or household; and

9 (ii) the danger that any minor child will be abused  
10 or neglected or improperly removed from the  
11 jurisdiction, improperly concealed within the State or  
12 improperly separated from the child's primary  
13 caretaker.

14 (2) In comparing relative hardships resulting to the  
15 parties from loss of possession of the family home, the  
16 court shall consider relevant factors, including but not  
17 limited to the following:

18 (i) availability, accessibility, cost, safety,  
19 adequacy, location and other characteristics of  
20 alternate housing for each party and any minor child or  
21 dependent adult in the party's care;

22 (ii) the effect on the party's employment; and

23 (iii) the effect on the relationship of the party,  
24 and any minor child or dependent adult in the party's  
25 care, to family, school, church and community.

26 (3) Subject to the exceptions set forth in paragraph

1 (4) of this subsection, the court shall make its findings  
2 in an official record or in writing, and shall at a minimum  
3 set forth the following:

4 (i) That the court has considered the applicable  
5 relevant factors described in paragraphs (1) and (2) of  
6 this subsection.

7 (ii) Whether the conduct or actions of respondent,  
8 unless prohibited, will likely cause irreparable harm  
9 or continued abuse.

10 (iii) Whether it is necessary to grant the  
11 requested relief in order to protect petitioner or  
12 other alleged abused persons.

13 (4) For purposes of issuing an ex parte emergency order  
14 of protection, the court, as an alternative to or as a  
15 supplement to making the findings described in paragraphs  
16 (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
17 the following procedure:

18 When a verified petition for an emergency order of  
19 protection in accordance with the requirements of Sections  
20 203 and 217 is presented to the court, the court shall  
21 examine petitioner on oath or affirmation. An emergency  
22 order of protection shall be issued by the court if it  
23 appears from the contents of the petition and the  
24 examination of petitioner that the averments are  
25 sufficient to indicate abuse by respondent and to support  
26 the granting of relief under the issuance of the emergency

1 order of protection.

2 (5) Never married parties. No rights or  
3 responsibilities for a minor child born outside of marriage  
4 attach to a putative father until a father and child  
5 relationship has been established under the Illinois  
6 Parentage Act of 1984, the Illinois Public Aid Code,  
7 Section 12 of the Vital Records Act, the Juvenile Court Act  
8 of 1987, the Probate Act of 1985, the Revised Uniform  
9 Reciprocal Enforcement of Support Act, the Uniform  
10 Interstate Family Support Act, the Expedited Child Support  
11 Act of 1990, any judicial, administrative, or other act of  
12 another state or territory, any other Illinois statute, or  
13 by any foreign nation establishing the father and child  
14 relationship, any other proceeding substantially in  
15 conformity with the Personal Responsibility and Work  
16 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),  
17 or where both parties appeared in open court or at an  
18 administrative hearing acknowledging under oath or  
19 admitting by affirmation the existence of a father and  
20 child relationship. Absent such an adjudication, finding,  
21 or acknowledgement, no putative father shall be granted  
22 temporary custody of the minor child, visitation with the  
23 minor child, or physical care and possession of the minor  
24 child, nor shall an order of payment for support of the  
25 minor child be entered.

26 (d) Balance of hardships; findings. If the court finds that



1 the balance of hardships does not support the granting of a  
2 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
3 subsection (b) of this Section, which may require such  
4 balancing, the court's findings shall so indicate and shall  
5 include a finding as to whether granting the remedy will result  
6 in hardship to respondent that would substantially outweigh the  
7 hardship to petitioner from denial of the remedy. The findings  
8 shall be an official record or in writing.

9 (e) Denial of remedies. Denial of any remedy shall not be  
10 based, in whole or in part, on evidence that:

11 (1) Respondent has cause for any use of force, unless  
12 that cause satisfies the standards for justifiable use of  
13 force provided by Article VII of the Criminal Code of 1961;

14 (2) Respondent was voluntarily intoxicated;

15 (3) Petitioner acted in self-defense or defense of  
16 another, provided that, if petitioner utilized force, such  
17 force was justifiable under Article VII of the Criminal  
18 Code of 1961;

19 (4) Petitioner did not act in self-defense or defense  
20 of another;

21 (5) Petitioner left the residence or household to avoid  
22 further abuse, neglect, or exploitation by respondent;

23 (6) Petitioner did not leave the residence or household  
24 to avoid further abuse, neglect, or exploitation by  
25 respondent;

26 (7) Conduct by any family or household member excused

1 the abuse, neglect, or exploitation by respondent, unless  
2 that same conduct would have excused such abuse, neglect,  
3 or exploitation if the parties had not been family or  
4 household members.

5 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;  
6 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; revised 10-4-11.)

7 Section 690. The Illinois Residential Real Property  
8 Transfer on Death Instrument Act is amended by changing Section  
9 55 as follows:

10 (755 ILCS 27/55)

11 Sec. 55. Revocation by recorded instrument authorized;  
12 revocation by act or unrecorded instrument, not authorized.

13 (a) An instrument is effective to revoke a recorded  
14 transfer on death instrument, or any part of it, only if:

15 (1) it is:

16 (A) another transfer on death instrument that  
17 revokes the instrument or part of the instrument  
18 expressly or by inconsistency; or

19 (B) an instrument of revocation that expressly  
20 revokes the instrument or part of the instrument; and

21 (2) it is:

22 (A) executed, witnessed, and acknowledged in the  
23 same manner as is required by Section 45 on a date that  
24 is after the date of the acknowledgment of the

1 instrument being revoked; and

2 (B) recorded before the owner's death in the public  
3 records in the office of the recorder of the county or  
4 counties where the prior transfer on death instrument  
5 is recorded.

6 (b) A transfer on death instrument executed and recorded in  
7 accordance with this Act may not be revoked by a revocatory act  
8 on the instrument, by an unrecorded instrument, or by a  
9 provision in a will.

10 (Source: P.A. 97-555, eff. 1-1-12; revised 11-21-11.)

11 Section 695. The Charitable Trust Act is amended by  
12 changing Section 5 as follows:

13 (760 ILCS 55/5) (from Ch. 14, par. 55)

14 Sec. 5. Registration requirement.

15 (a) The Attorney General shall establish and maintain a  
16 register of trustees subject to this Act and of the particular  
17 trust or other relationship under which they hold property for  
18 charitable purposes and, to that end, shall conduct whatever  
19 investigation is necessary, and shall obtain from public  
20 records, court officers, taxing authorities, trustees and  
21 other sources, copies of instruments, reports and records and  
22 whatever information is needed for the establishment and  
23 maintenance of the register.

24 (b) A registration statement shall be signed and verified

1 under penalty of perjury by 2 officers of a corporate  
2 charitable organization or by 2 trustees if not a corporate  
3 organization. One signature will be accepted if there is only  
4 one officer or one trustee. A registration fee of \$15 shall be  
5 paid with each initial registration. If a person, trustee or  
6 organization fails to maintain a registration of a trust or  
7 organization as required by this Act, and its registration is  
8 cancelled as provided in this Act, and if that trust or  
9 organization remains in existence and by law is required to be  
10 registered, in order to re-register, a new registration must be  
11 filed accompanied by required financial reports, and in all  
12 instances where re-registration is required, submitted, and  
13 allowed, the new re-registration materials must be filed,  
14 accompanied by a re-registration fee of \$200.

15 (c) If a person or trustee fails to register or maintain  
16 registration of a trust or organization or fails to file  
17 reports as provided in this Act, the person or trustee is  
18 subject to injunction, to removal, to account, and to  
19 appropriate other relief before a court of competent  
20 jurisdiction exercising chancery jurisdiction. In the event of  
21 such action, the court may impose a civil penalty of not less  
22 than ~~that~~ \$500 nor more than \$1,000 against the organization or  
23 trust estate that failed to register or to maintain a  
24 registration required under this Act. The collected penalty  
25 shall be used for charitable trust enforcement and for  
26 providing charitable trust information to the public.

1 (Source: P.A. 90-469, eff. 8-17-97; 91-444, eff. 8-6-99;  
2 revised 11-21-11.)

3 Section 700. The Residential Real Property Disclosure Act  
4 is amended by changing Section 74 as follows:

5 (765 ILCS 77/74)

6 Sec. 74. Counselor; required information. As part of the  
7 predatory lending database program, a counselor must submit all  
8 of the following information for inclusion in the predatory  
9 lending database:

10 (1) The information called for in items (1), (6), (9),  
11 (11), (12), (13), (14), (15), (16), (17), and (18) of  
12 Section 72.

13 (2) Any information from the borrower that confirms or  
14 contradicts the information called for under item (1) of  
15 this Section.

16 (3) The name of the counselor and address of the  
17 HUD-certified ~~HUD-certified~~ housing counseling agency that  
18 employs the counselor.

19 (4) Information pertaining to the borrower's monthly  
20 expenses that assists the counselor in determining whether  
21 the borrower can afford the loans or loans for which the  
22 borrower is applying.

23 (5) A list of the disclosures furnished to the  
24 borrower, as seen and reviewed by the counselor, and a

1 comparison of that list to all disclosures required by law.

2 (6) Whether the borrower provided tax returns to the  
3 broker or originator or to the counselor, and, if so, who  
4 prepared the tax returns.

5 (7) A statement of the recommendations of the counselor  
6 that indicates the counselor's response to each of the  
7 following statements:

8 (A) The loan should not be approved due to indicia  
9 of fraud.

10 (B) The loan should be approved; no material  
11 problems noted.

12 (C) The borrower cannot afford the loan.

13 (D) The borrower does not understand the  
14 transaction.

15 (E) The borrower does not understand the costs  
16 associated with the transaction.

17 (F) The borrower's monthly income and expenses  
18 have been reviewed and disclosed.

19 (G) The rate of the loan is above market rate.

20 (H) The borrower should seek a competitive bid from  
21 another broker or originator.

22 (I) There are discrepancies between the borrower's  
23 verbal understanding and the originator's completed  
24 form.

25 (J) The borrower is precipitously close to not  
26 being able to afford the loan.

1           (K) The borrower understands the true cost of debt  
2           consolidation and the need for credit card discipline.

3           (L) The information that the borrower provided the  
4           originator has been amended by the originator.

5           (Source: P.A. 94-280, eff. 1-1-06; 95-691, eff. 6-1-08; revised  
6           11-21-11.)

7           Section 705. The Condominium Property Act is amended by  
8           changing Section 18.5 as follows:

9           (765 ILCS 605/18.5) (from Ch. 30, par. 318.5)

10          Sec. 18.5. Master Associations.

11          (a) If the declaration, other condominium instrument, or  
12          other duly recorded covenants provide that any of the powers of  
13          the unit owners associations are to be exercised by or may be  
14          delegated to a nonprofit corporation or unincorporated  
15          association that exercises those or other powers on behalf of  
16          one or more condominiums, or for the benefit of the unit owners  
17          of one or more condominiums, such corporation or association  
18          shall be a master association.

19          (b) There shall be included in the declaration, other  
20          condominium instruments, or other duly recorded covenants  
21          establishing the powers and duties of the master association  
22          the provisions set forth in subsections (c) through (h).

23          In interpreting subsections (c) through (h), the courts  
24          should interpret these provisions so that they are interpreted

1 consistently with the similar parallel provisions found in  
2 other parts of this Act.

3 (c) Meetings and finances.

4 (1) Each unit owner of a condominium subject to the  
5 authority of the board of the master association shall  
6 receive, at least 30 days prior to the adoption thereof by  
7 the board of the master association, a copy of the proposed  
8 annual budget.

9 (2) The board of the master association shall annually  
10 supply to all unit owners of condominiums subject to the  
11 authority of the board of the master association an  
12 itemized accounting of the common expenses for the  
13 preceding year actually incurred or paid, together with a  
14 tabulation of the amounts collected pursuant to the budget  
15 or assessment, and showing the net excess or deficit of  
16 income over expenditures plus reserves.

17 (3) Each unit owner of a condominium subject to the  
18 authority of the board of the master association shall  
19 receive written notice mailed or delivered no less than 10  
20 and no more than 30 days prior to any meeting of the board  
21 of the master association concerning the adoption of the  
22 proposed annual budget or any increase in the budget, or  
23 establishment of an assessment.

24 (4) Meetings of the board of the master association  
25 shall be open to any unit owner in a condominium subject to  
26 the authority of the board of the master association,



1           except for the portion of any meeting held:

2                   (A) to discuss litigation when an action against or  
3           on behalf of the particular master association has been  
4           filed and is pending in a court or administrative  
5           tribunal, or when the board of the master association  
6           finds that such an action is probable or imminent,

7                   (B) to consider information regarding appointment,  
8           employment or dismissal of an employee, or

9                   (C) to discuss violations of rules and regulations  
10          of the master association or unpaid common expenses  
11          owed to the master association.

12          Any vote on these matters shall be taken at a meeting or  
13          portion thereof open to any unit owner of a condominium  
14          subject to the authority of the master association.

15          Any unit owner may record the proceedings at meetings  
16          required to be open by this Act by tape, film or other  
17          means; the board may prescribe reasonable rules and  
18          regulations to govern the right to make such recordings.  
19          Notice of meetings shall be mailed or delivered at least 48  
20          hours prior thereto, unless a written waiver of such notice  
21          is signed by the persons entitled to notice before the  
22          meeting is convened. Copies of notices of meetings of the  
23          board of the master association shall be posted in  
24          entranceways, elevators, or other conspicuous places in  
25          the condominium at least 48 hours prior to the meeting of  
26          the board of the master association. Where there is no

1 common entranceway for 7 or more units, the board of the  
2 master association may designate one or more locations in  
3 the proximity of these units where the notices of meetings  
4 shall be posted.

5 (5) If the declaration provides for election by unit  
6 owners of members of the board of directors in the event of  
7 a resale of a unit in the master association, the purchaser  
8 of a unit from a seller other than the developer pursuant  
9 to an installment contract for purchase shall, during such  
10 times as he or she resides in the unit, be counted toward a  
11 quorum for purposes of election of members of the board of  
12 directors at any meeting of the unit owners called for  
13 purposes of electing members of the board, and shall have  
14 the right to vote for the election of members of the board  
15 of directors and to be elected to and serve on the board of  
16 directors unless the seller expressly retains in writing  
17 any or all of those rights. In no event may the seller and  
18 purchaser both be counted toward a quorum, be permitted to  
19 vote for a particular office, or be elected and serve on  
20 the board. Satisfactory evidence of the installment  
21 contract shall be made available to the association or its  
22 agents. For purposes of this subsection, "installment  
23 contract" shall have the same meaning as set forth in  
24 subsection (e) of Section 1 of the Dwelling Unit  
25 Installment Contract Act.

26 (6) The board of the master association shall have the

1 authority to establish and maintain a system of master  
2 metering of public utility services and to collect payments  
3 in connection therewith, subject to the requirements of the  
4 Tenant Utility Payment Disclosure Act.

5 (7) The board of the master association or a common  
6 interest community association shall have the power, after  
7 notice and an opportunity to be heard, to levy and collect  
8 reasonable fines from members for violations of the  
9 declaration, bylaws, and rules and regulations of the  
10 master association or the common interest community  
11 association. Nothing contained in this subdivision (7)  
12 shall give rise to a statutory lien for unpaid fines.

13 (8) Other than attorney's fees, no fees pertaining to  
14 the collection of a unit owner's financial obligation to  
15 the Association, including fees charged by a manager or  
16 managing agent, shall be added to and deemed a part of an  
17 owner's respective share of the common expenses unless: (i)  
18 the managing agent fees relate to the costs to collect  
19 common expenses for the Association; (ii) the fees are set  
20 forth in a contract between the managing agent and the  
21 Association; and (iii) the authority to add the management  
22 fees to an owner's respective share of the common expenses  
23 is specifically stated in the declaration or bylaws of the  
24 Association.

25 (d) Records.

26 (1) The board of the master association shall maintain

1 the following records of the association and make them  
2 available for examination and copying at convenient hours  
3 of weekdays by any unit owners in a condominium subject to  
4 the authority of the board or their mortgagees and their  
5 duly authorized agents or attorneys:

6 (i) Copies of the recorded declaration, other  
7 condominium instruments, other duly recorded covenants  
8 and bylaws and any amendments, articles of  
9 incorporation of the master association, annual  
10 reports and any rules and regulations adopted by the  
11 master association or its board shall be available.  
12 Prior to the organization of the master association,  
13 the developer shall maintain and make available the  
14 records set forth in this subdivision (d)(1) for  
15 examination and copying.

16 (ii) Detailed and accurate records in  
17 chronological order of the receipts and expenditures  
18 affecting the common areas, specifying and itemizing  
19 the maintenance and repair expenses of the common areas  
20 and any other expenses incurred, and copies of all  
21 contracts, leases, or other agreements entered into by  
22 the master association, shall be maintained.

23 (iii) The minutes of all meetings of the master  
24 association and the board of the master association  
25 shall be maintained for not less than 7 years.

26 (iv) Ballots and proxies related thereto, if any,

1           for any election held for the board of the master  
2           association and for any other matters voted on by the  
3           unit owners shall be maintained for not less than one  
4           year.

5           (v) Such other records of the master association as  
6           are available for inspection by members of a  
7           not-for-profit corporation pursuant to Section 107.75  
8           of the General Not For Profit Corporation Act of 1986  
9           shall be maintained.

10          (vi) With respect to units owned by a land trust,  
11          if a trustee designates in writing a person to cast  
12          votes on behalf of the unit owner, the designation  
13          shall remain in effect until a subsequent document is  
14          filed with the association.

15          (2) Where a request for records under this subsection  
16          is made in writing to the board of managers or its agent,  
17          failure to provide the requested record or to respond  
18          within 30 days shall be deemed a denial by the board of  
19          directors.

20          (3) A reasonable fee may be charged by the master  
21          association or its board for the cost of copying.

22          (4) If the board of directors fails to provide records  
23          properly requested under subdivision (d)(1) within the  
24          time period provided in subdivision (d)(2), the unit owner  
25          may seek appropriate relief, including an award of  
26          attorney's fees and costs.

1           (e) The board of directors shall have standing and capacity  
2 to act in a representative capacity in relation to matters  
3 involving the common areas of the master association or more  
4 than one unit, on behalf of the unit owners as their interests  
5 may appear.

6           (f) Administration of property prior to election of the  
7 initial board of directors.

8           (1) Until the election, by the unit owners or the  
9 boards of managers of the underlying condominium  
10 associations, of the initial board of directors of a master  
11 association whose declaration is recorded on or after  
12 August 10, 1990, the same rights, titles, powers,  
13 privileges, trusts, duties and obligations that are vested  
14 in or imposed upon the board of directors by this Act or in  
15 the declaration or other duly recorded covenant shall be  
16 held and performed by the developer.

17           (2) The election of the initial board of directors of a  
18 master association whose declaration is recorded on or  
19 after August 10, 1990, by the unit owners or the boards of  
20 managers of the underlying condominium associations, shall  
21 be held not later than 60 days after the conveyance by the  
22 developer of 75% of the units, or 3 years after the  
23 recording of the declaration, whichever is earlier. The  
24 developer shall give at least 21 days notice of the meeting  
25 to elect the initial board of directors and shall upon  
26 request provide to any unit owner, within 3 working days of

1 the request, the names, addresses, and weighted vote of  
2 each unit owner entitled to vote at the meeting. Any unit  
3 owner shall upon receipt of the request be provided with  
4 the same information, within 10 days of the request, with  
5 respect to each subsequent meeting to elect members of the  
6 board of directors.

7 (3) If the initial board of directors of a master  
8 association whose declaration is recorded on or after  
9 August 10, 1990 is not elected by the unit owners or the  
10 members of the underlying condominium association board of  
11 managers at the time established in subdivision (f)(2), the  
12 developer shall continue in office for a period of 30 days,  
13 whereupon written notice of his resignation shall be sent  
14 to all of the unit owners or members of the underlying  
15 condominium board of managers entitled to vote at an  
16 election for members of the board of directors.

17 (4) Within 60 days following the election of a majority  
18 of the board of directors, other than the developer, by  
19 unit owners, the developer shall deliver to the board of  
20 directors:

21 (i) All original documents as recorded or filed  
22 pertaining to the property, its administration, and  
23 the association, such as the declaration, articles of  
24 incorporation, other instruments, annual reports,  
25 minutes, rules and regulations, and contracts, leases,  
26 or other agreements entered into by the association. If

1           any original documents are unavailable, a copy may be  
2           provided if certified by affidavit of the developer, or  
3           an officer or agent of the developer, as being a  
4           complete copy of the actual document recorded or filed.

5           (ii) A detailed accounting by the developer,  
6           setting forth the source and nature of receipts and  
7           expenditures in connection with the management,  
8           maintenance and operation of the property, copies of  
9           all insurance policies, and a list of any loans or  
10          advances to the association which are outstanding.

11          (iii) Association funds, which shall have been at  
12          all times segregated from any other moneys of the  
13          developer.

14          (iv) A schedule of all real or personal property,  
15          equipment and fixtures belonging to the association,  
16          including documents transferring the property,  
17          warranties, if any, for all real and personal property  
18          and equipment, deeds, title insurance policies, and  
19          all tax bills.

20          (v) A list of all litigation, administrative  
21          action and arbitrations involving the association, any  
22          notices of governmental bodies involving actions taken  
23          or which may be taken concerning the association,  
24          engineering and architectural drawings and  
25          specifications as approved by any governmental  
26          authority, all other documents filed with any other



1 governmental authority, all governmental certificates,  
2 correspondence involving enforcement of any  
3 association requirements, copies of any documents  
4 relating to disputes involving unit owners, and  
5 originals of all documents relating to everything  
6 listed in this subparagraph.

7 (vi) If the developer fails to fully comply with  
8 this paragraph (4) within the 60 days provided and  
9 fails to fully comply within 10 days of written demand  
10 mailed by registered or certified mail to his or her  
11 last known address, the board may bring an action to  
12 compel compliance with this paragraph (4). If the court  
13 finds that any of the required deliveries were not made  
14 within the required period, the board shall be entitled  
15 to recover its reasonable attorneys' fees and costs  
16 incurred from and after the date of expiration of the  
17 10 day demand.

18 (5) With respect to any master association whose  
19 declaration is recorded on or after August 10, 1990, any  
20 contract, lease, or other agreement made prior to the  
21 election of a majority of the board of directors other than  
22 the developer by or on behalf of unit owners or underlying  
23 condominium associations, the association or the board of  
24 directors, which extends for a period of more than 2 years  
25 from the recording of the declaration, shall be subject to  
26 cancellation by more than 1/2 of the votes of the unit

1 owners, other than the developer, cast at a special meeting  
2 of members called for that purpose during a period of 90  
3 days prior to the expiration of the 2 year period if the  
4 board of managers is elected by the unit owners, otherwise  
5 by more than 1/2 of the underlying condominium board of  
6 managers. At least 60 days prior to the expiration of the 2  
7 year period, the board of directors, or, if the board is  
8 still under developer control, then the board of managers  
9 or the developer shall send notice to every unit owner or  
10 underlying condominium board of managers, notifying them  
11 of this provision, of what contracts, leases and other  
12 agreements are affected, and of the procedure for calling a  
13 meeting of the unit owners or for action by the underlying  
14 condominium board of managers for the purpose of acting to  
15 terminate such contracts, leases or other agreements.  
16 During the 90 day period the other party to the contract,  
17 lease, or other agreement shall also have the right of  
18 cancellation.

19 (6) The statute of limitations for any actions in law  
20 or equity which the master association may bring shall not  
21 begin to run until the unit owners or underlying  
22 condominium board of managers have elected a majority of  
23 the members of the board of directors.

24 (g) In the event of any resale of a unit in a master  
25 association by a unit owner other than the developer, the owner  
26 shall obtain from the board of directors and shall make

1 available for inspection to the prospective purchaser, upon  
2 demand, the following:

3 (1) A copy of the declaration, other instruments and  
4 any rules and regulations.

5 (2) A statement of any liens, including a statement of  
6 the account of the unit setting forth the amounts of unpaid  
7 assessments and other charges due and owing.

8 (3) A statement of any capital expenditures  
9 anticipated by the association within the current or  
10 succeeding 2 fiscal years.

11 (4) A statement of the status and amount of any reserve  
12 for replacement fund and any portion of such fund earmarked  
13 for any specified project by the board of directors.

14 (5) A copy of the statement of financial condition of  
15 the association for the last fiscal year for which such a  
16 statement is available.

17 (6) A statement of the status of any pending suits or  
18 judgments in which the association is a party.

19 (7) A statement setting forth what insurance coverage  
20 is provided for all unit owners by the association.

21 (8) A statement that any improvements or alterations  
22 made to the unit, or any part of the common areas assigned  
23 thereto, by the prior unit owner are in good faith believed  
24 to be in compliance with the declaration of the master  
25 association.

26 The principal officer of the unit owner's association or

1 such other officer as is specifically designated shall furnish  
2 the above information when requested to do so in writing,  
3 within 30 days of receiving the request.

4 A reasonable fee covering the direct out-of-pocket cost of  
5 copying and providing such information may be charged by the  
6 association or its board of directors to the unit seller for  
7 providing the information.

8 (g-1) The purchaser of a unit of a common interest  
9 community at a judicial foreclosure sale, other than a  
10 mortgagee, who takes possession of a unit of a common interest  
11 community pursuant to a court order or a purchaser who acquires  
12 title from a mortgagee shall have the duty to pay the  
13 proportionate share, if any, of the common expenses for the  
14 unit that would have become due in the absence of any  
15 assessment acceleration during the 6 months immediately  
16 preceding institution of an action to enforce the collection of  
17 assessments and the court costs incurred by the association in  
18 an action to enforce the collection that remain unpaid by the  
19 owner during whose possession the assessments accrued. If the  
20 outstanding assessments and the court costs incurred by the  
21 association in an action to enforce the collection are paid at  
22 any time during any action to enforce the collection of  
23 assessments, the purchaser shall have no obligation to pay any  
24 assessments that accrued before he or she acquired title. The  
25 notice of sale of a unit of a common interest community under  
26 subsection (c) of Section 15-1507 of the Code of Civil

1 Procedure shall state that the purchaser of the unit other than  
2 a mortgagee shall pay the assessments and court costs required  
3 by this subsection (g-1).

4 (h) Errors and omissions.

5 (1) If there is an omission or error in the declaration  
6 or other instrument of the master association, the master  
7 association may correct the error or omission by an  
8 amendment to the declaration or other instrument, as may be  
9 required to conform it to this Act, to any other applicable  
10 statute, or to the declaration. The amendment shall be  
11 adopted by vote of two-thirds of the members of the board  
12 of directors or by a majority vote of the unit owners at a  
13 meeting called for that purpose, unless the Act or the  
14 declaration of the master association specifically  
15 provides for greater percentages or different procedures.

16 (2) If, through a scrivener's error, a unit has not  
17 been designated as owning an appropriate undivided share of  
18 the common areas or does not bear an appropriate share of  
19 the common expenses, or if all of the common expenses or  
20 all of the common elements in the condominium have not been  
21 distributed in the declaration, so that the sum total of  
22 the shares of common areas which have been distributed or  
23 the sum total of the shares of the common expenses fail to  
24 equal 100%, or if it appears that more than 100% of the  
25 common elements or common expenses have been distributed,  
26 the error may be corrected by operation of law by filing an

1 amendment to the declaration, approved by vote of  
2 two-thirds of the members of the board of directors or a  
3 majority vote of the unit owners at a meeting called for  
4 that purpose, which proportionately adjusts all percentage  
5 interests so that the total is equal to 100%, unless the  
6 declaration specifically provides for a different  
7 procedure or different percentage vote by the owners of the  
8 units and the owners of mortgages thereon affected by  
9 modification being made in the undivided interest in the  
10 common areas, the number of votes in the unit owners  
11 association or the liability for common expenses  
12 appertaining to the unit.

13 (3) If an omission or error or a scrivener's error in  
14 the declaration or other instrument is corrected by vote of  
15 two-thirds of the members of the board of directors  
16 pursuant to the authority established in subdivisions  
17 (h)(1) or (h)(2) of this Section, the board, upon written  
18 petition by unit owners with 20% of the votes of the  
19 association or resolutions adopted by the board of managers  
20 or board of directors of the condominium and common  
21 interest community associations which select 20% of the  
22 members of the board of directors of the master  
23 association, whichever is applicable, received within 30  
24 days of the board action, shall call a meeting of the unit  
25 owners or the boards of the condominium and common interest  
26 community associations which select members of the board of

1 directors of the master association within 30 days of the  
2 filing of the petition or receipt of the condominium and  
3 common interest community association resolution to  
4 consider the board action. Unless a majority of the votes  
5 of the unit owners of the association are cast at the  
6 meeting to reject the action, or board of managers or board  
7 of directors of condominium and common interest community  
8 associations which select over 50% of the members of the  
9 board of the master association adopt resolutions prior to  
10 the meeting rejecting the action of the board of directors  
11 of the master association, it is ratified whether or not a  
12 quorum is present.

13 (4) The procedures for amendments set forth in this  
14 subsection (h) cannot be used if such an amendment would  
15 materially or adversely affect property rights of the unit  
16 owners unless the affected unit owners consent in writing.  
17 This Section does not restrict the powers of the  
18 association to otherwise amend the declaration, bylaws, or  
19 other condominium instruments, but authorizes a simple  
20 process of amendment requiring a lesser vote for the  
21 purpose of correcting defects, errors, or omissions when  
22 the property rights of the unit owners are not materially  
23 or adversely affected.

24 (5) If there is an omission or error in the declaration  
25 or other instruments that may not be corrected by an  
26 amendment procedure set forth in subdivision (h)(1) or

1 (h) (2) of this Section, then the circuit court in the  
2 county in which the master association is located shall  
3 have jurisdiction to hear a petition of one or more of the  
4 unit owners thereon or of the association, to correct the  
5 error or omission, and the action may be a class action.  
6 The court may require that one or more methods of  
7 correcting the error or omission be submitted to the unit  
8 owners to determine the most acceptable correction. All  
9 unit owners in the association must be joined as parties to  
10 the action. Service of process on owners may be by  
11 publication, but the plaintiff shall furnish all unit  
12 owners not personally served with process with copies of  
13 the petition and final judgment of the court by certified  
14 mail, return receipt requested, at their last known  
15 address.

16 (6) Nothing contained in this Section shall be  
17 construed to invalidate any provision of a declaration  
18 authorizing the developer to amend an instrument prior to  
19 the latest date on which the initial membership meeting of  
20 the unit owners must be held, whether or not it has  
21 actually been held, to bring the instrument into compliance  
22 with the legal requirements of the Federal National  
23 Mortgage Association, the Federal Home Loan Mortgage  
24 Corporation, the Federal Housing Administration, the  
25 United States Veterans Administration or their respective  
26 successors and assigns.



1           (i) The provisions of subsections (c) through (h) are  
2 applicable to all declarations, other condominium instruments,  
3 and other duly recorded covenants establishing the powers and  
4 duties of the master association recorded under this Act. Any  
5 portion of a declaration, other condominium instrument, or  
6 other duly recorded covenant establishing the powers and duties  
7 of a master association which contains provisions contrary to  
8 the provisions of subsection (c) through (h) shall be void as  
9 against public policy and ineffective. Any declaration, other  
10 condominium instrument, or other duly recorded covenant  
11 establishing the powers and duties of the master association  
12 which fails to contain the provisions required by subsections  
13 (c) through (h) shall be deemed to incorporate such provisions  
14 by operation of law.

15           (j) (Blank).

16           (Source: P.A. 96-1045, eff. 7-14-10; 97-535, eff. 1-1-12;  
17 97-605, eff. 8-26-11; revised 10-4-11.)

18           Section 710. The Mobile Home Landlord and Tenant Rights Act  
19 is amended by changing Section 13 as follows:

20           (765 ILCS 745/13) (from Ch. 80, par. 213)

21           Sec. 13. Tenant's Duties. The tenant shall agree at all  
22 times during the tenancy to:

23           (a) Keep the mobile home unit, if he rents such, or the  
24 exterior premises if he rents a lot, in a clean and sanitary

1 condition, free of garbage and rubbish;

2 (b) Refrain from the storage of any inoperable motor  
3 vehicle;

4 (c) Refrain from washing all vehicles except at an area  
5 designated by park management;

6 (d) Refrain from performing any major repairs of motor  
7 vehicles at any time;

8 (e) Refrain from the storage of any icebox, stove, building  
9 material, furniture or similar items on the exterior premises;

10 (f) Keep the supplied basic facilities, including plumbing  
11 fixtures, cooking and refrigeration equipment and electrical  
12 fixtures in a leased mobile home unit in a clean and sanitary  
13 condition and be responsible for the exercise of reasonable  
14 care in their proper use and operation;

15 (g) Not deliberately or negligently destroy, deface,  
16 damage, impair or remove any part of the premises or knowingly  
17 permit any person to do so;

18 (h) Conduct himself and require other persons on the  
19 premises with his consent to conduct themselves in a manner  
20 that will not affect ~~effect~~ or disturb his neighbors' ~~neighbors~~  
21 peaceful enjoyment of the premises;

22 (i) Abide by all the rules or regulations concerning the  
23 use, occupation and maintenance of the premises; and

24 (j) Abide by any reasonable rules for guest parking which  
25 are clearly stated.

26 (Source: P.A. 81-637; revised 11-21-11.)

1           Section 715. The Illinois Human Rights Act is amended by  
2 changing Sections 1-103 and 7A-102 as follows:

3           (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

4           Sec. 1-103. General Definitions. When used in this Act,  
5 unless the context requires otherwise, the term:

6           (A) Age. "Age" means the chronological age of a person who  
7 is at least 40 years old, except with regard to any practice  
8 described in Section 2-102, insofar as that practice concerns  
9 training or apprenticeship programs. In the case of training or  
10 apprenticeship programs, for the purposes of Section 2-102,  
11 "age" means the chronological age of a person who is 18 but not  
12 yet 40 years old.

13           (B) Aggrieved Party. "Aggrieved party" means a person who  
14 is alleged or proved to have been injured by a civil rights  
15 violation or believes he or she will be injured by a civil  
16 rights violation under Article 3 that is about to occur.

17           (C) Charge. "Charge" means an allegation filed with the  
18 Department by an aggrieved party or initiated by the Department  
19 under its authority.

20           (D) Civil Rights Violation. "Civil rights violation"  
21 includes and shall be limited to only those specific acts set  
22 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,  
23 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,  
24 6-101, and 6-102 of this Act.

1 (E) Commission. "Commission" means the Human Rights  
2 Commission created by this Act.

3 (F) Complaint. "Complaint" means the formal pleading filed  
4 by the Department with the Commission following an  
5 investigation and finding of substantial evidence of a civil  
6 rights violation.

7 (G) Complainant. "Complainant" means a person including  
8 the Department who files a charge of civil rights violation  
9 with the Department or the Commission.

10 (H) Department. "Department" means the Department of Human  
11 Rights created by this Act.

12 (I) Disability. "Disability" means a determinable physical  
13 or mental characteristic of a person, including, but not  
14 limited to, a determinable physical characteristic which  
15 necessitates the person's use of a guide, hearing or support  
16 dog, the history of such characteristic, or the perception of  
17 such characteristic by the person complained against, which may  
18 result from disease, injury, congenital condition of birth or  
19 functional disorder and which characteristic:

20 (1) For purposes of Article 2 is unrelated to the  
21 person's ability to perform the duties of a particular job  
22 or position and, pursuant to Section 2-104 of this Act, a  
23 person's illegal use of drugs or alcohol is not a  
24 disability;

25 (2) For purposes of Article 3, is unrelated to the  
26 person's ability to acquire, rent or maintain a housing

1 accommodation;

2 (3) For purposes of Article 4, is unrelated to a  
3 person's ability to repay;

4 (4) For purposes of Article 5, is unrelated to a  
5 person's ability to utilize and benefit from a place of  
6 public accommodation;

7 (5) For purposes of Article 5, also includes any  
8 mental, psychological, or developmental disability,  
9 including autism spectrum disorders.

10 (J) Marital Status. "Marital status" means the legal status  
11 of being married, single, separated, divorced or widowed.

12 (J-1) Military Status. "Military status" means a person's  
13 status on active duty in or status as a veteran of the armed  
14 forces of the United States, status as a current member or  
15 veteran of any reserve component of the armed forces of the  
16 United States, including the United States Army Reserve, United  
17 States Marine Corps Reserve, United States Navy Reserve, United  
18 States Air Force Reserve, and United States Coast Guard  
19 Reserve, or status as a current member or veteran of the  
20 Illinois Army National Guard or Illinois Air National Guard.

21 (K) National Origin. "National origin" means the place in  
22 which a person or one of his or her ancestors was born.

23 (K-5) "Order of protection status" means a person's status  
24 as being a person protected under an order of protection issued  
25 pursuant to the Illinois Domestic Violence Act of 1986 or an  
26 order of protection issued by a court of another state.

1 (L) Person. "Person" includes one or more individuals,  
2 partnerships, associations or organizations, labor  
3 organizations, labor unions, joint apprenticeship committees,  
4 or union labor associations, corporations, the State of  
5 Illinois and its instrumentalities, political subdivisions,  
6 units of local government, legal representatives, trustees in  
7 bankruptcy or receivers.

8 (M) Public Contract. "Public contract" includes every  
9 contract to which the State, any of its political subdivisions  
10 or any municipal corporation is a party.

11 (N) Religion. "Religion" includes all aspects of religious  
12 observance and practice, as well as belief, except that with  
13 respect to employers, for the purposes of Article 2, "religion"  
14 has the meaning ascribed to it in paragraph (F) of Section  
15 2-101.

16 (O) Sex. "Sex" means the status of being male or female.

17 (O-1) Sexual orientation. "Sexual orientation" means  
18 actual or perceived heterosexuality, homosexuality,  
19 bisexuality, or gender-related identity, whether or not  
20 traditionally associated with the person's designated sex at  
21 birth. "Sexual orientation" does not include a physical or  
22 sexual attraction to a minor by an adult.

23 (P) Unfavorable Military Discharge. "Unfavorable military  
24 discharge" includes discharges from the Armed Forces of the  
25 United States, their Reserve components or any National Guard  
26 or Naval Militia which are classified as RE-3 or the equivalent

1       thereof, but does not include those characterized as RE-4 or  
2       "Dishonorable".

3           (Q) Unlawful Discrimination. "Unlawful discrimination"  
4       means discrimination against a person because of his or her  
5       race, color, religion, national origin, ancestry, age, sex,  
6       marital status, order of protection status, disability,  
7       military status, sexual orientation, or unfavorable discharge  
8       from military service as those terms are defined in this  
9       Section.

10       (Source: P.A. 96-328, eff. 8-11-09; 96-447, eff. 1-1-10;  
11       97-410, eff. 1-1-12; revised 11-21-11.)

12           (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)  
13       Sec. 7A-102. Procedures.

14       (A) Charge.

15           (1) Within 180 days after the date that a civil rights  
16       violation allegedly has been committed, a charge in writing  
17       under oath or affirmation may be filed with the Department  
18       by an aggrieved party or issued by the Department itself  
19       under the signature of the Director.

20           (2) The charge shall be in such detail as to  
21       substantially apprise any party properly concerned as to  
22       the time, place, and facts surrounding the alleged civil  
23       rights violation.

24           (3) Charges deemed filed with the Department pursuant  
25       to subsection (A-1) of this Section shall be deemed to be

1 in compliance with this subsection.

2 (A-1) Equal Employment Opportunity Commission Charges.

3 (1) If a charge is filed with the Equal Employment  
4 Opportunity Commission (EEOC) within 180 days after the  
5 date of the alleged civil rights violation, the charge  
6 shall be deemed filed with the Department on the date filed  
7 with the EEOC. If the EEOC is the governmental agency  
8 designated to investigate the charge first, the Department  
9 shall take no action until the EEOC makes a determination  
10 on the charge and after the complainant notifies the  
11 Department of the EEOC's determination. In such cases,  
12 after receiving notice from the EEOC that a charge was  
13 filed, the Department shall notify the parties that (i) a  
14 charge has been received by the EEOC and has been sent to  
15 the Department for dual filing purposes; (ii) the EEOC is  
16 the governmental agency responsible for investigating the  
17 charge and that the investigation shall be conducted  
18 pursuant to the rules and procedures adopted by the EEOC;  
19 (iii) it will take no action on the charge until the EEOC  
20 issues its determination; (iv) the complainant must submit  
21 a copy of the EEOC's determination within 30 days after  
22 service of the determination by the EEOC on complainant;  
23 and (v) that the time period to investigate the charge  
24 contained in subsection (G) of this Section is tolled from  
25 the date on which the charge is filed with the EEOC until  
26 the EEOC issues its determination.



1           (2) If the EEOC finds reasonable cause to believe that  
2 there has been a violation of federal law and if the  
3 Department is timely notified of the EEOC's findings by  
4 complainant, the Department shall notify complainant that  
5 the Department has adopted the EEOC's determination of  
6 reasonable cause and that complainant has the right, within  
7 90 days after receipt of the Department's notice, to either  
8 file his or her own complaint with the Illinois Human  
9 Rights Commission or commence a civil action in the  
10 appropriate circuit court or other appropriate court of  
11 competent jurisdiction. The Department's notice to  
12 complainant that the Department has adopted the EEOC's  
13 determination of reasonable cause shall constitute the  
14 Department's Report for purposes of subparagraph (D) of  
15 this Section.

16           (3) For those charges alleging violations within the  
17 jurisdiction of both the EEOC and the Department and for  
18 which the EEOC either (i) does not issue a determination,  
19 but does issue the complainant a notice of a right to sue,  
20 including when the right to sue is issued at the request of  
21 the complainant, or (ii) determines that it is unable to  
22 establish that illegal discrimination has occurred and  
23 issues the complainant a right to sue notice, and if the  
24 Department is timely notified of the EEOC's determination  
25 by complainant, the Department shall notify the parties  
26 that the Department will adopt the EEOC's determination as

1 a dismissal for lack of substantial evidence unless the  
2 complainant requests in writing within 35 days after  
3 receipt of the Department's notice that the Department  
4 review the EEOC's determination.

5 (a) If the complainant does not file a written  
6 request with the Department to review the EEOC's  
7 determination within 35 days after receipt of the  
8 Department's notice, the Department shall notify  
9 complainant that the decision of the EEOC has been  
10 adopted by the Department as a dismissal for lack of  
11 substantial evidence and that the complainant has the  
12 right, within 90 days after receipt of the Department's  
13 notice, to commence a civil action in the appropriate  
14 circuit court or other appropriate court of competent  
15 jurisdiction. The Department's notice to complainant  
16 that the Department has adopted the EEOC's  
17 determination shall constitute the Department's report  
18 for purposes of subparagraph (D) of this Section.

19 (b) If the complainant does file a written request  
20 with the Department to review the EEOC's  
21 determination, the Department shall review the EEOC's  
22 determination and any evidence obtained by the EEOC  
23 during its investigation. If, after reviewing the  
24 EEOC's determination and any evidence obtained by the  
25 EEOC, the Department determines there is no need for  
26 further investigation of the charge, the Department

1 shall issue a report and the Director shall determine  
2 whether there is substantial evidence that the alleged  
3 civil rights violation has been committed pursuant to  
4 subsection (D) of Section 7A-102. If, after reviewing  
5 the EEOC's determination and any evidence obtained by  
6 the EEOC, the Department determines there is a need for  
7 further investigation of the charge, the Department  
8 may conduct any further investigation it deems  
9 necessary. After reviewing the EEOC's determination,  
10 the evidence obtained by the EEOC, and any additional  
11 investigation conducted by the Department, the  
12 Department shall issue a report and the Director shall  
13 determine whether there is substantial evidence that  
14 the alleged civil rights violation has been committed  
15 pursuant to subsection (D) of Section 7A-102 of this  
16 Act.

17 (4) Pursuant to this Section, if the EEOC dismisses the  
18 charge or a portion of the charge of discrimination  
19 because, under federal law, the EEOC lacks jurisdiction  
20 over the charge, and if, under this Act, the Department has  
21 jurisdiction over the charge of discrimination, the  
22 Department shall investigate the charge or portion of the  
23 charge dismissed by the EEOC for lack of jurisdiction  
24 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),  
25 (E), (F), (G), (H), (I), (J), and (K) of Section 7A-102 of  
26 this Act.

1           (5) The time limit set out in subsection (G) of this  
2           Section is tolled from the date on which the charge is  
3           filed with the EEOC to the date on which the EEOC issues  
4           its determination.

5           (B) Notice and Response to Charge. The Department shall,  
6           within 10 days of the date on which the charge was filed, serve  
7           a copy of the charge on the respondent. This period shall not  
8           be construed to be jurisdictional. The charging party and the  
9           respondent may each file a position statement and other  
10          materials with the Department regarding the charge of alleged  
11          discrimination within 60 days of receipt of the notice of the  
12          charge. The position statements and other materials filed shall  
13          remain confidential unless otherwise agreed to by the party  
14          providing the information and shall not be served on or made  
15          available to the other party during pendency of a charge with  
16          the Department. The Department shall require the respondent to  
17          file a verified response to the allegations contained in the  
18          charge within 60 days of receipt of the notice of the charge.  
19          The respondent shall serve a copy of its response on the  
20          complainant or his representative. All allegations contained  
21          in the charge not timely denied by the respondent shall be  
22          deemed admitted, unless the respondent states that it is  
23          without sufficient information to form a belief with respect to  
24          such allegation. The Department may issue a notice of default  
25          directed to any respondent who fails to file a verified  
26          response to a charge within 60 days of receipt of the notice of

1 the charge, unless the respondent can demonstrate good cause as  
2 to why such notice should not issue. The term "good cause"  
3 shall be defined by rule promulgated by the Department. Within  
4 30 days of receipt of the respondent's response, the  
5 complainant may file a reply to said response and shall serve a  
6 copy of said reply on the respondent or his representative. A  
7 party shall have the right to supplement his response or reply  
8 at any time that the investigation of the charge is pending.  
9 The Department shall, within 10 days of the date on which the  
10 charge was filed, and again no later than 335 days thereafter,  
11 send by certified or registered mail written notice to the  
12 complainant and to the respondent informing the complainant of  
13 the complainant's right to either file a complaint with the  
14 Human Rights Commission or commence a civil action in the  
15 appropriate circuit court under subparagraph (2) of paragraph  
16 (G), including in such notice the dates within which the  
17 complainant may exercise this right. In the notice the  
18 Department shall notify the complainant that the charge of  
19 civil rights violation will be dismissed with prejudice and  
20 with no right to further proceed if a written complaint is not  
21 timely filed with the Commission or with the appropriate  
22 circuit court by the complainant pursuant to subparagraph (2)  
23 of paragraph (G) or by the Department pursuant to subparagraph  
24 (1) of paragraph (G).

25 (B-1) Mediation. The complainant and respondent may agree  
26 to voluntarily submit the charge to mediation without waiving

1 any rights that are otherwise available to either party  
2 pursuant to this Act and without incurring any obligation to  
3 accept the result of the mediation process. Nothing occurring  
4 in mediation shall be disclosed by the Department or admissible  
5 in evidence in any subsequent proceeding unless the complainant  
6 and the respondent agree in writing that such disclosure be  
7 made.

8 (C) Investigation.

9 (1) After the respondent has been notified, the  
10 Department shall conduct a full investigation of the  
11 allegations set forth in the charge.

12 (2) The Director or his or her designated  
13 representatives shall have authority to request any member  
14 of the Commission to issue subpoenas to compel the  
15 attendance of a witness or the production for examination  
16 of any books, records or documents whatsoever.

17 (3) If any witness whose testimony is required for any  
18 investigation resides outside the State, or through  
19 illness or any other good cause as determined by the  
20 Director is unable to be interviewed by the investigator or  
21 appear at a fact finding conference, his or her testimony  
22 or deposition may be taken, within or without the State, in  
23 the same manner as is provided for in the taking of  
24 depositions in civil cases in circuit courts.

25 (4) Upon reasonable notice to the complainant and the  
26 respondent, the Department shall conduct a fact finding

1 conference, unless prior to 365 days after the date on  
2 which the charge was filed the Director has determined  
3 whether there is substantial evidence that the alleged  
4 civil rights violation has been committed, the charge has  
5 been dismissed for lack of jurisdiction, or the parties  
6 voluntarily and in writing agree to waive the fact finding  
7 conference. Any party's failure to attend the conference  
8 without good cause shall result in dismissal or default.  
9 The term "good cause" shall be defined by rule promulgated  
10 by the Department. A notice of dismissal or default shall  
11 be issued by the Director. The notice of default issued by  
12 the Director shall notify the respondent that a request for  
13 review may be filed in writing with the Commission within  
14 30 days of receipt of notice of default. The notice of  
15 dismissal issued by the Director shall give the complainant  
16 notice of his or her right to seek review of the dismissal  
17 before the Human Rights Commission or commence a civil  
18 action in the appropriate circuit court. If the complainant  
19 chooses to have the Human Rights Commission review the  
20 dismissal order, he or she shall file a request for review  
21 with the Commission within 90 days after receipt of the  
22 Director's notice. If the complainant chooses to file a  
23 request for review with the Commission, he or she may not  
24 later commence a civil action in a circuit court. If the  
25 complainant chooses to commence a civil action in a circuit  
26 court, he or she must do so within 90 days after receipt of

1 the Director's notice.

2 (D) Report.

3 (1) Each charge shall be the subject of a report to the  
4 Director. The report shall be a confidential document  
5 subject to review by the Director, authorized Department  
6 employees, the parties, and, where indicated by this Act,  
7 members of the Commission or their designated hearing  
8 officers.

9 (2) Upon review of the report, the Director shall  
10 determine whether there is substantial evidence that the  
11 alleged civil rights violation has been committed. The  
12 determination of substantial evidence is limited to  
13 determining the need for further consideration of the  
14 charge pursuant to this Act and includes, but is not  
15 limited to, findings of fact and conclusions, as well as  
16 the reasons for the determinations on all material issues.  
17 Substantial evidence is evidence which a reasonable mind  
18 accepts as sufficient to support a particular conclusion  
19 and which consists of more than a mere scintilla but may be  
20 somewhat less than a preponderance.

21 (3) If the Director determines that there is no  
22 substantial evidence, the charge shall be dismissed by  
23 order of the Director and the Director shall give the  
24 complainant notice of his or her right to seek review of  
25 the dismissal order before the Commission or commence a  
26 civil action in the appropriate circuit court. If the



1 complainant chooses to have the Human Rights Commission  
2 review the dismissal order, he or she shall file a request  
3 for review with the Commission within 90 days after receipt  
4 of the Director's notice. If the complainant chooses to  
5 file a request for review with the Commission, he or she  
6 may not later commence a civil action in a circuit court.  
7 If the complainant chooses to commence a civil action in a  
8 circuit court, he or she must do so within 90 days after  
9 receipt of the Director's notice.

10 (4) If the Director determines that there is  
11 substantial evidence, he or she shall notify the  
12 complainant and respondent of that determination. The  
13 Director shall also notify the parties that the complainant  
14 has the right to either commence a civil action in the  
15 appropriate circuit court or request that the Department of  
16 Human Rights file a complaint with the Human Rights  
17 Commission on his or her behalf. Any such complaint shall  
18 be filed within 90 days after receipt of the Director's  
19 notice. If the complainant chooses to have the Department  
20 file a complaint with the Human Rights Commission on his or  
21 her behalf, the complainant must, within 30 days after  
22 receipt of the Director's notice, request in writing that  
23 the Department file the complaint. If the complainant  
24 timely requests that the Department file the complaint, the  
25 Department shall file the complaint on his or her behalf.  
26 If the complainant fails to timely request that the

1 Department file the complaint, the complainant may file his  
2 or her complaint with the Commission or commence a civil  
3 action in the appropriate circuit court. If the complainant  
4 files a complaint with the Human Rights Commission, the  
5 complainant shall give notice to the Department of the  
6 filing of the complaint with the Human Rights Commission.

7 (E) Conciliation.

8 (1) When there is a finding of substantial evidence,  
9 the Department may designate a Department employee who is  
10 an attorney licensed to practice in Illinois to endeavor to  
11 eliminate the effect of the alleged civil rights violation  
12 and to prevent its repetition by means of conference and  
13 conciliation.

14 (2) When the Department determines that a formal  
15 conciliation conference is necessary, the complainant and  
16 respondent shall be notified of the time and place of the  
17 conference by registered or certified mail at least 10 days  
18 prior thereto and either or both parties shall appear at  
19 the conference in person or by attorney.

20 (3) The place fixed for the conference shall be within  
21 35 miles of the place where the civil rights violation is  
22 alleged to have been committed.

23 (4) Nothing occurring at the conference shall be  
24 disclosed by the Department unless the complainant and  
25 respondent agree in writing that such disclosure be made.

26 (5) The Department's efforts to conciliate the matter

1 shall not stay or extend the time for filing the complaint  
2 with the Commission or the circuit court.

3 (F) Complaint.

4 (1) When the complainant requests that the Department  
5 file a complaint with the Commission on his or her behalf,  
6 the Department shall prepare a written complaint, under  
7 oath or affirmation, stating the nature of the civil rights  
8 violation substantially as alleged in the charge  
9 previously filed and the relief sought on behalf of the  
10 aggrieved party. The Department shall file the complaint  
11 with the Commission.

12 (2) If the complainant chooses to commence a civil  
13 action in a circuit court, he or she must do so in the  
14 circuit court in the county wherein the civil rights  
15 violation was allegedly committed. The form of the  
16 complaint in any such civil action shall be in accordance  
17 with the Illinois Code of Civil Procedure.

18 (G) Time Limit.

19 (1) When a charge of a civil rights violation has been  
20 properly filed, the Department, within 365 days thereof or  
21 within any extension of that period agreed to in writing by  
22 all parties, shall issue its report as required by  
23 subparagraph (D). Any such report shall be duly served upon  
24 both the complainant and the respondent.

25 (2) If the Department has not issued its report within  
26 365 days after the charge is filed, or any such longer

1 period agreed to in writing by all the parties, the  
2 complainant shall have 90 days to either file his or her  
3 own complaint with the Human Rights Commission or commence  
4 a civil action in the appropriate circuit court. If the  
5 complainant files a complaint with the Commission, the form  
6 of the complaint shall be in accordance with the provisions  
7 of paragraph (F)(1). If the complainant commences a civil  
8 action in a circuit court, the form of the complaint shall  
9 be in accordance with the Illinois Code of Civil Procedure.  
10 The aggrieved party shall notify the Department that a  
11 complaint has been filed and shall serve a copy of the  
12 complaint on the Department on the same date that the  
13 complaint is filed with the Commission or in circuit court.  
14 If the complainant files a complaint with the Commission,  
15 he or she may not later commence a civil action in circuit  
16 court.

17 (3) If an aggrieved party files a complaint with the  
18 Human Rights Commission or commences a civil action in  
19 circuit court pursuant to paragraph (2) of this subsection,  
20 or if the time period for filing a complaint has expired,  
21 the Department shall immediately cease its investigation  
22 and dismiss the charge of civil rights violation. Any final  
23 order entered by the Commission under this Section is  
24 appealable in accordance with paragraph (B)(1) of Section  
25 8-111. Failure to immediately cease an investigation and  
26 dismiss the charge of civil rights violation as provided in

1           this paragraph (3) constitutes grounds for entry of an  
2           order by the circuit court permanently enjoining the  
3           investigation. The Department may also be liable for any  
4           costs and other damages incurred by the respondent as a  
5           result of the action of the Department.

6           (4) The Department shall stay any administrative  
7           proceedings under this Section after the filing of a civil  
8           action by or on behalf of the aggrieved party under any  
9           federal or State law seeking relief with respect to the  
10          alleged civil rights violation.

11          (H) This amendatory Act of 1995 applies to causes of action  
12          filed on or after January 1, 1996.

13          (I) This amendatory Act of 1996 applies to causes of action  
14          filed on or after January 1, 1996.

15          (J) The changes made to this Section by Public Act 95-243  
16          apply to charges filed on or after the effective date of those  
17          changes.

18          (K) The changes made to this Section by this amendatory Act  
19          of the 96th General Assembly apply to charges filed on or after  
20          the effective date of those changes.

21          (Source: P.A. 96-876, eff. 2-2-10; 97-22, eff. 1-1-12; 97-596,  
22          eff. 8-26-11; revised 10-4-11.)

23          Section 720. The Limited Liability Company Act is amended  
24          by changing Section 30-10 as follows:

1 (805 ILCS 180/30-10)

2 Sec. 30-10. Rights of a transferee.

3 (a) A transferee of a distributional interest may become a  
4 member of a limited liability company if and to the extent that  
5 the transferor gives the transferee the right in accordance  
6 with authority described in the operating agreement or all  
7 other members consent.

8 (b) A transferee who has become a member, to the extent  
9 transferred, has the rights and powers, and is subject to the  
10 restrictions and liabilities, of a member under the operating  
11 agreement of a limited liability company and this Act. A  
12 transferee who becomes a member also is liable for the  
13 transferor member's obligations to make contributions under  
14 Section 20-5 and for obligations under Section 25-35 to return  
15 unlawful distributions, but the transferee is not obligated for  
16 the transferor member's liabilities unknown to the transferee  
17 at the time the transferee becomes a member.

18 (c) Whether or not a transferee of a distributional  
19 interest becomes a member under subsection (a) of this Section,  
20 the transferor is not released from liability to the limited  
21 liability company under the operating agreement or this Act.

22 (d) A transferee who does not become a member is not  
23 entitled to participate in the management or conduct of the  
24 limited liability company's business, require access to  
25 information concerning the company's transactions, or inspect  
26 or copy any of the company's records.

1 (e) A transferee who does not become a member is entitled  
2 to:

3 (1) receive, in accordance with the transfer,  
4 distributions to which the transferor would otherwise be  
5 entitled;

6 (2) receive, upon dissolution and winding up of the  
7 limited liability company's business:

8 (A) in accordance with the transfer, the net amount  
9 otherwise distributable to the transferor; and

10 (B) a statement of account only from the date of  
11 the latest statement of account agreed to by all the  
12 members; and

13 (3) seek under subdivision (5) ~~(6)~~ of Section 35-1 a  
14 judicial determination that it is equitable to dissolve and  
15 wind up the company's business.

16 (f) A limited liability company need not give effect to a  
17 transfer until it has notice of the transfer.

18 (Source: P.A. 90-424, eff. 1-1-98; revised 11-21-11.)

19 Section 725. The Uniform Limited Partnership Act (2001) is  
20 amended by changing Sections 210 and 1305 as follows:

21 (805 ILCS 215/210)

22 Sec. 210. Annual report for Secretary of State.

23 (a) A limited partnership or a foreign limited partnership  
24 authorized to transact business in this State shall deliver to

1 the Secretary of State for filing an annual report that states:

2 (1) the name of the limited partnership or foreign  
3 limited partnership;

4 (2) the street and mailing address of its designated  
5 office and the name and street and mailing address of its  
6 agent for service of process in this State;

7 (3) in the case of a limited partnership, the street  
8 and mailing address of its principal office;

9 (4) in the case of a foreign limited partnership, the  
10 State or other jurisdiction under whose law the foreign  
11 limited partnership is formed and any alternate name  
12 adopted under Section 905(a);

13 (5) Additional information that may be necessary or  
14 appropriate in order to enable the Secretary of State to  
15 administer this Act and to verify the proper amount of fees  
16 payable by the limited partnership; and

17 (6) The annual report shall be made on forms prescribed  
18 and furnished by the Secretary of State, and the  
19 information therein, required by paragraphs (1) through  
20 (4) of subsection (a), both inclusive, shall be given as of  
21 the date of signing of the annual report. The annual report  
22 shall be signed by a general partner.

23 (b) Information in an annual report must be current as of  
24 the date the annual report is delivered to the Secretary of  
25 State for filing.

26 (c) The annual report, together with all fees and charges



1 prescribed by this Act, shall be delivered to the Secretary of  
2 State within 60 days immediately preceding the first day of the  
3 anniversary month. Proof to the satisfaction of the Secretary  
4 of State that, before the first day of the anniversary month of  
5 the limited partnership or the foreign limited partnership, the  
6 report, together with all fees and charges as prescribed by  
7 this Act, was deposited in the United States mail in a sealed  
8 envelope, properly addressed, with postage prepaid, shall be  
9 deemed compliance with this requirement.

10 (d) If an annual report does not contain the information  
11 required in subsection (a), the Secretary of State shall  
12 promptly notify the reporting limited partnership or foreign  
13 limited partnership and return the report to it for correction.  
14 If the report is corrected to contain the information required  
15 in subsection (a) and delivered to the Secretary of State  
16 within 30 days after the effective date of the notice, it is  
17 timely delivered.

18 (e) If a limited partnership or foreign limited partnership  
19 fails to file its annual report and pay the requisite fee as  
20 required by this Act before the first day of the anniversary  
21 month in the year which it is due, the Secretary of State  
22 shall:

23 (1) declare any limited partnership or foreign limited  
24 partnership to be delinquent and not in good standing; and

25 (2) not file any additional documents, amendments,  
26 reports, or other papers relating to the limited

1 partnership or foreign limited partnership organized under  
2 or subject to the provisions of this Act until the  
3 delinquency is satisfied.

4 (f) ~~(e)~~ If a limited partnership or foreign limited  
5 partnership fails to file its annual report and pay the  
6 requisite fee as required by this Act before the first day of  
7 the anniversary month in the year in which it is due, the  
8 Secretary of State may show the limited partnership or foreign  
9 limited partnership as not in good standing in response to  
10 inquiries received from any party regarding a limited  
11 partnership that is delinquent.

12 (Source: P.A. 95-368, eff. 8-23-07; revised 11-21-11.)

13 (805 ILCS 215/1305)

14 Sec. 1305. Federal Employers Identification Number.

15 (a) All documents required by this Act to be filed in the  
16 Office of the Secretary of State shall contain the Federal  
17 Employers Identification Number of the limited partnership or  
18 foreign limited partnership with respect to which the document  
19 is filed, unless the partnership has not obtained a Federal  
20 Employer Identification Number at the time of filing. In the  
21 event a limited partnership or foreign limited partnership does  
22 not have a Federal Employer Identification Number at the time  
23 of such filing, such a number shall be obtained on behalf of  
24 such partnership and shall be given to the Secretary of State  
25 within 180 days after filing its initial document with the

1 Secretary of State.

2 (b) If a limited partnership or foreign limited partnership  
3 fails to provide the Federal Employer Identification Number  
4 within the time period prescribed by this Section, the  
5 Secretary of State shall:

6 (1) declare any limited partnership or foreign limited  
7 partnership to be delinquent and not in good standing; and

8 (2) not file any additional documents, amendments,  
9 reports, or other papers relating to the limited  
10 partnership or foreign limited partnership organized under  
11 or subject to the provisions of this Act until the  
12 delinquency is satisfied.

13 (c) ~~(e)~~ If a limited partnership or foreign limited  
14 partnership fails to provide the Federal Employer  
15 Identification Number within the time period prescribed by this  
16 Section, the Secretary of State may show the limited  
17 partnership or foreign limited partnership as not in good  
18 standing in response to inquiries received from any party  
19 regarding a limited partnership that is delinquent.

20 (Source: P.A. 95-368, eff. 8-23-07; revised 11-21-11.)

21 Section 730. The Uniform Commercial Code is amended by  
22 changing Sections 3-305, 4A-211, and 4A-507 as follows:

23 (810 ILCS 5/3-305) (from Ch. 26, par. 3-305)

24 Sec. 3-305. Defenses and claims in recoupment.

1           (a) Except as stated in subsection (b), the right to  
2 enforce the obligation of a party to pay an instrument is  
3 subject to the following:

4           (1) a defense of the obligor based on (i) infancy of  
5 the obligor to the extent it is a defense to a simple  
6 contract, (ii) duress, lack of legal capacity, or  
7 illegality of the transaction which, under the law,  
8 nullifies the obligation of the obligor, (iii) fraud that  
9 induced the obligor to sign the instrument with neither  
10 knowledge nor reasonable opportunity to learn of its  
11 character or its essential terms, or (iv) discharge of the  
12 obligor in insolvency proceedings;

13           (2) a defense of the obligor stated in another Section  
14 of this Article or a defense of the obligor that would be  
15 available if the person entitled to enforce the instrument  
16 were enforcing a right to payment under a simple contract;  
17 and

18           (3) a claim in recoupment of the obligor against the  
19 original payee of the instrument if the claim arose from  
20 the transaction that gave ~~give~~ rise to the instrument; but  
21 the claim of the obligor may be asserted against a  
22 transferee of the instrument only to reduce the amount  
23 owing on the instrument at the time the action is brought.

24           (b) The right of a holder in due course to enforce the  
25 obligation of a party to pay the instrument is subject to  
26 defenses of the obligor stated in subsection (a)(1), but is not

1 subject to defenses of the obligor stated in subsection (a)(2)  
2 or claims in recoupment stated in subsection (a)(3) against a  
3 person other than the holder.

4 (c) Except as stated in subsection (d), in an action to  
5 enforce the obligation of a party to pay the instrument, the  
6 obligor may not assert against the person entitled to enforce  
7 the instrument a defense, claim in recoupment, or claim to the  
8 instrument (Section 3-306) of another person, but the other  
9 person's claim to the instrument may be asserted by the obligor  
10 if the other person is joined in the action and personally  
11 asserts the claim against the person entitled to enforce the  
12 instrument. An obligor is not obliged to pay the instrument if  
13 the person seeking enforcement of the instrument does not have  
14 rights of a holder in due course and the obligor proves that  
15 the instrument is a lost or stolen instrument.

16 (d) In an action to enforce the obligation of an  
17 accommodation party to pay an instrument, the accommodation  
18 party may assert against the person entitled to enforce the  
19 instrument any defense or claim in recoupment under subsection  
20 (a) that the accommodated party could assert against the person  
21 entitled to enforce the instrument, except the defenses of  
22 discharge in insolvency proceedings, infancy, or lack of legal  
23 capacity.

24 (Source: P.A. 87-582; 87-1135; revised 11-21-11.)

25 (810 ILCS 5/4A-211) (from Ch. 26, par. 4A-211)

1           Sec. 4A-211. Cancellation and amendment of payment order.

2           (a) A communication of the sender of a payment order  
3 cancelling or amending the order may be transmitted to the  
4 receiving bank orally, electronically, or in writing. If a  
5 security procedure is in effect between the sender and the  
6 receiving bank, the communication is not effective to cancel or  
7 amend the order unless the communication is verified pursuant  
8 to the security procedure or the bank agrees to the  
9 cancellation or amendment.

10          (b) Subject to subsection (a), a communication by the  
11 sender cancelling or amending a payment order is effective to  
12 cancel or amend the order if notice of the communication is  
13 received at a time and in a manner affording the receiving bank  
14 a reasonable opportunity to act on the communication before the  
15 bank accepts the payment order.

16          (c) After a payment order has been accepted, cancellation  
17 or amendment of the order is not effective unless the receiving  
18 bank agrees or a funds transfer system rule allows cancellation  
19 or amendment without agreement of the bank.

20           (1) With respect to a payment order accepted by a  
21 receiving bank other than the beneficiary's bank,  
22 cancellation or amendment is not effective unless a  
23 conforming cancellation or amendment of the payment order  
24 issued by the receiving bank is also made.

25           (2) With respect to a payment order accepted by the  
26 beneficiary's bank, cancellation or amendment is not

1 effective unless the order was issued in execution of an  
2 unauthorized payment order, or because of a mistake by a  
3 sender in the funds transfer which resulted in the issuance  
4 of a payment order (i) that is a duplicate of a payment  
5 order previously issued by the sender, (ii) that orders  
6 payment to a beneficiary not entitled to receive payment  
7 from the originator, or (iii) that orders payment in an  
8 amount greater than ~~that~~ the amount the beneficiary was  
9 entitled to receive from the originator. If the payment  
10 order is canceled or amended, the beneficiary's bank is  
11 entitled to recover from the beneficiary any amount paid to  
12 the beneficiary to the extent allowed by the law governing  
13 mistake and restitution.

14 (d) An unaccepted payment order is canceled by operation of  
15 law at the close of the fifth funds transfer business day of  
16 the receiving bank after the execution date or payment date of  
17 the order.

18 (e) A canceled payment order cannot be accepted. If an  
19 accepted payment order is canceled, the acceptance is nullified  
20 and no person has any right or obligation based on the  
21 acceptance. Amendment of a payment order is deemed to be  
22 cancellation of the original order at the time of amendment and  
23 issue of a new payment order in the amended form at the same  
24 time.

25 (f) Unless otherwise provided in an agreement of the  
26 parties or in a funds transfer system rule, if the receiving

1 bank, after accepting a payment order, agrees to cancellation  
2 or amendment of the order by the sender or is bound by a funds  
3 transfer system rule allowing cancellation or amendment  
4 without the bank's agreement, the sender, whether or not  
5 cancellation or amendment is effective, is liable to the bank  
6 for any loss and expenses, including reasonable attorney's  
7 fees, incurred by the bank as a result of the cancellation or  
8 amendment or attempted cancellation or amendment.

9 (g) A payment order is not revoked by the death or legal  
10 incapacity of the sender unless the receiving bank knows of the  
11 death or of an adjudication of incapacity by a court of  
12 competent jurisdiction and has reasonable opportunity to act  
13 before acceptance of the order.

14 (h) A funds transfer system rule is not effective to the  
15 extent it conflicts with subsection (c) (2).

16 (Source: P.A. 86-1291; revised 11-21-11.)

17 (810 ILCS 5/4A-507) (from Ch. 26, par. 4A-507)

18 Sec. 4A-507. Choice of law.

19 (a) The following rules apply unless the affected parties  
20 otherwise agree or subsection (c) applies:

21 (1) The rights and obligations between the sender of a  
22 payment order and the receiving bank are governed by the  
23 law of the jurisdiction in which the receiving bank is  
24 located.

25 (2) The rights and obligations between the



1 beneficiary's bank and the beneficiary are governed by the  
2 law of the jurisdiction in which the beneficiary's bank is  
3 located.

4 (3) The issue of when payment is made pursuant to a  
5 funds transfer by the originator to the beneficiary is  
6 governed by the law of the jurisdiction in which the  
7 beneficiary's bank is located.

8 (b) If the parties described in each paragraph of  
9 subsection (a) have made an agreement selecting the law of a  
10 particular jurisdiction to govern rights and obligations  
11 between each other, the law of that jurisdiction governs those  
12 rights and obligations, whether or not the payment order or the  
13 funds transfer bears a reasonable relation to that  
14 jurisdiction.

15 (c) A funds transfer system rule may select the law of a  
16 particular jurisdiction to govern (i) rights and obligations  
17 between participating banks with respect to payment orders  
18 transmitted or processed through the system, or (ii) the rights  
19 and obligations of some or all parties to a funds transfer any  
20 part of which is carried out by means of the system. A choice  
21 of law made pursuant to clause (i) is binding on participating  
22 banks. A choice of law made pursuant to clause (ii) is binding  
23 on the originator, other sender, or a receiving bank having  
24 notice that the funds transfer system might be used in the  
25 funds transfer and of the choice of law by the system when the  
26 originator, other sender, or receiving bank issued or accepted

1 a payment order. The beneficiary of a funds transfer is bound  
2 by the choice of law if, when the funds transfer is initiated,  
3 the beneficiary has notice that the funds transfer system might  
4 be used in the funds transfer and of the choice of law by the  
5 system. The law of a jurisdiction selected pursuant to this  
6 subsection may govern, whether or not that law bears a  
7 reasonable relation to the matter in issue.

8 (d) In the event of inconsistency between an agreement  
9 under subsection (b) and a choice of law rule under subsection  
10 (c), the agreement under subsection (b) prevails.

11 (e) If a funds transfer is made by use of more than ~~that~~  
12 one funds transfer system and there is inconsistency between  
13 choice of law rules of the systems, the matter in issue is  
14 governed by the law of the selected jurisdiction that has the  
15 most significant relationship to the matter in issue.

16 (Source: P.A. 86-1291; revised 11-21-11.)

17 Section 735. The Illinois Business Brokers Act of 1995 is  
18 amended by changing Section 10-95 as follows:

19 (815 ILCS 307/10-95)

20 Sec. 10-95. Miscellaneous provisions.

21 (a) The rights and remedies under this Act are in addition  
22 to any other rights or remedies that may exist at law or  
23 equity.

24 (b) Any condition, stipulation, or provision binding any

1 client of a business broker to waive compliance with or relieve  
2 a person from any duty or liability imposed by or any right  
3 provided by this Act or any rule or order pursuant to this Act  
4 is void.

5 (c) If any provision of this Act or its application to any  
6 person or circumstance is held invalid, the invalidity of that  
7 provision or application does not affect ~~effect~~ other  
8 provisions or applications of this Act that can be given effect  
9 without the invalid provision or application.

10 (Source: P.A. 90-70, eff. 7-8-97; revised 11-21-11.)

11 Section 740. The Consumer Fraud and Deceptive Business  
12 Practices Act is amended by changing Section 2BBB as follows:

13 (815 ILCS 505/2BBB)

14 Sec. 2BBB. Long term care facility, ID/DD facility, or  
15 specialized mental health rehabilitation facility; Consumer  
16 Choice Information Report. A long term care facility that fails  
17 to comply with Section 2-214 of the Nursing Home Care Act or a  
18 facility that fails to comply with Section 2-214 of the ID/DD  
19 Community Care Act or Section 2-214 of the Specialized Mental  
20 Health Rehabilitation Act commits an unlawful practice within  
21 the meaning of this Act.

22 (Source: P.A. 96-328, eff. 8-11-09; 96-339, eff. 7-1-10; 97-38,  
23 eff. 6-28-11; 97-227, eff. 1-1-12; revised 10-4-11.)

1 Section 745. The Workers' Compensation Act is amended by  
2 changing Sections 1, 8, and 11 as follows:

3 (820 ILCS 305/1) (from Ch. 48, par. 138.1)

4 Sec. 1. This Act may be cited as the Workers' Compensation  
5 Act.

6 (a) The term "employer" as used in this Act means:

7 1. The State and each county, city, town, township,  
8 incorporated village, school district, body politic, or  
9 municipal corporation therein.

10 2. Every person, firm, public or private corporation,  
11 including hospitals, public service, eleemosynary, religious  
12 or charitable corporations or associations who has any person  
13 in service or under any contract for hire, express or implied,  
14 oral or written, and who is engaged in any of the enterprises  
15 or businesses enumerated in Section 3 of this Act, or who at or  
16 prior to the time of the accident to the employee for which  
17 compensation under this Act may be claimed, has in the manner  
18 provided in this Act elected to become subject to the  
19 provisions of this Act, and who has not, prior to such  
20 accident, effected a withdrawal of such election in the manner  
21 provided in this Act.

22 3. Any one engaging in any business or enterprise referred  
23 to in subsections 1 and 2 of Section 3 of this Act who  
24 undertakes to do any work enumerated therein, is liable to pay  
25 compensation to his own immediate employees in accordance with

1 the provisions of this Act, and in addition thereto if he  
2 directly or indirectly engages any contractor whether  
3 principal or sub-contractor to do any such work, he is liable  
4 to pay compensation to the employees of any such contractor or  
5 sub-contractor unless such contractor or sub-contractor has  
6 insured, in any company or association authorized under the  
7 laws of this State to insure the liability to pay compensation  
8 under this Act, or guaranteed his liability to pay such  
9 compensation. With respect to any time limitation on the filing  
10 of claims provided by this Act, the timely filing of a claim  
11 against a contractor or subcontractor, as the case may be,  
12 shall be deemed to be a timely filing with respect to all  
13 persons upon whom liability is imposed by this paragraph.

14 In the event any such person pays compensation under this  
15 subsection he may recover the amount thereof from the  
16 contractor or sub-contractor, if any, and in the event the  
17 contractor pays compensation under this subsection he may  
18 recover the amount thereof from the sub-contractor, if any.

19 This subsection does not apply in any case where the  
20 accident occurs elsewhere than on, in or about the immediate  
21 premises on which the principal has contracted that the work be  
22 done.

23 4. Where an employer operating under and subject to the  
24 provisions of this Act loans an employee to another such  
25 employer and such loaned employee sustains a compensable  
26 accidental injury in the employment of such borrowing employer

1 and where such borrowing employer does not provide or pay the  
2 benefits or payments due such injured employee, such loaning  
3 employer is liable to provide or pay all benefits or payments  
4 due such employee under this Act and as to such employee the  
5 liability of such loaning and borrowing employers is joint and  
6 several, provided that such loaning employer is in the absence  
7 of agreement to the contrary entitled to receive from such  
8 borrowing employer full reimbursement for all sums paid or  
9 incurred pursuant to this paragraph together with reasonable  
10 attorneys' fees and expenses in any hearings before the  
11 Illinois Workers' Compensation Commission or in any action to  
12 secure such reimbursement. Where any benefit is provided or  
13 paid by such loaning employer the employee has the duty of  
14 rendering reasonable cooperation in any hearings, trials or  
15 proceedings in the case, including such proceedings for  
16 reimbursement.

17 Where an employee files an Application for Adjustment of  
18 Claim with the Illinois Workers' Compensation Commission  
19 alleging that his claim is covered by the provisions of the  
20 preceding paragraph, and joining both the alleged loaning and  
21 borrowing employers, they and each of them, upon written demand  
22 by the employee and within 7 days after receipt of such demand,  
23 shall have the duty of filing with the Illinois Workers'  
24 Compensation Commission a written admission or denial of the  
25 allegation that the claim is covered by the provisions of the  
26 preceding paragraph and in default of such filing or if any

1 such denial be ultimately determined not to have been bona fide  
2 then the provisions of Paragraph K of Section 19 of this Act  
3 shall apply.

4 An employer whose business or enterprise or a substantial  
5 part thereof consists of hiring, procuring or furnishing  
6 employees to or for other employers operating under and subject  
7 to the provisions of this Act for the performance of the work  
8 of such other employers and who pays such employees their  
9 salary or wages notwithstanding that they are doing the work of  
10 such other employers shall be deemed a loaning employer within  
11 the meaning and provisions of this Section.

12 (b) The term "employee" as used in this Act means:

13 1. Every person in the service of the State, including  
14 members of the General Assembly, members of the Commerce  
15 Commission, members of the Illinois Workers' Compensation  
16 Commission, and all persons in the service of the University of  
17 Illinois, county, including deputy sheriffs and assistant  
18 state's attorneys, city, town, township, incorporated village  
19 or school district, body politic, or municipal corporation  
20 therein, whether by election, under appointment or contract of  
21 hire, express or implied, oral or written, including all  
22 members of the Illinois National Guard while on active duty in  
23 the service of the State, and all probation personnel of the  
24 Juvenile Court appointed pursuant to Article VI of the Juvenile  
25 Court Act of 1987, and including any official of the State, any  
26 county, city, town, township, incorporated village, school

1 district, body politic or municipal corporation therein except  
2 any duly appointed member of a police department in any city  
3 whose population exceeds 500,000 according to the last Federal  
4 or State census, and except any member of a fire insurance  
5 patrol maintained by a board of underwriters in this State. A  
6 duly appointed member of a fire department in any city, the  
7 population of which exceeds 500,000 according to the last  
8 federal or State census, is an employee under this Act only  
9 with respect to claims brought under paragraph (c) of Section  
10 8.

11 One employed by a contractor who has contracted with the  
12 State, or a county, city, town, township, incorporated village,  
13 school district, body politic or municipal corporation  
14 therein, through its representatives, is not considered as an  
15 employee of the State, county, city, town, township,  
16 incorporated village, school district, body politic or  
17 municipal corporation which made the contract.

18 2. Every person in the service of another under any  
19 contract of hire, express or implied, oral or written,  
20 including persons whose employment is outside of the State of  
21 Illinois where the contract of hire is made within the State of  
22 Illinois, persons whose employment results in fatal or  
23 non-fatal injuries within the State of Illinois where the  
24 contract of hire is made outside of the State of Illinois, and  
25 persons whose employment is principally localized within the  
26 State of Illinois, regardless of the place of the accident or



1 the place where the contract of hire was made, and including  
2 aliens, and minors who, for the purpose of this Act are  
3 considered the same and have the same power to contract,  
4 receive payments and give quittances therefor, as adult  
5 employees.

6 3. Every sole proprietor and every partner of a business  
7 may elect to be covered by this Act.

8 An employee or his dependents under this Act who shall have  
9 a cause of action by reason of any injury, disablement or death  
10 arising out of and in the course of his employment may elect to  
11 pursue his remedy in the State where injured or disabled, or in  
12 the State where the contract of hire is made, or in the State  
13 where the employment is principally localized.

14 However, any employer may elect to provide and pay  
15 compensation to any employee other than those engaged in the  
16 usual course of the trade, business, profession or occupation  
17 of the employer by complying with Sections 2 and 4 of this Act.  
18 Employees are not included within the provisions of this Act  
19 when excluded by the laws of the United States relating to  
20 liability of employers to their employees for personal injuries  
21 where such laws are held to be exclusive.

22 The term "employee" does not include persons performing  
23 services as real estate broker, broker-salesman, or salesman  
24 when such persons are paid by commission only.

25 (c) "Commission" means the Industrial Commission created  
26 by Section 5 of "The Civil Administrative Code of Illinois",

1 approved March 7, 1917, as amended, or the Illinois Workers'  
2 Compensation Commission created by Section 13 of this Act.

3 (d) To obtain compensation under this Act, an employee  
4 bears the burden of showing, by a preponderance of the  
5 evidence, that he or she has sustained accidental injuries  
6 arising out of and in the course of the employment.

7 (Source: P.A. 97-18, eff. 6-28-11; 97-268, eff. 8-8-11; revised  
8 9-15-11.)

9 (820 ILCS 305/8) (from Ch. 48, par. 138.8)

10 Sec. 8. The amount of compensation which shall be paid to  
11 the employee for an accidental injury not resulting in death  
12 is:

13 (a) The employer shall provide and pay the negotiated rate,  
14 if applicable, or the lesser of the health care provider's  
15 actual charges or according to a fee schedule, subject to  
16 Section 8.2, in effect at the time the service was rendered for  
17 all the necessary first aid, medical and surgical services, and  
18 all necessary medical, surgical and hospital services  
19 thereafter incurred, limited, however, to that which is  
20 reasonably required to cure or relieve from the effects of the  
21 accidental injury, even if a health care provider sells,  
22 transfers, or otherwise assigns an account receivable for  
23 procedures, treatments, or services covered under this Act. If  
24 the employer does not dispute payment of first aid, medical,  
25 surgical, and hospital services, the employer shall make such

1 payment to the provider on behalf of the employee. The employer  
2 shall also pay for treatment, instruction and training  
3 necessary for the physical, mental and vocational  
4 rehabilitation of the employee, including all maintenance  
5 costs and expenses incidental thereto. If as a result of the  
6 injury the employee is unable to be self-sufficient the  
7 employer shall further pay for such maintenance or  
8 institutional care as shall be required.

9 The employee may at any time elect to secure his own  
10 physician, surgeon and hospital services at the employer's  
11 expense, or,

12 Upon agreement between the employer and the employees, or  
13 the employees' exclusive representative, and subject to the  
14 approval of the Illinois Workers' Compensation Commission, the  
15 employer shall maintain a list of physicians, to be known as a  
16 Panel of Physicians, who are accessible to the employees. The  
17 employer shall post this list in a place or places easily  
18 accessible to his employees. The employee shall have the right  
19 to make an alternative choice of physician from such Panel if  
20 he is not satisfied with the physician first selected. If, due  
21 to the nature of the injury or its occurrence away from the  
22 employer's place of business, the employee is unable to make a  
23 selection from the Panel, the selection process from the Panel  
24 shall not apply. The physician selected from the Panel may  
25 arrange for any consultation, referral or other specialized  
26 medical services outside the Panel at the employer's expense.

1 Provided that, in the event the Commission shall find that a  
2 doctor selected by the employee is rendering improper or  
3 inadequate care, the Commission may order the employee to  
4 select another doctor certified or qualified in the medical  
5 field for which treatment is required. If the employee refuses  
6 to make such change the Commission may relieve the employer of  
7 his obligation to pay the doctor's charges from the date of  
8 refusal to the date of compliance.

9 Any vocational rehabilitation counselors who provide  
10 service under this Act shall have appropriate certifications  
11 which designate the counselor as qualified to render opinions  
12 relating to vocational rehabilitation. Vocational  
13 rehabilitation may include, but is not limited to, counseling  
14 for job searches, supervising a job search program, and  
15 vocational retraining including education at an accredited  
16 learning institution. The employee or employer may petition to  
17 the Commission to decide disputes relating to vocational  
18 rehabilitation and the Commission shall resolve any such  
19 dispute, including payment of the vocational rehabilitation  
20 program by the employer.

21 The maintenance benefit shall not be less than the  
22 temporary total disability rate determined for the employee. In  
23 addition, maintenance shall include costs and expenses  
24 incidental to the vocational rehabilitation program.

25 When the employee is working light duty on a part-time  
26 basis or full-time basis and earns less than he or she would be

1 earning if employed in the full capacity of the job or jobs,  
2 then the employee shall be entitled to temporary partial  
3 disability benefits. Temporary partial disability benefits  
4 shall be equal to two-thirds of the difference between the  
5 average amount that the employee would be able to earn in the  
6 full performance of his or her duties in the occupation in  
7 which he or she was engaged at the time of accident and the  
8 gross amount which he or she is earning in the modified job  
9 provided to the employee by the employer or in any other job  
10 that the employee is working.

11 Every hospital, physician, surgeon or other person  
12 rendering treatment or services in accordance with the  
13 provisions of this Section shall upon written request furnish  
14 full and complete reports thereof to, and permit their records  
15 to be copied by, the employer, the employee or his dependents,  
16 as the case may be, or any other party to any proceeding for  
17 compensation before the Commission, or their attorneys.

18 Notwithstanding the foregoing, the employer's liability to  
19 pay for such medical services selected by the employee shall be  
20 limited to:

21 (1) all first aid and emergency treatment; plus

22 (2) all medical, surgical and hospital services  
23 provided by the physician, surgeon or hospital initially  
24 chosen by the employee or by any other physician,  
25 consultant, expert, institution or other provider of  
26 services recommended by said initial service provider or

1 any subsequent provider of medical services in the chain of  
2 referrals from said initial service provider; plus

3 (3) all medical, surgical and hospital services  
4 provided by any second physician, surgeon or hospital  
5 subsequently chosen by the employee or by any other  
6 physician, consultant, expert, institution or other  
7 provider of services recommended by said second service  
8 provider or any subsequent provider of medical services in  
9 the chain of referrals from said second service provider.  
10 Thereafter the employer shall select and pay for all  
11 necessary medical, surgical and hospital treatment and the  
12 employee may not select a provider of medical services at  
13 the employer's expense unless the employer agrees to such  
14 selection. At any time the employee may obtain any medical  
15 treatment he desires at his own expense. This paragraph  
16 shall not affect the duty to pay for rehabilitation  
17 referred to above.

18 (4) The following shall apply for injuries occurring on  
19 or after June 28, 2011 (the effective date of Public Act  
20 97-18) ~~this amendatory Act of the 97th General Assembly~~ and  
21 only when an employer has an approved preferred provider  
22 program pursuant to Section 8.1a on the date the employee  
23 sustained his or her accidental injuries:

24 (A) The employer shall, in writing, on a form  
25 promulgated by the Commission, inform the employee of  
26 the preferred provider program;

1           (B) Subsequent to the report of an injury by an  
2           employee, the employee may choose in writing at any  
3           time to decline the preferred provider program, in  
4           which case that would constitute one of the two choices  
5           of medical providers to which the employee is entitled  
6           under subsection (a) (2) or (a) (3); and

7           (C) Prior to the report of an injury by an  
8           employee, when an employee chooses non-emergency  
9           treatment from a provider not within the preferred  
10          provider program, that would constitute the employee's  
11          one choice of medical providers to which the employee  
12          is entitled under subsection (a) (2) or (a) (3).

13          When an employer and employee so agree in writing, nothing  
14          in this Act prevents an employee whose injury or disability has  
15          been established under this Act, from relying in good faith, on  
16          treatment by prayer or spiritual means alone, in accordance  
17          with the tenets and practice of a recognized church or  
18          religious denomination, by a duly accredited practitioner  
19          thereof, and having nursing services appropriate therewith,  
20          without suffering loss or diminution of the compensation  
21          benefits under this Act. However, the employee shall submit to  
22          all physical examinations required by this Act. The cost of  
23          such treatment and nursing care shall be paid by the employee  
24          unless the employer agrees to make such payment.

25          Where the accidental injury results in the amputation of an  
26          arm, hand, leg or foot, or the enucleation of an eye, or the

1 loss of any of the natural teeth, the employer shall furnish an  
2 artificial of any such members lost or damaged in accidental  
3 injury arising out of and in the course of employment, and  
4 shall also furnish the necessary braces in all proper and  
5 necessary cases. In cases of the loss of a member or members by  
6 amputation, the employer shall, whenever necessary, maintain  
7 in good repair, refit or replace the artificial limbs during  
8 the lifetime of the employee. Where the accidental injury  
9 accompanied by physical injury results in damage to a denture,  
10 eye glasses or contact eye lenses, or where the accidental  
11 injury results in damage to an artificial member, the employer  
12 shall replace or repair such denture, glasses, lenses, or  
13 artificial member.

14 The furnishing by the employer of any such services or  
15 appliances is not an admission of liability on the part of the  
16 employer to pay compensation.

17 The furnishing of any such services or appliances or the  
18 servicing thereof by the employer is not the payment of  
19 compensation.

20 (b) If the period of temporary total incapacity for work  
21 lasts more than 3 working days, weekly compensation as  
22 hereinafter provided shall be paid beginning on the 4th day of  
23 such temporary total incapacity and continuing as long as the  
24 total temporary incapacity lasts. In cases where the temporary  
25 total incapacity for work continues for a period of 14 days or  
26 more from the day of the accident compensation shall commence



1 on the day after the accident.

2 1. The compensation rate for temporary total  
3 incapacity under this paragraph (b) of this Section shall  
4 be equal to 66 2/3% of the employee's average weekly wage  
5 computed in accordance with Section 10, provided that it  
6 shall be not less than 66 2/3% of the sum of the Federal  
7 minimum wage under the Fair Labor Standards Act, or the  
8 Illinois minimum wage under the Minimum Wage Law, whichever  
9 is more, multiplied by 40 hours. This percentage rate shall  
10 be increased by 10% for each spouse and child, not to  
11 exceed 100% of the total minimum wage calculation,  
12 nor exceed the employee's average weekly wage computed in  
13 accordance with the provisions of Section 10, whichever is  
14 less.

15 2. The compensation rate in all cases other than for  
16 temporary total disability under this paragraph (b), and  
17 other than for serious and permanent disfigurement under  
18 paragraph (c) and other than for permanent partial  
19 disability under subparagraph (2) of paragraph (d) or under  
20 paragraph (e), of this Section shall be equal to 66 2/3% of  
21 the employee's average weekly wage computed in accordance  
22 with the provisions of Section 10, provided that it shall  
23 be not less than 66 2/3% of the sum of the Federal minimum  
24 wage under the Fair Labor Standards Act, or the Illinois  
25 minimum wage under the Minimum Wage Law, whichever is more,  
26 multiplied by 40 hours. This percentage rate shall be

1 increased by 10% for each spouse and child, not to exceed  
2 100% of the total minimum wage calculation,  
3 nor exceed the employee's average weekly wage computed in  
4 accordance with the provisions of Section 10, whichever is  
5 less.

6 2.1. The compensation rate in all cases of serious and  
7 permanent disfigurement under paragraph (c) and of  
8 permanent partial disability under subparagraph (2) of  
9 paragraph (d) or under paragraph (e) of this Section shall  
10 be equal to 60% of the employee's average weekly wage  
11 computed in accordance with the provisions of Section 10,  
12 provided that it shall be not less than 66 2/3% of the sum  
13 of the Federal minimum wage under the Fair Labor Standards  
14 Act, or the Illinois minimum wage under the Minimum Wage  
15 Law, whichever is more, multiplied by 40 hours. This  
16 percentage rate shall be increased by 10% for each spouse  
17 and child, not to exceed 100% of the total minimum wage  
18 calculation,  
19 nor exceed the employee's average weekly wage computed in  
20 accordance with the provisions of Section 10, whichever is  
21 less.

22 3. As used in this Section the term "child" means a  
23 child of the employee including any child legally adopted  
24 before the accident or whom at the time of the accident the  
25 employee was under legal obligation to support or to whom  
26 the employee stood in loco parentis, and who at the time of

1 the accident was under 18 years of age and not emancipated.

2 The term "children" means the plural of "child".

3 4. All weekly compensation rates provided under  
4 subparagraphs 1, 2 and 2.1 of this paragraph (b) of this  
5 Section shall be subject to the following limitations:

6 The maximum weekly compensation rate from July 1, 1975,  
7 except as hereinafter provided, shall be 100% of the  
8 State's average weekly wage in covered industries under the  
9 Unemployment Insurance Act, that being the wage that most  
10 closely approximates the State's average weekly wage.

11 The maximum weekly compensation rate, for the period  
12 July 1, 1984, through June 30, 1987, except as hereinafter  
13 provided, shall be \$293.61. Effective July 1, 1987 and on  
14 July 1 of each year thereafter the maximum weekly  
15 compensation rate, except as hereinafter provided, shall  
16 be determined as follows: if during the preceding 12 month  
17 period there shall have been an increase in the State's  
18 average weekly wage in covered industries under the  
19 Unemployment Insurance Act, the weekly compensation rate  
20 shall be proportionately increased by the same percentage  
21 as the percentage of increase in the State's average weekly  
22 wage in covered industries under the Unemployment  
23 Insurance Act during such period.

24 The maximum weekly compensation rate, for the period  
25 January 1, 1981 through December 31, 1983, except as  
26 hereinafter provided, shall be 100% of the State's average

1 weekly wage in covered industries under the Unemployment  
2 Insurance Act in effect on January 1, 1981. Effective  
3 January 1, 1984 and on January 1, of each year thereafter  
4 the maximum weekly compensation rate, except as  
5 hereinafter provided, shall be determined as follows: if  
6 during the preceding 12 month period there shall have been  
7 an increase in the State's average weekly wage in covered  
8 industries under the Unemployment Insurance Act, the  
9 weekly compensation rate shall be proportionately  
10 increased by the same percentage as the percentage of  
11 increase in the State's average weekly wage in covered  
12 industries under the Unemployment Insurance Act during  
13 such period.

14 From July 1, 1977 and thereafter such maximum weekly  
15 compensation rate in death cases under Section 7, and  
16 permanent total disability cases under paragraph (f) or  
17 subparagraph 18 of paragraph (3) of this Section and for  
18 temporary total disability under paragraph (b) of this  
19 Section and for amputation of a member or enucleation of an  
20 eye under paragraph (e) of this Section shall be increased  
21 to 133-1/3% of the State's average weekly wage in covered  
22 industries under the Unemployment Insurance Act.

23 For injuries occurring on or after February 1, 2006,  
24 the maximum weekly benefit under paragraph (d)1 of this  
25 Section shall be 100% of the State's average weekly wage in  
26 covered industries under the Unemployment Insurance Act.

1           4.1. Any provision herein to the contrary  
2 notwithstanding, the weekly compensation rate for  
3 compensation payments under subparagraph 18 of paragraph  
4 (e) of this Section and under paragraph (f) of this Section  
5 and under paragraph (a) of Section 7 and for amputation of  
6 a member or enucleation of an eye under paragraph (e) of  
7 this Section, shall in no event be less than 50% of the  
8 State's average weekly wage in covered industries under the  
9 Unemployment Insurance Act.

10           4.2. Any provision to the contrary notwithstanding,  
11 the total compensation payable under Section 7 shall not  
12 exceed the greater of \$500,000 or 25 years.

13           5. For the purpose of this Section this State's average  
14 weekly wage in covered industries under the Unemployment  
15 Insurance Act on July 1, 1975 is hereby fixed at \$228.16  
16 per week and the computation of compensation rates shall be  
17 based on the aforesaid average weekly wage until modified  
18 as hereinafter provided.

19           6. The Department of Employment Security of the State  
20 shall on or before the first day of December, 1977, and on  
21 or before the first day of June, 1978, and on the first day  
22 of each December and June of each year thereafter, publish  
23 the State's average weekly wage in covered industries under  
24 the Unemployment Insurance Act and the Illinois Workers'  
25 Compensation Commission shall on the 15th day of January,  
26 1978 and on the 15th day of July, 1978 and on the 15th day

1 of each January and July of each year thereafter, post and  
2 publish the State's average weekly wage in covered  
3 industries under the Unemployment Insurance Act as last  
4 determined and published by the Department of Employment  
5 Security. The amount when so posted and published shall be  
6 conclusive and shall be applicable as the basis of  
7 computation of compensation rates until the next posting  
8 and publication as aforesaid.

9 7. The payment of compensation by an employer or his  
10 insurance carrier to an injured employee shall not  
11 constitute an admission of the employer's liability to pay  
12 compensation.

13 (c) For any serious and permanent disfigurement to the  
14 hand, head, face, neck, arm, leg below the knee or the chest  
15 above the axillary line, the employee is entitled to  
16 compensation for such disfigurement, the amount determined by  
17 agreement at any time or by arbitration under this Act, at a  
18 hearing not less than 6 months after the date of the accidental  
19 injury, which amount shall not exceed 150 weeks (if the  
20 accidental injury occurs on or after the effective date of this  
21 amendatory Act of the 94th General Assembly but before February  
22 1, 2006) or 162 weeks (if the accidental injury occurs on or  
23 after February 1, 2006) at the applicable rate provided in  
24 subparagraph 2.1 of paragraph (b) of this Section.

25 No compensation is payable under this paragraph where  
26 compensation is payable under paragraphs (d), (e) or (f) of

1 this Section.

2 A duly appointed member of a fire department in a city, the  
3 population of which exceeds 500,000 according to the last  
4 federal or State census, is eligible for compensation under  
5 this paragraph only where such serious and permanent  
6 disfigurement results from burns.

7 (d) 1. If, after the accidental injury has been sustained,  
8 the employee as a result thereof becomes partially  
9 incapacitated from pursuing his usual and customary line of  
10 employment, he shall, except in cases compensated under the  
11 specific schedule set forth in paragraph (e) of this Section,  
12 receive compensation for the duration of his disability,  
13 subject to the limitations as to maximum amounts fixed in  
14 paragraph (b) of this Section, equal to 66-2/3% of the  
15 difference between the average amount which he would be able to  
16 earn in the full performance of his duties in the occupation in  
17 which he was engaged at the time of the accident and the  
18 average amount which he is earning or is able to earn in some  
19 suitable employment or business after the accident. For  
20 accidental injuries that occur on or after September 1, 2011,  
21 an award for wage differential under this subsection shall be  
22 effective only until the employee reaches the age of 67 or 5  
23 years from the date the award becomes final, whichever is  
24 later.

25 2. If, as a result of the accident, the employee sustains  
26 serious and permanent injuries not covered by paragraphs (c)

1 and (e) of this Section or having sustained injuries covered by  
2 the aforesaid paragraphs (c) and (e), he shall have sustained  
3 in addition thereto other injuries which injuries do not  
4 incapacitate him from pursuing the duties of his employment but  
5 which would disable him from pursuing other suitable  
6 occupations, or which have otherwise resulted in physical  
7 impairment; or if such injuries partially incapacitate him from  
8 pursuing the duties of his usual and customary line of  
9 employment but do not result in an impairment of earning  
10 capacity, or having resulted in an impairment of earning  
11 capacity, the employee elects to waive his right to recover  
12 under the foregoing subparagraph 1 of paragraph (d) of this  
13 Section then in any of the foregoing events, he shall receive  
14 in addition to compensation for temporary total disability  
15 under paragraph (b) of this Section, compensation at the rate  
16 provided in subparagraph 2.1 of paragraph (b) of this Section  
17 for that percentage of 500 weeks that the partial disability  
18 resulting from the injuries covered by this paragraph bears to  
19 total disability. If the employee shall have sustained a  
20 fracture of one or more vertebra or fracture of the skull, the  
21 amount of compensation allowed under this Section shall be not  
22 less than 6 weeks for a fractured skull and 6 weeks for each  
23 fractured vertebra, and in the event the employee shall have  
24 sustained a fracture of any of the following facial bones:  
25 nasal, lachrymal, vomer, zygoma, maxilla, palatine or  
26 mandible, the amount of compensation allowed under this Section



1 shall be not less than 2 weeks for each such fractured bone,  
2 and for a fracture of each transverse process not less than 3  
3 weeks. In the event such injuries shall result in the loss of a  
4 kidney, spleen or lung, the amount of compensation allowed  
5 under this Section shall be not less than 10 weeks for each  
6 such organ. Compensation awarded under this subparagraph 2  
7 shall not take into consideration injuries covered under  
8 paragraphs (c) and (e) of this Section and the compensation  
9 provided in this paragraph shall not affect the employee's  
10 right to compensation payable under paragraphs (b), (c) and (e)  
11 of this Section for the disabilities therein covered.

12 (e) For accidental injuries in the following schedule, the  
13 employee shall receive compensation for the period of temporary  
14 total incapacity for work resulting from such accidental  
15 injury, under subparagraph 1 of paragraph (b) of this Section,  
16 and shall receive in addition thereto compensation for a  
17 further period for the specific loss herein mentioned, but  
18 shall not receive any compensation under any other provisions  
19 of this Act. The following listed amounts apply to either the  
20 loss of or the permanent and complete loss of use of the member  
21 specified, such compensation for the length of time as follows:

22 1. Thumb-

23 70 weeks if the accidental injury occurs on or  
24 after the effective date of this amendatory Act of the  
25 94th General Assembly but before February 1, 2006.

26 76 weeks if the accidental injury occurs on or

1 after February 1, 2006.

2 2. First, or index finger-

3 40 weeks if the accidental injury occurs on or  
4 after the effective date of this amendatory Act of the  
5 94th General Assembly but before February 1, 2006.

6 43 weeks if the accidental injury occurs on or  
7 after February 1, 2006.

8 3. Second, or middle finger-

9 35 weeks if the accidental injury occurs on or  
10 after the effective date of this amendatory Act of the  
11 94th General Assembly but before February 1, 2006.

12 38 weeks if the accidental injury occurs on or  
13 after February 1, 2006.

14 4. Third, or ring finger-

15 25 weeks if the accidental injury occurs on or  
16 after the effective date of this amendatory Act of the  
17 94th General Assembly but before February 1, 2006.

18 27 weeks if the accidental injury occurs on or  
19 after February 1, 2006.

20 5. Fourth, or little finger-

21 20 weeks if the accidental injury occurs on or  
22 after the effective date of this amendatory Act of the  
23 94th General Assembly but before February 1, 2006.

24 22 weeks if the accidental injury occurs on or  
25 after February 1, 2006.

26 6. Great toe-

1           35 weeks if the accidental injury occurs on or  
2 after the effective date of this amendatory Act of the  
3 94th General Assembly but before February 1, 2006.

4           38 weeks if the accidental injury occurs on or  
5 after February 1, 2006.

6           7. Each toe other than great toe-

7           12 weeks if the accidental injury occurs on or  
8 after the effective date of this amendatory Act of the  
9 94th General Assembly but before February 1, 2006.

10           13 weeks if the accidental injury occurs on or  
11 after February 1, 2006.

12           8. The loss of the first or distal phalanx of the thumb  
13 or of any finger or toe shall be considered to be equal to  
14 the loss of one-half of such thumb, finger or toe and the  
15 compensation payable shall be one-half of the amount above  
16 specified. The loss of more than one phalanx shall be  
17 considered as the loss of the entire thumb, finger or toe.  
18 In no case shall the amount received for more than one  
19 finger exceed the amount provided in this schedule for the  
20 loss of a hand.

21           9. Hand-

22           190 weeks if the accidental injury occurs on or  
23 after the effective date of this amendatory Act of the  
24 94th General Assembly but before February 1, 2006.

25           205 weeks if the accidental injury occurs on or  
26 after February 1, 2006.

1           190 weeks if the accidental injury occurs on or  
2 after June 28, 2011 (the effective date of Public Act  
3 97-18) ~~this amendatory Act of the 97th General Assembly~~  
4 and if the accidental injury involves carpal tunnel  
5 syndrome due to repetitive or cumulative trauma, in  
6 which case the permanent partial disability shall not  
7 exceed 15% loss of use of the hand, except for cause  
8 shown by clear and convincing evidence and in which  
9 case the award shall not exceed 30% loss of use of the  
10 hand.

11           The loss of 2 or more digits, or one or more phalanges  
12 of 2 or more digits, of a hand may be compensated on the  
13 basis of partial loss of use of a hand, provided, further,  
14 that the loss of 4 digits, or the loss of use of 4 digits,  
15 in the same hand shall constitute the complete loss of a  
16 hand.

17           10. Arm-

18           235 weeks if the accidental injury occurs on or  
19 after the effective date of this amendatory Act of the  
20 94th General Assembly but before February 1, 2006.

21           253 weeks if the accidental injury occurs on or  
22 after February 1, 2006.

23           Where an accidental injury results in the amputation of  
24 an arm below the elbow, such injury shall be compensated as  
25 a loss of an arm. Where an accidental injury results in the  
26 amputation of an arm above the elbow, compensation for an

1 additional 15 weeks (if the accidental injury occurs on or  
2 after the effective date of this amendatory Act of the 94th  
3 General Assembly but before February 1, 2006) or an  
4 additional 17 weeks (if the accidental injury occurs on or  
5 after February 1, 2006) shall be paid, except where the  
6 accidental injury results in the amputation of an arm at  
7 the shoulder joint, or so close to shoulder joint that an  
8 artificial arm cannot be used, or results in the  
9 disarticulation of an arm at the shoulder joint, in which  
10 case compensation for an additional 65 weeks (if the  
11 accidental injury occurs on or after the effective date of  
12 this amendatory Act of the 94th General Assembly but before  
13 February 1, 2006) or an additional 70 weeks (if the  
14 accidental injury occurs on or after February 1, 2006)  
15 shall be paid.

16 11. Foot-

17 155 weeks if the accidental injury occurs on or  
18 after the effective date of this amendatory Act of the  
19 94th General Assembly but before February 1, 2006.

20 167 weeks if the accidental injury occurs on or  
21 after February 1, 2006.

22 12. Leg-

23 200 weeks if the accidental injury occurs on or  
24 after the effective date of this amendatory Act of the  
25 94th General Assembly but before February 1, 2006.

26 215 weeks if the accidental injury occurs on or

1           after February 1, 2006.

2           Where an accidental injury results in the amputation of  
3 a leg below the knee, such injury shall be compensated as  
4 loss of a leg. Where an accidental injury results in the  
5 amputation of a leg above the knee, compensation for an  
6 additional 25 weeks (if the accidental injury occurs on or  
7 after the effective date of this amendatory Act of the 94th  
8 General Assembly but before February 1, 2006) or an  
9 additional 27 weeks (if the accidental injury occurs on or  
10 after February 1, 2006) shall be paid, except where the  
11 accidental injury results in the amputation of a leg at the  
12 hip joint, or so close to the hip joint that an artificial  
13 leg cannot be used, or results in the disarticulation of a  
14 leg at the hip joint, in which case compensation for an  
15 additional 75 weeks (if the accidental injury occurs on or  
16 after the effective date of this amendatory Act of the 94th  
17 General Assembly but before February 1, 2006) or an  
18 additional 81 weeks (if the accidental injury occurs on or  
19 after February 1, 2006) shall be paid.

20           13. Eye-

21                   150 weeks if the accidental injury occurs on or  
22 after the effective date of this amendatory Act of the  
23 94th General Assembly but before February 1, 2006.

24                   162 weeks if the accidental injury occurs on or  
25 after February 1, 2006.

26           Where an accidental injury results in the enucleation

1 of an eye, compensation for an additional 10 weeks (if the  
2 accidental injury occurs on or after the effective date of  
3 this amendatory Act of the 94th General Assembly but before  
4 February 1, 2006) or an additional 11 weeks (if the  
5 accidental injury occurs on or after February 1, 2006)  
6 shall be paid.

7 14. Loss of hearing of one ear-

8 50 weeks if the accidental injury occurs on or  
9 after the effective date of this amendatory Act of the  
10 94th General Assembly but before February 1, 2006.

11 54 weeks if the accidental injury occurs on or  
12 after February 1, 2006.

13 Total and permanent loss of hearing of both ears-

14 200 weeks if the accidental injury occurs on or  
15 after the effective date of this amendatory Act of the  
16 94th General Assembly but before February 1, 2006.

17 215 weeks if the accidental injury occurs on or  
18 after February 1, 2006.

19 15. Testicle-

20 50 weeks if the accidental injury occurs on or  
21 after the effective date of this amendatory Act of the  
22 94th General Assembly but before February 1, 2006.

23 54 weeks if the accidental injury occurs on or  
24 after February 1, 2006.

25 Both testicles-

26 150 weeks if the accidental injury occurs on or

1 after the effective date of this amendatory Act of the  
2 94th General Assembly but before February 1, 2006.

3 162 weeks if the accidental injury occurs on or  
4 after February 1, 2006.

5 16. For the permanent partial loss of use of a member  
6 or sight of an eye, or hearing of an ear, compensation  
7 during that proportion of the number of weeks in the  
8 foregoing schedule provided for the loss of such member or  
9 sight of an eye, or hearing of an ear, which the partial  
10 loss of use thereof bears to the total loss of use of such  
11 member, or sight of eye, or hearing of an ear.

12 (a) Loss of hearing for compensation purposes  
13 shall be confined to the frequencies of 1,000, 2,000  
14 and 3,000 cycles per second. Loss of hearing ability  
15 for frequency tones above 3,000 cycles per second are  
16 not to be considered as constituting disability for  
17 hearing.

18 (b) The percent of hearing loss, for purposes of  
19 the determination of compensation claims for  
20 occupational deafness, shall be calculated as the  
21 average in decibels for the thresholds of hearing for  
22 the frequencies of 1,000, 2,000 and 3,000 cycles per  
23 second. Pure tone air conduction audiometric  
24 instruments, approved by nationally recognized  
25 authorities in this field, shall be used for measuring  
26 hearing loss. If the losses of hearing average 30



1           decibels or less in the 3 frequencies, such losses of  
2           hearing shall not then constitute any compensable  
3           hearing disability. If the losses of hearing average 85  
4           decibels or more in the 3 frequencies, then the same  
5           shall constitute and be total or 100% compensable  
6           hearing loss.

7           (c) In measuring hearing impairment, the lowest  
8           measured losses in each of the 3 frequencies shall be  
9           added together and divided by 3 to determine the  
10          average decibel loss. For every decibel of loss  
11          exceeding 30 decibels an allowance of 1.82% shall be  
12          made up to the maximum of 100% which is reached at 85  
13          decibels.

14          (d) If a hearing loss is established to have  
15          existed on July 1, 1975 by audiometric testing the  
16          employer shall not be liable for the previous loss so  
17          established nor shall he be liable for any loss for  
18          which compensation has been paid or awarded.

19          (e) No consideration shall be given to the question  
20          of whether or not the ability of an employee to  
21          understand speech is improved by the use of a hearing  
22          aid.

23          (f) No claim for loss of hearing due to industrial  
24          noise shall be brought against an employer or allowed  
25          unless the employee has been exposed for a period of  
26          time sufficient to cause permanent impairment to noise

1 levels in excess of the following:

2 Sound Level DBA

3	Slow Response	Hours Per Day
4	90	8
5	92	6
6	95	4
7	97	3
8	100	2
9	102	1-1/2
10	105	1
11	110	1/2
12	115	1/4

13 This subparagraph (f) shall not be applied in cases of  
14 hearing loss resulting from trauma or explosion.

15 17. In computing the compensation to be paid to any  
16 employee who, before the accident for which he claims  
17 compensation, had before that time sustained an injury  
18 resulting in the loss by amputation or partial loss by  
19 amputation of any member, including hand, arm, thumb or  
20 fingers, leg, foot or any toes, such loss or partial loss  
21 of any such member shall be deducted from any award made  
22 for the subsequent injury. For the permanent loss of use or  
23 the permanent partial loss of use of any such member or the  
24 partial loss of sight of an eye, for which compensation has  
25 been paid, then such loss shall be taken into consideration  
26 and deducted from any award for the subsequent injury.

1           18. The specific case of loss of both hands, both arms,  
2           or both feet, or both legs, or both eyes, or of any two  
3           thereof, or the permanent and complete loss of the use  
4           thereof, constitutes total and permanent disability, to be  
5           compensated according to the compensation fixed by  
6           paragraph (f) of this Section. These specific cases of  
7           total and permanent disability do not exclude other cases.

8           Any employee who has previously suffered the loss or  
9           permanent and complete loss of the use of any of such  
10          members, and in a subsequent independent accident loses  
11          another or suffers the permanent and complete loss of the  
12          use of any one of such members the employer for whom the  
13          injured employee is working at the time of the last  
14          independent accident is liable to pay compensation only for  
15          the loss or permanent and complete loss of the use of the  
16          member occasioned by the last independent accident.

17          19. In a case of specific loss and the subsequent death  
18          of such injured employee from other causes than such injury  
19          leaving a widow, widower, or dependents surviving before  
20          payment or payment in full for such injury, then the amount  
21          due for such injury is payable to the widow or widower and,  
22          if there be no widow or widower, then to such dependents,  
23          in the proportion which such dependency bears to total  
24          dependency.

25          Beginning July 1, 1980, and every 6 months thereafter, the  
26          Commission shall examine the Second Injury Fund and when, after

1 deducting all advances or loans made to such Fund, the amount  
2 therein is \$500,000 then the amount required to be paid by  
3 employers pursuant to paragraph (f) of Section 7 shall be  
4 reduced by one-half. When the Second Injury Fund reaches the  
5 sum of \$600,000 then the payments shall cease entirely.  
6 However, when the Second Injury Fund has been reduced to  
7 \$400,000, payment of one-half of the amounts required by  
8 paragraph (f) of Section 7 shall be resumed, in the manner  
9 herein provided, and when the Second Injury Fund has been  
10 reduced to \$300,000, payment of the full amounts required by  
11 paragraph (f) of Section 7 shall be resumed, in the manner  
12 herein provided. The Commission shall make the changes in  
13 payment effective by general order, and the changes in payment  
14 become immediately effective for all cases coming before the  
15 Commission thereafter either by settlement agreement or final  
16 order, irrespective of the date of the accidental injury.

17 On August 1, 1996 and on February 1 and August 1 of each  
18 subsequent year, the Commission shall examine the special fund  
19 designated as the "Rate Adjustment Fund" and when, after  
20 deducting all advances or loans made to said fund, the amount  
21 therein is \$4,000,000, the amount required to be paid by  
22 employers pursuant to paragraph (f) of Section 7 shall be  
23 reduced by one-half. When the Rate Adjustment Fund reaches the  
24 sum of \$5,000,000 the payment therein shall cease entirely.  
25 However, when said Rate Adjustment Fund has been reduced to  
26 \$3,000,000 the amounts required by paragraph (f) of Section 7

1 shall be resumed in the manner herein provided.

2 (f) In case of complete disability, which renders the  
3 employee wholly and permanently incapable of work, or in the  
4 specific case of total and permanent disability as provided in  
5 subparagraph 18 of paragraph (e) of this Section, compensation  
6 shall be payable at the rate provided in subparagraph 2 of  
7 paragraph (b) of this Section for life.

8 An employee entitled to benefits under paragraph (f) of  
9 this Section shall also be entitled to receive from the Rate  
10 Adjustment Fund provided in paragraph (f) of Section 7 of the  
11 supplementary benefits provided in paragraph (g) of this  
12 Section 8.

13 If any employee who receives an award under this paragraph  
14 afterwards returns to work or is able to do so, and earns or is  
15 able to earn as much as before the accident, payments under  
16 such award shall cease. If such employee returns to work, or is  
17 able to do so, and earns or is able to earn part but not as much  
18 as before the accident, such award shall be modified so as to  
19 conform to an award under paragraph (d) of this Section. If  
20 such award is terminated or reduced under the provisions of  
21 this paragraph, such employees have the right at any time  
22 within 30 months after the date of such termination or  
23 reduction to file petition with the Commission for the purpose  
24 of determining whether any disability exists as a result of the  
25 original accidental injury and the extent thereof.

26 Disability as enumerated in subdivision 18, paragraph (e)

1 of this Section is considered complete disability.

2 If an employee who had previously incurred loss or the  
3 permanent and complete loss of use of one member, through the  
4 loss or the permanent and complete loss of the use of one hand,  
5 one arm, one foot, one leg, or one eye, incurs permanent and  
6 complete disability through the loss or the permanent and  
7 complete loss of the use of another member, he shall receive,  
8 in addition to the compensation payable by the employer and  
9 after such payments have ceased, an amount from the Second  
10 Injury Fund provided for in paragraph (f) of Section 7, which,  
11 together with the compensation payable from the employer in  
12 whose employ he was when the last accidental injury was  
13 incurred, will equal the amount payable for permanent and  
14 complete disability as provided in this paragraph of this  
15 Section.

16 The custodian of the Second Injury Fund provided for in  
17 paragraph (f) of Section 7 shall be joined with the employer as  
18 a party respondent in the application for adjustment of claim.  
19 The application for adjustment of claim shall state briefly and  
20 in general terms the approximate time and place and manner of  
21 the loss of the first member.

22 In its award the Commission or the Arbitrator shall  
23 specifically find the amount the injured employee shall be  
24 weekly paid, the number of weeks compensation which shall be  
25 paid by the employer, the date upon which payments begin out of  
26 the Second Injury Fund provided for in paragraph (f) of Section

1 7 of this Act, the length of time the weekly payments continue,  
2 the date upon which the pension payments commence and the  
3 monthly amount of the payments. The Commission shall 30 days  
4 after the date upon which payments out of the Second Injury  
5 Fund have begun as provided in the award, and every month  
6 thereafter, prepare and submit to the State Comptroller a  
7 voucher for payment for all compensation accrued to that date  
8 at the rate fixed by the Commission. The State Comptroller  
9 shall draw a warrant to the injured employee along with a  
10 receipt to be executed by the injured employee and returned to  
11 the Commission. The endorsed warrant and receipt is a full and  
12 complete acquittance to the Commission for the payment out of  
13 the Second Injury Fund. No other appropriation or warrant is  
14 necessary for payment out of the Second Injury Fund. The Second  
15 Injury Fund is appropriated for the purpose of making payments  
16 according to the terms of the awards.

17 As of July 1, 1980 to July 1, 1982, all claims against and  
18 obligations of the Second Injury Fund shall become claims  
19 against and obligations of the Rate Adjustment Fund to the  
20 extent there is insufficient money in the Second Injury Fund to  
21 pay such claims and obligations. In that case, all references  
22 to "Second Injury Fund" in this Section shall also include the  
23 Rate Adjustment Fund.

24 (g) Every award for permanent total disability entered by  
25 the Commission on and after July 1, 1965 under which  
26 compensation payments shall become due and payable after the

1 effective date of this amendatory Act, and every award for  
2 death benefits or permanent total disability entered by the  
3 Commission on and after the effective date of this amendatory  
4 Act shall be subject to annual adjustments as to the amount of  
5 the compensation rate therein provided. Such adjustments shall  
6 first be made on July 15, 1977, and all awards made and entered  
7 prior to July 1, 1975 and on July 15 of each year thereafter.  
8 In all other cases such adjustment shall be made on July 15 of  
9 the second year next following the date of the entry of the  
10 award and shall further be made on July 15 annually thereafter.  
11 If during the intervening period from the date of the entry of  
12 the award, or the last periodic adjustment, there shall have  
13 been an increase in the State's average weekly wage in covered  
14 industries under the Unemployment Insurance Act, the weekly  
15 compensation rate shall be proportionately increased by the  
16 same percentage as the percentage of increase in the State's  
17 average weekly wage in covered industries under the  
18 Unemployment Insurance Act. The increase in the compensation  
19 rate under this paragraph shall in no event bring the total  
20 compensation rate to an amount greater than the prevailing  
21 maximum rate at the time that the annual adjustment is made.  
22 Such increase shall be paid in the same manner as herein  
23 provided for payments under the Second Injury Fund to the  
24 injured employee, or his dependents, as the case may be, out of  
25 the Rate Adjustment Fund provided in paragraph (f) of Section 7  
26 of this Act. Payments shall be made at the same intervals as



1 provided in the award or, at the option of the Commission, may  
2 be made in quarterly payment on the 15th day of January, April,  
3 July and October of each year. In the event of a decrease in  
4 such average weekly wage there shall be no change in the then  
5 existing compensation rate. The within paragraph shall not  
6 apply to cases where there is disputed liability and in which a  
7 compromise lump sum settlement between the employer and the  
8 injured employee, or his dependents, as the case may be, has  
9 been duly approved by the Illinois Workers' Compensation  
10 Commission.

11 Provided, that in cases of awards entered by the Commission  
12 for injuries occurring before July 1, 1975, the increases in  
13 the compensation rate adjusted under the foregoing provision of  
14 this paragraph (g) shall be limited to increases in the State's  
15 average weekly wage in covered industries under the  
16 Unemployment Insurance Act occurring after July 1, 1975.

17 For every accident occurring on or after July 20, 2005 but  
18 before the effective date of this amendatory Act of the 94th  
19 General Assembly (Senate Bill 1283 of the 94th General  
20 Assembly), the annual adjustments to the compensation rate in  
21 awards for death benefits or permanent total disability, as  
22 provided in this Act, shall be paid by the employer. The  
23 adjustment shall be made by the employer on July 15 of the  
24 second year next following the date of the entry of the award  
25 and shall further be made on July 15 annually thereafter. If  
26 during the intervening period from the date of the entry of the

1 award, or the last periodic adjustment, there shall have been  
2 an increase in the State's average weekly wage in covered  
3 industries under the Unemployment Insurance Act, the employer  
4 shall increase the weekly compensation rate proportionately by  
5 the same percentage as the percentage of increase in the  
6 State's average weekly wage in covered industries under the  
7 Unemployment Insurance Act. The increase in the compensation  
8 rate under this paragraph shall in no event bring the total  
9 compensation rate to an amount greater than the prevailing  
10 maximum rate at the time that the annual adjustment is made. In  
11 the event of a decrease in such average weekly wage there shall  
12 be no change in the then existing compensation rate. Such  
13 increase shall be paid by the employer in the same manner and  
14 at the same intervals as the payment of compensation in the  
15 award. This paragraph shall not apply to cases where there is  
16 disputed liability and in which a compromise lump sum  
17 settlement between the employer and the injured employee, or  
18 his or her dependents, as the case may be, has been duly  
19 approved by the Illinois Workers' Compensation Commission.

20 The annual adjustments for every award of death benefits or  
21 permanent total disability involving accidents occurring  
22 before July 20, 2005 and accidents occurring on or after the  
23 effective date of this amendatory Act of the 94th General  
24 Assembly (Senate Bill 1283 of the 94th General Assembly) shall  
25 continue to be paid from the Rate Adjustment Fund pursuant to  
26 this paragraph and Section 7(f) of this Act.

1           (h) In case death occurs from any cause before the total  
2 compensation to which the employee would have been entitled has  
3 been paid, then in case the employee leaves any widow, widower,  
4 child, parent (or any grandchild, grandparent or other lineal  
5 heir or any collateral heir dependent at the time of the  
6 accident upon the earnings of the employee to the extent of 50%  
7 or more of total dependency) such compensation shall be paid to  
8 the beneficiaries of the deceased employee and distributed as  
9 provided in paragraph (g) of Section 7.

10          (h-1) In case an injured employee is under legal disability  
11 at the time when any right or privilege accrues to him or her  
12 under this Act, a guardian may be appointed pursuant to law,  
13 and may, on behalf of such person under legal disability, claim  
14 and exercise any such right or privilege with the same effect  
15 as if the employee himself or herself had claimed or exercised  
16 the right or privilege. No limitations of time provided by this  
17 Act run so long as the employee who is under legal disability  
18 is without a conservator or guardian.

19          (i) In case the injured employee is under 16 years of age  
20 at the time of the accident and is illegally employed, the  
21 amount of compensation payable under paragraphs (b), (c), (d),  
22 (e) and (f) of this Section is increased 50%.

23          However, where an employer has on file an employment  
24 certificate issued pursuant to the Child Labor Law or work  
25 permit issued pursuant to the Federal Fair Labor Standards Act,  
26 as amended, or a birth certificate properly and duly issued,

1 such certificate, permit or birth certificate is conclusive  
2 evidence as to the age of the injured minor employee for the  
3 purposes of this Section.

4 Nothing herein contained repeals or amends the provisions  
5 of the Child Labor Law relating to the employment of minors  
6 under the age of 16 years.

7 (j) 1. In the event the injured employee receives benefits,  
8 including medical, surgical or hospital benefits under any  
9 group plan covering non-occupational disabilities contributed  
10 to wholly or partially by the employer, which benefits should  
11 not have been payable if any rights of recovery existed under  
12 this Act, then such amounts so paid to the employee from any  
13 such group plan as shall be consistent with, and limited to,  
14 the provisions of paragraph 2 hereof, shall be credited to or  
15 against any compensation payment for temporary total  
16 incapacity for work or any medical, surgical or hospital  
17 benefits made or to be made under this Act. In such event, the  
18 period of time for giving notice of accidental injury and  
19 filing application for adjustment of claim does not commence to  
20 run until the termination of such payments. This paragraph does  
21 not apply to payments made under any group plan which would  
22 have been payable irrespective of an accidental injury under  
23 this Act. Any employer receiving such credit shall keep such  
24 employee safe and harmless from any and all claims or  
25 liabilities that may be made against him by reason of having  
26 received such payments only to the extent of such credit.

1           Any excess benefits paid to or on behalf of a State  
2 employee by the State Employees' Retirement System under  
3 Article 14 of the Illinois Pension Code on a death claim or  
4 disputed disability claim shall be credited against any  
5 payments made or to be made by the State of Illinois to or on  
6 behalf of such employee under this Act, except for payments for  
7 medical expenses which have already been incurred at the time  
8 of the award. The State of Illinois shall directly reimburse  
9 the State Employees' Retirement System to the extent of such  
10 credit.

11           2. Nothing contained in this Act shall be construed to give  
12 the employer or the insurance carrier the right to credit for  
13 any benefits or payments received by the employee other than  
14 compensation payments provided by this Act, and where the  
15 employee receives payments other than compensation payments,  
16 whether as full or partial salary, group insurance benefits,  
17 bonuses, annuities or any other payments, the employer or  
18 insurance carrier shall receive credit for each such payment  
19 only to the extent of the compensation that would have been  
20 payable during the period covered by such payment.

21           3. The extension of time for the filing of an Application  
22 for Adjustment of Claim as provided in paragraph 1 above shall  
23 not apply to those cases where the time for such filing had  
24 expired prior to the date on which payments or benefits  
25 enumerated herein have been initiated or resumed. Provided  
26 however that this paragraph 3 shall apply only to cases wherein

1 the payments or benefits hereinabove enumerated shall be  
2 received after July 1, 1969.

3 (Source: P.A. 97-18, eff. 6-28-11; 97-268, eff. 8-8-11; revised  
4 9-15-11.)

5 (820 ILCS 305/11) (from Ch. 48, par. 138.11)

6 Sec. 11. The compensation herein provided, together with  
7 the provisions of this Act, shall be the measure of the  
8 responsibility of any employer engaged in any of the  
9 enterprises or businesses enumerated in Section 3 of this Act,  
10 or of any employer who is not engaged in any such enterprises  
11 or businesses, but who has elected to provide and pay  
12 compensation for accidental injuries sustained by any employee  
13 arising out of and in the course of the employment according to  
14 the provisions of this Act, and whose election to continue  
15 under this Act, has not been nullified by any action of his  
16 employees as provided for in this Act.

17 Accidental injuries incurred while participating in  
18 voluntary recreational programs including but not limited to  
19 athletic events, parties and picnics do not arise out of and in  
20 the course of the employment even though the employer pays some  
21 or all of the cost thereof. This exclusion shall not apply in  
22 the event that the injured employee was ordered or assigned by  
23 his employer to participate in the program.

24 Notwithstanding any other defense, accidental injuries  
25 incurred while the employee is engaged in the active commission

1 of and as a proximate result of the active commission of (a) a  
2 forcible felony, (b) aggravated driving under the influence of  
3 alcohol, other drug or drugs, or intoxicating compound or  
4 compounds, or any combination thereof, or (c) reckless homicide  
5 and for which the employee was convicted do not arise out of  
6 and in the course of employment if the commission of that  
7 forcible felony, aggravated driving under the influence, or  
8 reckless homicide caused an accident resulting in the death or  
9 severe injury of another person. If an employee is acquitted of  
10 a forcible felony, aggravated driving under the influence, or  
11 reckless homicide that caused an accident resulting in the  
12 death or severe injury of another person or if these charges  
13 are dismissed, there shall be no presumption that the employee  
14 is eligible for benefits under this Act. No employee shall be  
15 entitled to additional compensation under Sections 19(k) or  
16 19(l) of this Act or attorney's fees under Section 16 of this  
17 Act when the employee has been charged with a forcible felony,  
18 aggravated driving under the influence, or reckless homicide  
19 that caused an accident resulting in the death or severe injury  
20 of another person and the employer terminates benefits or  
21 refuses to pay benefits to the employee until the termination  
22 of any pending criminal proceedings.

23 Accidental injuries incurred while participating as a  
24 patient in a drug or alcohol rehabilitation program do not  
25 arise out of and in the course of employment even though the  
26 employer pays some or all of the costs thereof.

1 Any injury to or disease or death of an employee arising  
2 from the administration of a vaccine, including without  
3 limitation smallpox vaccine, to prepare for, or as a response  
4 to, a threatened or potential bioterrorist incident to the  
5 employee as part of a voluntary inoculation program in  
6 connection with the person's employment or in connection with  
7 any governmental program or recommendation for the inoculation  
8 of workers in the employee's occupation, geographical area, or  
9 other category that includes the employee is deemed to arise  
10 out of and in the course of the employment for all purposes  
11 under this Act. This paragraph added by this amendatory Act of  
12 the 93rd General Assembly is declarative of existing law and is  
13 not a new enactment.

14 No compensation shall be payable if (i) the employee's  
15 intoxication is the proximate cause of the employee's  
16 accidental injury or (ii) at the time the employee incurred the  
17 accidental injury, the employee was so intoxicated that the  
18 intoxication constituted a departure from the employment.  
19 Admissible evidence of the concentration of (1) alcohol, (2)  
20 cannabis as defined in the Cannabis Control Act, (3) a  
21 controlled substance listed in the Illinois Controlled  
22 Substances Act, or (4) an intoxicating compound listed in the  
23 Use of Intoxicating Compounds Act in the employee's blood,  
24 breath, or urine at the time the employee incurred the  
25 accidental injury shall be considered in any hearing under this  
26 Act to determine whether the employee was intoxicated at the



1 time the employee incurred the accidental injuries. If at the  
2 time of the accidental injuries, there was 0.08% or more by  
3 weight of alcohol in the employee's blood, breath, or urine or  
4 if there is any evidence of impairment due to the unlawful or  
5 unauthorized use of (1) cannabis as defined in the Cannabis  
6 Control Act, (2) a controlled substance listed in the Illinois  
7 Controlled Substances Act, or (3) an intoxicating compound  
8 listed in the Use of Intoxicating Compounds Act or if the  
9 employee refuses to submit to testing of blood, breath, or  
10 urine, then there shall be a rebuttable presumption that the  
11 employee was intoxicated and that the intoxication was the  
12 proximate cause of the employee's injury. The employee may  
13 overcome the rebuttable presumption by the preponderance of the  
14 admissible evidence that the intoxication was not the sole  
15 proximate cause or proximate cause of the accidental injuries.  
16 Percentage by weight of alcohol in the blood shall be based on  
17 grams of alcohol per 100 milliliters of blood. Percentage by  
18 weight of alcohol in the breath shall be based upon grams of  
19 alcohol per 210 liters of breath. Any testing that has not been  
20 performed by an accredited or certified testing laboratory  
21 shall not be admissible in any hearing under this Act to  
22 determine whether the employee was intoxicated at the time the  
23 employee incurred the accidental injury.

24 All sample collection and testing for alcohol and drugs  
25 under this Section shall be performed in accordance with rules  
26 to be adopted by the Commission. These rules shall ensure:

1 (1) compliance with the National Labor Relations Act  
2 regarding collective bargaining agreements or regulations  
3 promulgated by the United States Department of  
4 Transportation;

5 (2) that samples are collected and tested in  
6 conformance with national and State legal and regulatory  
7 standards for the privacy of the individual being tested,  
8 and in a manner reasonably calculated to prevent  
9 substitutions or interference with the collection or  
10 testing of reliable sample;

11 (3) that split testing procedures are utilized;

12 (4) that sample collection is documented, and the  
13 documentation procedures include:

14 (A) the labeling of samples in a manner so as to  
15 reasonably preclude the probability of erroneous  
16 identification of test result; and

17 (B) an opportunity for the employee to provide  
18 notification of any information which he or she  
19 considers relevant to the test, including  
20 identification of currently or recently used  
21 prescription or nonprescription drugs and other  
22 relevant medical information;

23 (5) that sample collection, storage, and  
24 transportation to the place of testing is performed in a  
25 manner so as to reasonably preclude the probability of  
26 sample contamination or adulteration; and

1           (6) that chemical analyses of blood, urine, breath, or  
2           other bodily substance are performed according to  
3           nationally scientifically accepted analytical methods and  
4           procedures.

5           The changes to this Section made by Public Act 97-18 ~~this~~  
6           ~~amendatory Act of the 97th General Assembly~~ apply only to  
7           accidental injuries that occur on or after September 1, 2011.  
8           (Source: P.A. 97-18, eff. 6-28-11; 97-276, eff. 8-8-11; revised  
9           9-15-11.)

10           Section 995. No acceleration or delay. Where this Act makes  
11           changes in a statute that is represented in this Act by text  
12           that is not yet or no longer in effect (for example, a Section  
13           represented by multiple versions), the use of that text does  
14           not accelerate or delay the taking effect of (i) the changes  
15           made by this Act or (ii) provisions derived from any other  
16           Public Act.

17           Section 996. No revival or extension. This Act does not  
18           revive or extend any Section or Act otherwise repealed.

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

1	INDEX	
2	Statutes amended in order of appearance	
3	5 ILCS 80/4.32	
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