



SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDREDTH GENERAL ASSEMBLY

55TH LEGISLATIVE DAY

MONDAY, MAY 29, 2017

12:16 O'CLOCK P.M.

SENATE
Daily Journal Index
55th Legislative Day

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The Senate met pursuant to adjournment.
Senator Terry Link, Waukegan, Illinois, presiding.
Prayer by the Reverend Robert Timms, Pleasant Grove Baptist Church, Springfield, Illinois.
Senator Cunningham led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Friday, May 26, 2017, be postponed, pending arrival of the printed Journal.
The motion prevailed.

MESSAGES FROM THE PRESIDENT

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

May 29, 2017

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Jacqueline Collins to temporarily replace Senator Kwame Raoul as a member of the Senate Executive Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Executive Committee.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

May 29, 2017

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Julie Morrison to temporarily replace Senator Patricia Van Pelt as a member of the Senate State Government Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate State Government Committee.

[May 29, 2017]

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 547

Offered by Senators Bertino-Tarrant – McGuire and all Senators:
Mourns the death of Donald Dean Walden, Sr., of Joliet.

SENATE RESOLUTION NO. 548

Offered by Senator Cunningham and all Senators:
Mourns the death of Stacy Verne Dixon of Chicago.

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

Senator J. Cullerton offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 549

WHEREAS, Cystinuria occurs in individuals in which a rare genetic defect prevents the body from regulating amino acid concentrations, subsequently leading to elevated levels of cystine and the formation of cystine stones in the kidney, ureter, and bladder; and

WHEREAS, The American Urological Association recognizes Cystinuria as the most common monogenic kidney stone disorder; and

WHEREAS, The majority of Cystinuria patients start to suffer from chronic cystine stone formation before the age of 20; and

WHEREAS, Cystinuria patients often endure episodes of debilitating pain (typically known as renal colic), nausea, vomiting, and recurrent urinary tract infections; and

WHEREAS, The majority of Cystinuria patients will require numerous stone removal procedures and surgeries; and

WHEREAS, Studies have demonstrated Cystinuria patients have worse health related quality of life than the general population, specifically in areas of general health, bodily pain, and mental health; and

WHEREAS, Cystinuria patients may suffer from life threatening complications, such as hypertension, renal insufficiency, end stage renal disease, and the need for a kidney transplant; and

WHEREAS, The majority of Cystinuria patients forming recurrent stones will develop some form of chronic kidney disease in their lifetime; and

WHEREAS, There is no cure for Cystinuria, treatment options significantly reduce medically necessary surgeries and some patients can live a stone-free life; and

WHEREAS, Cystinuria can be diagnosed from analysis of a 24-hour urine test; and

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WHEREAS, Detection may be improved by increased education and screening, as many patients do not receive a diagnosis until after enduring one or more stone episodes; and

WHEREAS, Early diagnosis is important to the long-term management of a Cystinuria, which can potentially limit permanent kidney damage and persevere maximal kidney function; and

WHEREAS, One in every 10,000 Americans are believed to be genetically at risk for Cystinuria; and

WHEREAS, Cystinuria has been documented as a leading risk factor for one of the top most common forms of kidney stones; and

WHEREAS, Kidney stone experts cite the economic burden in the United States for providing care for individuals, of working age, with kidney stones to be \$5.3 billion dollars in the year 2000; and

WHEREAS, Doctors at Southern Illinois University's School of Medicine have world-leading expertise on Cystinuria; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize June 24, 2017 as "National Cystinuria Awareness Day"; and be it further

RESOLVED, That we encourage steps be taken to raise awareness of and increase public knowledge about Cystinuria, to inform all people in Illinois about the dangers of Cystinuria; to disseminate information on the importance of early diagnosis and management of Cystinuria patients; and to support research funding of Cystinuria at Illinois medical research centers to improve screening and treatment for Cystinuria, to support efforts that may improve the quality of life for Cystinuria patients, and to develop a cure for Cystinuria; and be it further

RESOLVED, That we call on the people of Illinois, interest groups, and affected persons to promote awareness of Cystinuria, to take an active role in the fight against this devastating disease, and to observe National Cystinuria Awareness Day with appropriate ceremonies and activities.

Senator J. Cullerton offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 550

WHEREAS, Norman R. Bobins, a native Chicagoan and pre-eminent banker, has served the Illinois banking industry for a period spanning five decades; and

WHEREAS, Norman Bobins began his career in 1967 at the American National Bank and Trust Company in Chicago; in 1981, he joined Exchange National Bank, which was later acquired by LaSalle Bank; he retired from ABN AMRO and LaSalle Bank Corporation as chairman, president, and chief executive officer in 2007; and

WHEREAS, Norman Bobins currently serves as the non-executive chairman of The PrivateBank and Trust Company in Chicago and non-executive chairman of the board of Transco, Inc.; he also serves on the corporate boards of AAR CORP., Omega Healthcare Investors, Inc., and RREEF America REIT II, Inc.; and

WHEREAS, Norman Bobins has provided continuous leadership and has devoted a lifetime of community service to dozens of local, State, and national civic organizations, including serving four consecutive four-year terms as a member of the Chicago Board of Education, serving as a board trustee of WTTW Communications, Inc., where he served as chairman for six years, and as a member of the boards of directors of the Auditorium Theatre, Brain Research Foundation, The Field Museum, Illinois Holocaust Museum & Education Center, Illinois Sports Facilities Authority, Navy Pier, Inc., and the Wisconsin Alumni Research Foundation; and

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WHEREAS, Norman Bobins is a Life Member of the University of Chicago Booth School of Business, former chairman of the board of the Chicagoland Chamber of Commerce, and has served as a member of the United States Holocaust Memorial Council; and

WHEREAS, Norman Bobins has received numerous awards including the Illinois Bankers Association's 2014 Illinois Banker of the Year Award, the 2012 Woodrow Wilson Award for Corporate Citizenship, the 2007 Order of Lincoln, the State of Illinois' highest award, the 2007 Chicagoland Chamber of Commerce's Daniel H. Burnham Distinguished Leadership Award, the 2003 University of Chicago Graduate School of Business' Distinguished Corporate Alumnus Award, and the 1992 Human Rights Medallion from the American Jewish Committee; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize Norman R. Bobins for his outstanding leadership, selfless service, generous philanthropy, and willingness to help local communities prosper and thrive; and be it further

RESOLVED, That we congratulate Norman Bobins for his 50 years of service to the banking industry and in helping to promote economic and job growth in the great State of Illinois, for serving as a teacher and mentor to so many Illinois bankers, and for his unfaltering commitment to community and State; and be it further

RESOLVED, That a copy of this resolution be presented to Norman Bobins and his wife, Virginia, at the Annual Conference of the Illinois Bankers Association on June 23, 2017 as an expression of our esteem and respect.

REPORTS FROM STANDING COMMITTEES

Senator Landek, Chairperson of the Committee on State Government, to which was referred **House Bills Numbered 348 and 3376**, reported the same back with the recommendation that the bills do pass.

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

Senator Landek, Chairperson of the Committee on State Government, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 2647

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

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

Senate Amendment No. 1 to Senate Bill 32
Senate Amendment No. 1 to House Bill 3399

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

Senator Harmon, Chairperson of the Committee on Executive, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 41

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **House Bill No. 434**, reported the same back with the recommendation that the bill do pass.

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

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **House Bill No. 302**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 898

A bill for AN ACT concerning regulation.

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

House Amendment No. 1 to SENATE BILL NO. 898

Passed the House, as amended, May 28, 2017.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 898

AMENDMENT NO. 1. Amend Senate Bill 898 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 356z.25 as follows:

(215 ILCS 5/356z.25 new)

Sec. 356z.25. Dry needling by a physical therapist. A group or individual policy of accident and health insurance or a qualified health plan offered through the health insurance market place is not required to provide coverage for dry needling performed by a physical therapist as described in Section 1.5 of the Illinois Physical Therapy Act.

Section 10. The Illinois Physical Therapy Act is amended by changing Section 1 and by adding Section 1.5 as follows:

(225 ILCS 90/1) (from Ch. 111, par. 4251)

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

Sec. 1. Definitions. As used in this Act:

(1) "Physical therapy" means all of the following:

(A) Examining, evaluating, and testing individuals who may have mechanical, physiological, or developmental impairments, functional limitations, disabilities, or other health and movement-related conditions, classifying these disorders, determining a rehabilitation prognosis and plan of therapeutic intervention, and assessing the on-going effects of the interventions.

(B) Alleviating impairments, functional limitations, or disabilities by designing, implementing, and modifying therapeutic interventions that may include, but are not limited to, the evaluation or treatment of a person through the use of the effective properties of physical measures and heat, cold, light, water, radiant energy, electricity, sound, and air and use of therapeutic massage, therapeutic exercise, mobilization, and rehabilitative procedures, with or without assistive devices, for the purposes of preventing, correcting, or alleviating a physical or mental impairment, functional limitation, or disability.

(C) Reducing the risk of injury, impairment, functional limitation, or disability, including the promotion and maintenance of fitness, health, and wellness.

(D) Engaging in administration, consultation, education, and research.

"Physical therapy" includes, but is not limited to: (a) performance of specialized tests and measurements, (b) administration of specialized treatment procedures, (c) interpretation of referrals from physicians, dentists, advanced practice nurses, physician assistants, and podiatric physicians, (d) establishment, and modification of physical therapy treatment programs, (e) administration of topical medication used in generally accepted physical therapy procedures when such medication is either

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prescribed by the patient's physician, licensed to practice medicine in all its branches, the patient's physician licensed to practice podiatric medicine, the patient's advanced practice nurse, the patient's physician assistant, or the patient's dentist or used following the physician's orders or written instructions, and (f) supervision or teaching of physical therapy, and (g) dry needling in accordance with Section 1.5. Physical therapy does not include radiology, electrosurgery, chiropractic technique or determination of a differential diagnosis; provided, however, the limitation on determining a differential diagnosis shall not in any manner limit a physical therapist licensed under this Act from performing an evaluation pursuant to such license. Nothing in this Section shall limit a physical therapist from employing appropriate physical therapy techniques that he or she is educated and licensed to perform. A physical therapist shall refer to a licensed physician, advanced practice nurse, physician assistant, dentist, podiatric physician, other physical therapist, or other health care provider any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the physical therapist.

(2) "Physical therapist" means a person who practices physical therapy and who has met all requirements as provided in this Act.

(3) "Department" means the Department of Professional Regulation.

(4) "Director" means the Director of Professional Regulation.

(5) "Board" means the Physical Therapy Licensing and Disciplinary Board approved by the Director.

(6) "Referral" means a written or oral authorization for physical therapy services for a patient by a physician, dentist, advanced practice nurse, physician assistant, or podiatric physician who maintains medical supervision of the patient and makes a diagnosis or verifies that the patient's condition is such that it may be treated by a physical therapist.

(7) "Documented current and relevant diagnosis" for the purpose of this Act means a diagnosis, substantiated by signature or oral verification of a physician, dentist, advanced practice nurse, physician assistant, or podiatric physician, that a patient's condition is such that it may be treated by physical therapy as defined in this Act, which diagnosis shall remain in effect until changed by the physician, dentist, advanced practice nurse, physician assistant, or podiatric physician.

(8) "State" includes:

(a) the states of the United States of America;

(b) the District of Columbia; and

(c) the Commonwealth of Puerto Rico.

(9) "Physical therapist assistant" means a person licensed to assist a physical therapist and who has met all requirements as provided in this Act and who works under the supervision of a licensed physical therapist to assist in implementing the physical therapy treatment program as established by the licensed physical therapist. The patient care activities provided by the physical therapist assistant shall not include the interpretation of referrals, evaluation procedures, or the planning or major modification of patient programs.

(10) "Physical therapy aide" means a person who has received on the job training, specific to the facility in which he is employed.

(11) "Advanced practice nurse" means a person licensed as an advanced practice nurse under the Nurse Practice Act.

(12) "Physician assistant" means a person licensed under the Physician Assistant Practice Act of 1987. (Source: P.A. 98-214, eff. 8-9-13; 99-173, eff. 7-29-15; 99-229, eff. 8-3-15; 99-642, eff. 7-28-16; revised 10-27-16.)

(225 ILCS 90/1.5 new)

Sec. 1.5. Dry needling.

(a) For the purpose of this Act, "dry needling", also known as intramuscular therapy, means an advanced needling skill or technique limited to the treatment of myofascial pain, using a single use, single insertion, sterile filiform needle (without the use of heat, cold, or any other added modality or medication), that is inserted into the skin or underlying tissues to stimulate trigger points. Dry needling may apply theory based only upon Western medical concepts, requires an examination and diagnosis, and treats specific anatomic entities selected according to physical signs. Dry needling does not include the stimulation of auricular points, utilization of distal points or non-local points, needle retention, application of retained electric stimulation leads, or the teaching or application of other acupuncture theory.

(b) A physical therapist licensed under this Act may only perform dry needling under the following conditions as determined by the Department by rule:

(1) Prior to completion of the education under paragraph (2) of this subsection, successful completion of 50 hours of instruction in the following areas:

(A) the musculoskeletal and neuromuscular system;

(B) the anatomical basis of pain mechanisms, chronic pain, and referred pain;

(C) myofascial trigger point theory; and

(D) universal precautions.

(2) Completion of at least 30 hours of didactic course work specific to dry needling.

(3) Successful completion of at least 54 practicum hours in dry needling course work approved by the Federation of State Boards of Physical Therapy or its successor (or substantial equivalent), as determined by the Department. Each instructional course shall specify what anatomical regions are included in the instruction and describe whether the course offers introductory or advanced instruction in dry needling. Each instruction course shall include the following areas:

(A) dry needling technique;

(B) dry needling indications and contraindications;

(C) documentation of dry needling;

(D) management of adverse effects;

(E) practical psychomotor competency; and

(F) the Occupational Safety and Health Administration's Bloodborne Pathogens standard.

Postgraduate classes qualifying for completion of the mandated 54 hours of dry needling shall be in one or more modules, with the initial module being no fewer than 27 hours, and therapists shall complete at least 54 hours in no more than 12 months.

(4) Completion of at least 200 patient treatment sessions under supervision as determined by the Department by rule.

(5) Successful completion of a competency examination as approved by the Department.

Each licensee is responsible for maintaining records of the completion of the requirements of this subsection (b) and shall be prepared to produce such records upon request by the Department.

(c) A newly-licensed physical therapist shall not practice dry needling for at least one year from the date of initial licensure unless the practitioner can demonstrate compliance with subsection (b) through his or her pre-licensure educational coursework.

(d) Dry needling may only be performed by a licensed physical therapist and may not be delegated to a physical therapist assistant or support personnel.

(e) A physical therapist shall not advertise, describe to patients or the public, or otherwise represent that dry needling is acupuncture, nor shall he or she represent that he or she practices acupuncture unless separately licensed under the Acupuncture Practice Act.

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

Under the rules, the foregoing **Senate Bill No. 898**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 899

A bill for AN ACT concerning regulation.

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

House Amendment No. 1 to SENATE BILL NO. 899

Passed the House, as amended, May 28, 2017.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 899

AMENDMENT NO. 1. Amend Senate Bill 899 on page 1, line 5, after "and 16", by inserting "and adding Section 14.5"; and

on page 2, immediately below line 9, by inserting the following:

"Coordinator" means the CPA Coordinator."; and

on page 10, immediately below line 14, by inserting the following:

"(225 ILCS 450/14.5 new)

[May 29, 2017]

Sec. 14.5. CPA Coordinator; duties. The Secretary shall appoint a CPA Coordinator, who shall hold a currently valid CPA license or registration. The Coordinator shall not practice during the term of his or her appointment. The Coordinator shall be exempt from all fees related to his or her CPA license or registration that come due during his or her employment. In appointing the Coordinator, the Secretary shall give due consideration to recommendations made by members, organizations, and associations of the CPA and accounting profession. The Coordinator shall:

- (1) act as Chairperson of the Committee, ex officio, without a vote;
- (2) be the direct liaison between the Department, the profession, and CPA and accounting organizations and associations;
- (3) prepare and circulate to licensees any educational and informational material that the Department deems necessary for providing guidance or assistance to licensees;
- (4) appoint any necessary committees to assist in the performance of the functions and duties of the Department under this Act; and
- (5) subject to the administrative approval of the Secretary, supervise all activities relating to the regulation of the CPA profession."; and

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

"A new CPA firm or sole practitioner shall not be required to comply with the peer review requirements for the first license renewal. A CPA firm or sole practitioner shall comply with the Department's rules adopted under this Act and agree to notify the Peer Review Administrator within 30 days after accepting an engagement for services requiring a license under this Act and to undergo a peer review within 18 months after the end of the period covered by the engagement, undergo its first peer review during the first full renewal cycle after it is granted its initial license."

Under the rules, the foregoing **Senate Bill No. 899**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 1029

A bill for AN ACT concerning government.

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

House Amendment No. 1 to SENATE BILL NO. 1029

Passed the House, as amended, May 28, 2017.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1029

AMENDMENT NO. 1. Amend Senate Bill 1029 as follows:

on page 4, line 11, after "Act", by inserting "under an appropriation made"; and

on page 5, by replacing line 6 with the following:

"(6) from an appropriation made to the Department for this purpose, use funds received under this Act to pay for the".

Under the rules, the foregoing **Senate Bill No. 1029**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 1223

A bill for AN ACT concerning education.

[May 29, 2017]

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

House Amendment No. 1 to SENATE BILL NO. 1223

Passed the House, as amended, May 28, 2017.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1223

AMENDMENT NO. 1. Amend Senate Bill 1223 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing the heading of Article 14A and Sections 14A-15, 14A-25, and 14A-35 and by adding Sections 14A-17 and 14A-32 as follows:

(105 ILCS 5/Art. 14A heading)

ARTICLE 14A. GIFTED AND TALENTED CHILDREN AND CHILDREN ELIGIBLE FOR ACCELERATED PLACEMENT

(Source: P.A. 94-151, eff. 7-8-05; 94-410, eff. 8-2-05.)

(105 ILCS 5/14A-15)

Sec. 14A-15. Purpose. The purpose of this Article is to provide encouragement, assistance, and guidance to school districts in the development and improvement of educational programs for gifted and talented children and children eligible for accelerated placement as defined in ~~Sections~~ Section 14A-20 and 14A-17 of this Code. School districts shall continue to have the authority and flexibility to design education programs for gifted and talented children in response to community needs, but these programs must comply with the requirements established in Section 14A-30 of this Code by no later than September 1, 2006 in order to merit approval by the State Board of Education in order to qualify for State funding for the education of gifted and talented children, should such funding become available.

(Source: P.A. 94-151, eff. 7-8-05; 94-410, eff. 8-2-05.)

(105 ILCS 5/14A-17 new)

Sec. 14A-17. Accelerated placement. For purposes of this Article, "accelerated placement" means the placement of a child in an educational setting with curriculum that is usually reserved for children who are older or in higher grades than the child. "Accelerated placement" under this Article or other school district-adopted policies shall include, but need not be limited to, the following types of acceleration: early entrance to kindergarten or first grade, accelerating a child in a single subject, and grade acceleration.

(105 ILCS 5/14A-25)

Sec. 14A-25. Non-discrimination. Eligibility for participation in programs established pursuant to this Article shall be determined solely through identification of a child as gifted, or talented, or eligible for accelerated placement. No program or placement shall condition participation upon race, religion, sex, disability, or any factor other than the identification of the child as gifted, or talented, or eligible for placement.

(Source: P.A. 94-151, eff. 7-8-05; 94-410, eff. 8-2-05.)

(105 ILCS 5/14A-32 new)

Sec. 14A-32. Accelerated placement: school district responsibilities.

(a) Each school district shall have a policy that allows for accelerated placement that includes or incorporates by reference the following components:

(1) a provision that provides that participation in accelerated placement is not limited to those children who have been identified as gifted and talented, but rather is open to all children who demonstrate high ability and who may benefit from accelerated placement;

(2) a fair and equitable decision-making process that involves multiple persons and includes a student's parents or guardians;

(3) procedures for notifying parents or guardians of a child of a decision affecting that child's participation in an accelerated placement program; and

(4) an assessment process that includes multiple valid, reliable indicators.

(b) Further, a school district's accelerated placement policy may include or incorporate by reference, but need not be limited to, the following components:

(1) procedures for annually informing the community at-large, including parents or guardians, about the accelerated placement program and the methods used for the identification of children eligible for accelerated placement;

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(2) a process for referral that allows for multiple referrers, including a child's parents or guardians; other referrers may include licensed education professionals, the child, with the written consent of a parent or guardian, a peer, through a licensed education professional who has knowledge of the referred child's abilities, or, in case of possible early entrance, a preschool educator, pediatrician, or psychologist who knows the child; and

(3) a provision that provides that children participating in an accelerated placement program and their parents or guardians will be provided a written plan detailing the type of acceleration the child will receive and strategies to support the child.

(c) The State Board of Education shall adopt rules to determine data to be collected regarding accelerated placement and a method of making the information available to the public.

(105 ILCS 5/14A-35)

Sec. 14A-35. Administrative functions of the State Board of Education for gifted and talented children programs.

(a) The State Board of Education must designate a staff person who shall be in charge of educational programs for gifted and talented children. This staff person shall, at a minimum, (i) be responsible for developing an approval process for educational programs for gifted and talented children by no later than September 1, 2006, (ii) receive and maintain the written descriptions of all programs for gifted and talented children in the State, (iii) collect and maintain the annual growth in learning data submitted by a school, school district, or cooperative of school districts, (iv) identify potential funding sources for the education of gifted and talented children, and (v) serve as the main contact person at the State Board of Education for program supervisors and other school officials, parents, and other stakeholders regarding the education of gifted and talented children.

(b) Subject to the availability of funds for these purposes, the State Board of Education may perform a variety of additional administrative functions with respect to the education of gifted and talented children, including, but not limited to, supervision, quality assurance, compliance monitoring, and oversight of local programs, analysis of performance outcome data submitted by local educational agencies, the establishment of personnel standards, and a program of personnel development for teachers and administrative personnel in the education of gifted and talented children.

(Source: P.A. 94-151, eff. 7-8-05; 94-410, eff. 8-2-05.)

Section 99. Effective date. This Act takes effect July 1, 2018."

Under the rules, the foregoing **Senate Bill No. 1223**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 822

A bill for AN ACT concerning transportation.

SENATE BILL NO. 838

A bill for AN ACT concerning State government.

SENATE BILL NO. 889

A bill for AN ACT concerning civil law.

SENATE BILL NO. 986

A bill for AN ACT concerning State government.

SENATE BILL NO. 1085

A bill for AN ACT concerning State government.

SENATE BILL NO. 1094

A bill for AN ACT concerning State government.

Passed the House, May 28, 2017.

TIMOTHY D. MAPES, Clerk of the House

APPOINTMENT MESSAGES

Appointment Message No. 1000194

[May 29, 2017]

To the Honorable Members of the Senate, One Hundredth General Assembly:

I, Bruce Rauner, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Director

Agency or Other Body: Illinois Department of Labor

Start Date: May 27, 2017

End Date: January 21, 2019

Name: Joseph Beyer

Residence: 5275 N. Lamon Ave., Chicago, IL 60630

Annual Compensation: \$124,090 per annum

Per diem: Not Applicable

Nominee's Senator: Senator Ira I. Silverstein

Most Recent Holder of Office: Anna Hui

Superseded Appointment Message: Not Applicable

Appointment Message No. 1000195

To the Honorable Members of the Senate, One Hundredth General Assembly:

I, Bruce Rauner, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Pollution Control Board

Start Date: July 1, 2017

End Date: July 1, 2020

Name: Brenda Carter

Residence: 408 Crown Point Dr., Sherman, IL 62684

Annual Compensation: \$117,043 per annum

Per diem: Not Applicable

Nominee's Senator: Senator Bill Brady

Most Recent Holder of Office: Jennifer Burke

Superseded Appointment Message: Not Applicable

[May 29, 2017]

Appointment Message No. 1000196

To the Honorable Members of the Senate, One Hundredth General Assembly:

I, Bruce Rauner, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Pollution Control Board

Start Date: July 1, 2017

End Date: July 1, 2020

Name: Carrie K. Zalewski

Residence: 413 Addison Rd., Riverside, IL 60546

Annual Compensation: \$117,043 per annum

Per diem: Not Applicable

Nominee's Senator: Senator Steven M. Landek

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Under the rules, the foregoing Appointment Messages were referred to the Committee on Executive Appointments.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 3914, sponsored by Senator Murphy, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Collins, **House Bill No. 302** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 302

AMENDMENT NO. 1. Amend House Bill 302 by replacing everything after the enacting clause with the following:

"Section 5. The Unclaimed Life Insurance Benefits Act is amended by changing Sections 10, 15, 30, and 35 as follows:

(215 ILCS 185/10)

Sec. 10. Definitions. As used in this Act:

"Annuity contract" does not include an annuity contract used to fund an employment-based retirement plan or program where (1) the insurer does not perform the record keeping services or (2) the insurer is not committed by the terms of the annuity contract to pay death benefits to the beneficiaries of specific plan participants.

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"Date of death" means the date on which an insured, annuity owner, or retained asset account holder died.

"Date of death notice" means the date the insurer first has notice of the date of death of an insured, annuity owner, or retained asset account holder. "Date of death notice" includes, but is not limited to, the date the insurer received information or gained knowledge of a Death Master File match or any other source or record maintained or located in insurer records of the death of an insured, annuity owner, or retained asset account holder.

"Death Master File" means the United States Social Security Administration's Death Master File or any other database or service that is at least as comprehensive as the United States Social Security Administration's Death Master File for determining that a person has reportedly died.

"Death Master File match" means a match of the social security number or the name and date of birth of an insured, annuity owner, or retained asset account holder resulting from a search of the Death Master File.

"Department" means the Department of Insurance.

"Lost policy finder" means a service made available by the Department on its website or otherwise developed by the Department to assist consumers with locating unclaimed life insurance benefits.

"Policy" means any policy or certificate of life insurance that provides a death benefit, including a policy that has lapsed or been terminated. "Policy" does not include any policy or certificate of credit life or accidental death insurance or health coverages, including, but not limited to, disability and long-term care arising from the reported death of a person insured under the coverage, or any policy issued to a group master policyholder for which the insurer does not provide record keeping services.

"Record keeping services" means services provided under circumstances in which the insurer has agreed with a group policy or annuity contract customer to be responsible for obtaining, maintaining, and administering its own or its agents' systems information about each individual insured under an insured's group insurance contract, or a line of coverage thereunder, including, but not limited to, the following: (1) social security number or name and date of birth, (2) beneficiary designation information, (3) coverage eligibility, (4) benefit amount, and (5) premium payment status.

"Retained asset account" means any mechanism whereby the settlement of proceeds payable under a policy or annuity contract is accomplished by the insurer or an entity acting on behalf of the insurer depositing the proceeds into an account with check or draft writing privileges, where those proceeds are retained by the insurer or its agent pursuant to a supplementary contract not involving annuity benefits other than death benefits.

(Source: P.A. 99-893, eff. 1-1-17.)

(215 ILCS 185/15)

Sec. 15. Insurer conduct.

(a) An insurer shall initially perform a comparison of its insureds', annuitants', and retained asset account holders' in-force policies, annuity contracts, and retained asset accounts in force on or after January 1, 2017 by using the full Death Master File. The initial comparison shall be completed on or before December 31, 2017, unless extended by the Department pursuant to administrative rule. An insurer required to perform a comparison of its insureds', annuitants', and retained asset account holders' in-force policies, annuity contracts, and retained asset accounts in force on or after January 1, 2012 shall perform a comparison of policies, annuity contracts, and retained asset accounts in force between January 1, 2012 and December 31, 2016 on or before December 31, 2018 by using the full Death Master File. An insurer required to perform a comparison of electronic searchable files concerning its insureds', annuitants', and retained asset account holders' in-force policies, annuity contracts, and retained asset accounts in force on or after January 1, 2000 shall perform a comparison of policies, annuity contracts, and retained asset accounts in force between January 1, 2000 and December 31, 2016 on or before December 31, 2018 by using the full Death Master File. Thereafter, an insurer shall perform a comparison on at least a semi-annual basis using the Death Master File update files for comparisons to identify potential matches of its insureds, annuitants, and retained asset account holders. In the event that one of the insurer's lines of business conducts a search for matches of its insureds, annuitants, and retained asset account holders against the Death Master File at intervals more frequently than semi-annually, then all lines of the insurer's business shall conduct searches for matches against the Death Master File with the same frequency. Within 6 months after acquisition of policies, annuity contracts, or retained asset accounts from another insurer, the acquiring insurer shall compare all newly acquired policies, annuity contracts, and retained asset accounts that were not searched by the previous insurer in compliance with this Act against the complete Death Master File to identify potential matches of its insureds, annuitants, and retained asset account holders. Upon any subsequent acquisition of policies, annuity contracts, or retained asset accounts from another insurer, when the previous insurer has already conducted a search of the newly acquired policies,

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annuity contracts, and retained asset accounts using the complete Death Master File, the acquiring insurer shall compare all newly acquired policies, annuity contracts, and retained asset accounts using all of the Death Master File updates since the time the previous insurer conducted the complete search to identify potential matches of its insureds, annuitants, and retained asset account holders.

An insured, an annuitant, or a retained asset account holder is presumed dead if the date of his or her death is indicated by the comparison required in this subsection (a), unless the insurer has competent and substantial evidence that the person is living, including, but not limited to, a contact made by the insurer with the person or his or her legal representative.

For those potential matches identified as a result of a Death Master File match, the insurer shall within 120 days after the date of death notice, if the insurer has not been contacted by a beneficiary, determine whether benefits are due in accordance with the applicable policy or contract and, if benefits are due in accordance with the applicable policy or contract:

(1) use good faith efforts, which shall be documented by the insurer, to locate the beneficiary or beneficiaries; the Department shall establish by administrative rule minimum standards for what constitutes good faith efforts to locate a beneficiary, which shall include: (A) searching insurer records; (B) the appropriate use of First Class United States mail, e-mail addresses, and telephone calls; and (C) reasonable efforts by insurers to obtain updated contact information for the beneficiary or beneficiaries; good faith efforts shall not include additional attempts to contact the beneficiary at an address already confirmed not to be current; and

(2) provide the appropriate claims forms or instructions to the beneficiary or beneficiaries to make a claim, including the need to provide an official death certificate if applicable under the policy or annuity contract.

(b) Insurers shall implement procedures to account for the following when conducting searches of the Death Master File:

(1) common nicknames, initials used in lieu of a first or middle name, use of a middle name, compound first and middle names, and interchanged first and middle names;

(2) compound last names, maiden or married names, and hyphens, blank spaces, or apostrophes in last names;

(3) transposition of the "month" and "date" portions of the date of birth; and

(4) incomplete social security numbers.

(c) To the extent permitted by law, an insurer may disclose the minimum necessary personal information about the insured, annuity owner, retained asset account holder, or beneficiary to a person whom the insurer reasonably believes may be able to assist the insurer with locating the beneficiary or a person otherwise entitled to payment of the claims proceeds.

(d) An insurer or its service provider shall not charge any beneficiary or other authorized representative for any fees or costs associated with a Death Master File search or verification of a Death Master File match conducted pursuant to this Act.

(e) The benefits from a policy, annuity contract, or a retained asset account, plus any applicable accrued interest, shall first be payable to the designated beneficiaries or owners and, in the event the beneficiaries or owners cannot be found, shall be reported and delivered to the State Treasurer pursuant to the Uniform Disposition of Unclaimed Property Act. Nothing in this subsection (e) is intended to alter the amounts reportable under the existing provisions of the Uniform Disposition of Unclaimed Property Act or to allow the imposition of additional statutory interest under Article XIV of the Illinois Insurance Code.

(f) Failure to meet any requirement of this Section with such frequency as to constitute a general business practice is a violation of Section 424 of the Illinois Insurance Code. Nothing in this Section shall be construed to create or imply a private cause of action for a violation of this Section.

(Source: P.A. 99-893, eff. 1-1-17.)

(215 ILCS 185/30)

Sec. 30. Administrative rules. (a) The Department shall adopt rules to administer and implement this Act including defining "electronic searchable files" for the purposes of this Act.

~~(b) The Department may limit an insurer's Death Master File comparisons required under Section 15 of this Act to the insurer's electronic searchable files or approve a plan and timeline for conversion of the insurer's files to searchable electronic files upon a demonstration of hardship by the insurer.~~

(Source: P.A. 99-893, eff. 1-1-17.)

(215 ILCS 185/35)

Sec. 35. Application.

(a) Except as provided in subsections (b), (c), and (d), the The provisions of this Act apply to policies, annuity contracts, and retained asset accounts in force at any time on or after January 1, 2012 ~~the effective date of this Act.~~

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(b) For an insurer that has entered into a written agreement with the State Treasurer on or before December 31, 2018 to resolve an unclaimed property examination pursuant to the Uniform Disposition of Unclaimed Property Act, the provisions of this Act apply to policies, annuity contracts, and retained asset accounts in force on or after January 1, 2017.

(c) Notwithstanding subsection (a), the provisions of this Act shall apply to policies, annuity contracts, and retained asset accounts in force at any time on or after January 1, 2000 to the extent that an insurer has electronic searchable files concerning such policies, annuity contracts, and retained asset accounts.

(d) This Act does not apply to a lapsed or terminated policy with no benefits payable that was compared against the Death Master File within the 18 months following the date of the lapse or termination of the applicable policy or that was searched more than 18 months prior to the most recent comparison against the Death Master File conducted by the insurer.

(Source: P.A. 99-893, eff. 1-1-17.)

Section 10. The Vital Records Act is amended by adding Section 24.6 as follows:

(410 ILCS 535/24.6 new)

Sec. 24.6. Access to records; State Treasurer. Any information contained in the vital records shall be made available at no cost to the State Treasurer for administrative purposes related to the Uniform Disposition of Unclaimed Property Act.

Section 15. The Uniform Disposition of Unclaimed Property Act is amended by changing Section 20 as follows:

(765 ILCS 1025/20) (from Ch. 141, par. 120)

Sec. 20. Determination of claims.

(a) The State Treasurer shall consider any claim filed under this Act and may, in his discretion, hold a hearing and receive evidence concerning it. Such hearing shall be conducted by the State Treasurer or by a hearing officer designated by him. No hearings shall be held if the payment of the claim is ordered by a court, if the claimant is under court jurisdiction, or if the claim is paid under Article XXV of the Probate Act of 1975. The State Treasurer or hearing officer shall prepare a finding and a decision in writing on each hearing, stating the substance of any evidence heard by him, his findings of fact in respect thereto, and the reasons for his decision. The State Treasurer shall review the findings and decision of each hearing conducted by a hearing officer and issue a final written decision. The final decision shall be a public record. Any claim of an interest in property that is filed pursuant to this Act shall be considered and a finding and decision shall be issued by the Office of the State Treasurer in a timely and expeditious manner.

~~(b) If the claim is allowed, and after deducting an amount not to exceed \$20 to cover the cost of notice publication and related clerical expenses, the State Treasurer shall make payment forthwith.~~

~~(c) In order to carry out the purpose of this Act, no person or company shall be entitled to a fee for discovering presumptively abandoned property during the period beginning on the date the property was presumed abandoned under this Act and ending 24 months after the payment or delivery of the property to until it has been in the custody of the Unclaimed Property Division of the Office of the State Treasurer for at least 24 months. Fees for discovering property that has been in the custody of that division for more than 24 months shall be limited to not more than 10% of the amount collected.~~

~~(d) A person or company attempting to collect a contingent fee for discovering, on behalf of an owner, presumptively abandoned property must be licensed as a private detective pursuant to the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.~~

~~(e) This Section shall not apply to the fees of an attorney at law duly appointed to practice in a state of the United States who is employed by a claimant with regard to probate matters on a contractual basis or to contest a denial of a claim for recovery of the property.~~

~~(f) Any person or company offering to identify, discover, or collect presumptively abandoned property or property which may become presumptively abandoned on behalf of the putative owner of such property in exchange for a fee, must provide the owner with a written disclosure. The disclosure shall be set forth in a clear and conspicuous manner and at a minimum shall state the following:~~

~~Each state maintains an office of unclaimed property. Generally, if for a number of years an owner of property has not communicated directly with the holder of the property, and has not otherwise indicated an interest in or claimed the property, the property will be delivered to a state administered unclaimed property program. Upon such delivery, the owner will be able to recover the property from the state administered program without charge by the state. The unclaimed asset referred to in this Agreement has not yet been reported or remitted to any state unclaimed property office. Since you reside (or resided) in Illinois, you may obtain information about the Illinois unclaimed property program by logging onto its website at www.illinoistreasurer.gov www.treasurer.il.gov.~~

A person or company may not charge a fee greater than 25% of the property's value for the recovery of that property where the property is not yet reportable under this Act and the designated owner of that property, as reflected within the books and records of the holder, is living.

A person or company may not charge a fee greater than 33% of the property's value for the recovery of that property where the property is not yet reportable under this Act and the recovery of that property involves documentation of the owner's death or any elements of estate or trust administration. (Source: P.A. 95-613, eff. 9-11-07; 95-1003, eff. 6-1-09.)"

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

On motion of Senator T. Cullerton, **House Bill No. 348** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 434** was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Assignments.

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

HOUSE BILL RECALLED

On motion of Senator Mulroe, **House Bill No. 2401** was recalled from the order of third reading to the order of second reading.

Senator Mulroe offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 2401

AMENDMENT NO. 2. Amend House Bill 2401 on page 6, line 2, after "more units", by inserting "unless less than 25% of the units are owner-occupied, in which case the required percentage shall not be less than 75%".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Mulroe offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 2401

AMENDMENT NO. 3. Amend House Bill 2401 on page 2, by replacing lines 7 through 11 with the following:

"(f) The association shall have one class of membership unless the declaration, bylaws, or operating agreement provides provide otherwise; however, the following acts by the association shall not be deemed to create more than one class of membership:

(i) the promulgation of rules and regulations for the assignment of parking spaces or storage spaces, in the absence of the declaration providing for such assignment; and

(ii) the promulgation of rules and regulations for the safety and security of the common elements or the unit owners.

However however, this subsection (f) shall not be construed to limit the operation of subsection (c) of Section 1-20 of this Act."; and

on page 15, by replacing lines 9 and 10 with the following:

"(2) that the association shall have one class of membership unless the declaration, bylaws, or operating agreement provides otherwise; however, the following acts by the association shall not be deemed to create more than one class of membership:

(i) the promulgation of rules and regulations for the assignment of parking spaces or storage spaces, in the absence of the declaration providing for such assignment; and

(ii) the promulgation of rules and regulations for the safety and security of the common elements or the unit owners;".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Mulroe, **House Bill No. 2401** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 49; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Cunningham	McConnaughay	Schimpf
Anderson	Fowler	McGuire	Silverstein
Bennett	Harmon	Morrison	Stadelman
Bertino-Tarrant	Hastings	Mulroe	Steans
Biss	Holmes	Muñoz	Syverson
Bivins	Hunter	Murphy	Tracy
Brady	Hutchinson	Nybo	Trotter
Bush	Koehler	Oberweis	Van Pelt
Castro	Landek	Radogno	Weaver
Clayborne	Link	Rezin	Mr. President
Collins	Martinez	Righter	
Connelly	McCarter	Rooney	
Cullerton, T.	McConchie	Rose	

The following voted present:

Barickman

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

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

On motion of Senator Martinez, **House Bill No. 3737** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 49; NAYS None.

The following voted in the affirmative:

Althoff	Connelly	McCarter	Rose
Anderson	Cullerton, T.	McConchie	Schimpf
Aquino	Cunningham	McConnaughay	Silverstein
Barickman	Fowler	McGuire	Steans
Bennett	Harmon	Morrison	Syverson
Bertino-Tarrant	Hastings	Mulroe	Tracy
Biss	Holmes	Murphy	Trotter
Bivins	Hunter	Nybo	Van Pelt
Brady	Hutchinson	Oberweis	Weaver
Bush	Koehler	Radogno	Mr. President
Castro	Landek	Rezin	
Clayborne	Link	Righter	
Collins	Martinez	Rooney	

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

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

HOUSE BILL RECALLED

On motion of Senator Martinez, **House Bill No. 3741** was recalled from the order of third reading to the order of second reading.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 3741

AMENDMENT NO. 1. Amend House Bill 3741 on page 1, by replacing line 9 with the following: "equipment to customers, but does not include a person who offers any lease that is automatically renewable with each payment after the initial period and that permits the consumer to become the owner of the merchandise."; and

by replacing page 2 with the following:

"Section 20. Action for damages. A person who suffers damages caused by a merchant's violation of this Act and reports the presence of a pest to the merchant within 45 days after the beginning of the rental may bring an action pursuant to Section 10a of the Consumer Fraud and Deceptive Business Practices Act under the standards applicable to the holder of a retail installment contract."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Martinez, **House Bill No. 3741** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 47; NAYS None.

The following voted in the affirmative:

Althoff	Connelly	Martinez	Righter
Anderson	Cullerton, T.	McConchie	Rooney
Aquino	Cunningham	McConnaughay	Rose
Barickman	Fowler	McGuire	Silverstein
Bennett	Harmon	Morrison	Stadelman
Bertino-Tarrant	Hastings	Mulroe	Steans
Biss	Holmes	Muñoz	Syverson
Brady	Hunter	Murphy	Trotter
Bush	Hutchinson	Nybo	Van Pelt
Castro	Koehler	Oberweis	Weaver
Clayborne	Landek	Radogno	Mr. President
Collins	Link	Rezin	

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

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

On motion of Senator Hastings, **House Bill No. 3817** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 31; NAYS 20.

The following voted in the affirmative:

Aquino	Harmon	Martinez	Raoul
Bennett	Harris	McConnaughay	Silverstein
Bertino-Tarrant	Hastings	McGuire	Stadelman
Biss	Hunter	Morrison	Steans
Castro	Hutchinson	Mulroe	Trotter
Clayborne	Koehler	Muñoz	Van Pelt
Collins	Lightford	Murphy	Mr. President
Cullerton, T.	Link	Nybo	

The following voted in the negative:

Althoff	Fowler	Rezin	Tracy
Anderson	Holmes	Righter	Weaver
Barickman	McCarter	Rooney	
Bivins	McConchie	Rose	
Brady	Oberweis	Schimpf	
Connelly	Radogno	Syverson	

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

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

On motion of Senator Hutchinson, **House Bill No. 159** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	McCarter	Schimpf
Anderson	Cunningham	McConnaughay	Silverstein
Aquino	Fowler	McGuire	Stadelman
Barickman	Harmon	Morrison	Steans
Bennett	Harris	Mulroe	Syverson
Bertino-Tarrant	Hastings	Muñoz	Tracy
Biss	Holmes	Murphy	Trotter
Bivins	Hunter	Nybo	Van Pelt
Brady	Hutchinson	Oberweis	Weaver
Bush	Koehler	Radogno	Mr. President
Castro	Landek	Raoul	
Clayborne	Lightford	Rezin	
Collins	Link	Righter	

Connelly

Martinez

Rose

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

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

HOUSE BILL RECALLED

On motion of Senator Lightford, **House Bill No. 213** was recalled from the order of third reading to the order of second reading.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 213

AMENDMENT NO. 1. Amend House Bill 213 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Lottery Law is amended by changing Section 2 as follows:
(20 ILCS 1605/2) (from Ch. 120, par. 1152)

Sec. 2. This Act is enacted to implement and establish within the State a lottery to be conducted by the State through the Department. The entire net proceeds of the Lottery are to be used for the support of the State's Common School Fund, except as provided in subsection (o) of Section 9.1 and Sections 21.5, 21.6, 21.7, 21.8, and 21.9. The General Assembly finds that it is in the public interest for the Department to conduct the functions of the Lottery with the assistance of a private manager under a management agreement overseen by the Department. The Department shall be accountable to the General Assembly and the people of the State through a comprehensive system of regulation, audits, reports, and enduring operational oversight. The Department's ongoing conduct of the Lottery through a management agreement with a private manager shall act to promote and ensure the integrity, security, honesty, and fairness of the Lottery's operation and administration. It is the intent of the General Assembly that the Department shall conduct the Lottery with the assistance of a private manager under a management agreement at all times in a manner consistent with 18 U.S.C. 1307(a)(1), 1307(b)(1), 1953(b)(4).

Beginning with Fiscal Year 2018 and every year thereafter, any moneys transferred from the State Lottery Fund to the Common School Fund shall be supplemental to, and not in lieu of, any other money due to be transferred to the Common School Fund by law or appropriation.
(Source: P.A. 98-649, eff. 6-16-14; 99-933, eff. 1-27-17)."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Lightford, **House Bill No. 213** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	McCarter	Rooney
Anderson	Cunningham	McConchie	Rose
Aquino	Fowler	McConnaughay	Schimpf
Barickman	Harmon	McGuire	Silverstein
Bennett	Harris	Morrison	Stadelman

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Bertino-Tarrant	Hastings	Mulroe	Stears
Biss	Holmes	Muñoz	Syverson
Bivins	Hunter	Murphy	Tracy
Brady	Hutchinson	Nybo	Trotter
Bush	Koehler	Oberweis	Van Pelt
Castro	Landek	Radogno	Weaver
Clayborne	Lightford	Raoul	Mr. President
Collins	Link	Rezin	
Connelly	Martinez	Righter	

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

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

HOUSE BILL RECALLED

On motion of Senator Martinez, **House Bill No. 313** was recalled from the order of third reading to the order of second reading.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 313

AMENDMENT NO. 1. Amend House Bill 313 on page 286, line 22, after "nurses", by inserting "without full practice authority"; and

on page 290, immediately below line 16, by inserting the following:

"(j) As set forth in Section 22.2 of this Act, a licensee under this Act may not directly or indirectly divide, share, or split any professional fee or other form of compensation for professional services with anyone in exchange for a referral or otherwise, other than as provided in Section 22.2."; and

on page 290, line 23, after "65-55," by inserting "65-60,"; and

on page 291, line 2, after "60-11", by inserting "65-43,"; and

on page 294, immediately below line 1, by inserting the following:

"Full practice authority" means the authority of an advanced practice registered nurse licensed in Illinois and certified as a nurse practitioner, clinical nurse specialist, or nurse midwife to practice without a written collaborative agreement and:

(1) to be fully accountable to patients for the quality of advanced nursing care rendered;

(2) to be fully accountable for recognizing limits of knowledge and experience and for planning for the management of situations beyond the advanced practice registered nurse's expertise; the full practice authority for advanced practice registered nurses includes accepting referrals from, consulting with, collaborating with, or referring to other health care professionals as warranted by the needs of the patient; and

(3) to possess the authority to prescribe medications, including Schedule II through V controlled substances, as provided in Section 65-43."; and

on page 365, on line 14, by replacing "2018" with "2023 2048"; and

on page 376, line 21, by replacing "practice," with "practice prior to meeting the requirements of Section 65-43,"; and

on page 376, line 22, by replacing "authorized" with "privileged authorized"; and

on page 377, line 2, by replacing "authorized" with "privileged authorized"; and

on page 377, line 3, after "agreement", by inserting ", except as set forth in Section 65-43"; and

on page 377, line 6, by replacing "or podiatric physician" with "~~or podiatric physician~~"; and

on page 377, line 10, after "Section.", by inserting "A collaborative agreement with a podiatric physician must be in accordance with subsection (c-5) of this Section."; and

on page 377, by replacing line 12 with "physician ~~or podiatric physician~~ and the advanced practice"; and

on page 377, by replacing line 16 with "collaborating physician ~~or podiatric physician~~ at the place where services"; and

on page 377, lines 18 and 19, by replacing "or podiatric physician" with "~~or podiatric physician~~"; and

on page 380, by replacing lines 12 through 14 with "~~Nothing in this Act shall be construed to authorize an advanced practice nurse to provide health care services required by law or rule to be performed by a physician.~~"; and

on page 380, immediately below line 14, by inserting the following:

"(e-5) Nothing in this Act shall be construed to authorize an advanced practice registered nurse to provide health care services required by law or rule to be performed by a physician, including those acts to be performed by a physician in Section 3.1 of the Illinois Abortion Law of 1975."; and

on page 381, line 3, by replacing "or collaborating podiatrist" with "~~or collaborating podiatrist~~"; and

on page 381, line 15, by replacing "or podiatric physician" with "~~or podiatric physician~~"; and

on page 382, lines 1 and 2, by replacing "or podiatric physician" with "~~or podiatric physician~~"; and

on page 382, lines 9 and 10, by replacing "or podiatric physician" each time it appears with "~~or podiatric physician~~"; and

on page 382, line 11, after "Department", by inserting "and the Prescription Monitoring Program"; and

on page 382, lines 20 and 21, by replacing "or podiatric physician" with "~~or podiatric physician~~"; and

on page 383, lines 3 and 10, by replacing "or podiatric physician" each time it appears with "~~or podiatric physician~~"; and

on page 383, lines 14 and 15, by replacing "or podiatric physician" with "~~or podiatric physician~~"; and

on page 384, by replacing lines 9 through 13 with the following:

"(g) (Blank). Any advanced practice nurse who writes a prescription for a controlled substance without having a valid appropriate authority may be fined by the Department not more than \$50 per prescription, and the Department may take any other disciplinary action provided for in this Act."; and

on page 384, immediately below line 15, by inserting the following:

"(i) Nothing in this Section shall be construed to apply to an advanced practice registered nurse who meets the requirements of Section 65-43."; and

on page 384, immediately below line 16, by inserting the following:

"(225 ILCS 65/65-43 new)

Sec. 65-43. Full practice authority.

(a) An Illinois-licensed advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist shall be deemed by law to possess the ability to practice without a written collaborative agreement as set forth in this Section.

(b) An advanced practice registered nurse certified as a nurse midwife, clinical nurse specialist, or nurse practitioner who files with the Department a notarized attestation of completion of at least 250 hours of continuing education or training and at least 4,000 hours of clinical experience after first attaining national certification shall not require a written collaborative agreement, except as specified in subsection (c). Documentation of successful completion shall be provided to the Department upon request.

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Continuing education or training hours required by subsection (b) shall be in the advanced practice registered nurse's area of certification as set forth by Department rule.

The clinical experience must be in the advanced practice registered nurse's area of certification. The clinical experience shall be in collaboration with a physician or physicians. Completion of the clinical experience must be attested to by the collaborating physician or physicians and the advanced practice registered nurse.

(c) The scope of practice of an advanced practice registered nurse with full practice authority includes:

(1) all matters included in subsection (c) of Section 65-30 of this Act;

(2) practicing without a written collaborative agreement in all practice settings consistent with national certification;

(3) authority to prescribe both legend drugs and Schedule II through V controlled substances; this authority includes prescription of, selection of, orders for, administration of, storage of, acceptance of samples of, and dispensing over the counter medications, legend drugs, and controlled substances categorized as any Schedule II through V controlled substances, as defined in Article II of the Illinois Controlled Substances Act, and other preparations, including, but not limited to, botanical and herbal remedies;

(4) prescribing benzodiazepines or Schedule II narcotic drugs, such as opioids, only in a consultation relationship with a physician; this consultation relationship shall be recorded in the Prescription Monitoring Program website, pursuant to Section 316 of the Illinois Controlled Substances Act, by the physician and advanced practice registered nurse with full practice authority and is not required to be filed with the Department; the specific Schedule II narcotic drug must be identified by either brand name or generic name; the specific Schedule II narcotic drug, such as an opioid, may be administered by oral dosage or topical or transdermal application; delivery by injection or other route of administration is not permitted; at least monthly, the advanced practice registered nurse and the physician must discuss the condition of any patients for whom a benzodiazepine or opioid is prescribed; nothing in this subsection shall be construed to require a prescription by an advanced practice registered nurse with full practice authority to require a physician name;

(5) authority to obtain an Illinois controlled substance license and a federal Drug Enforcement Administration number; and

(6) use of only local anesthetic.

The scope of practice of an advanced practice registered nurse does not include operative surgery.

(d) The Department may adopt rules necessary to administer this Section, including, but not limited to, requiring the completion of forms and the payment of fees.

(e) Nothing in this Act shall be construed to authorize an advanced practice registered nurse with full practice authority to provide health care services required by law or rule to be performed by a physician, including, but not limited to, those acts to be performed by a physician in Section 3.1 of the Illinois Abortion Law of 1975.; and

on page 385, line 8, after "services of", by inserting "all"; and

on page 385, line 22, by replacing "granted" with "privileged granted"; and

on page 385, by replacing line 23 with "authority to order medications, including controlled substances,"; and

on page 386, immediately below line 5, by inserting the following:

"(a-4) An advanced practice registered nurse meeting the requirements of Section 65-43 may be privileged to complete discharge orders and prescriptions under the advanced practice registered nurse's name.;" and

on page 387, line 2, after "Center Act.", by inserting "Nothing in this Act shall be construed to require an advanced practice registered nurse to have a collaborative agreement to practice in a hospital, hospital affiliate, or ambulatory surgical treatment center.;" and

on page 387, line 6, by replacing "granted authority" with "privileged granted authority"; and

on page 387, line 21, by replacing "mid-level practitioner" with "mid-level practitioner"; and

on page 388, line 11, by replacing "grant authority to" with "privilege grant authority to"; and

on page 388, line 20, by replacing "this grant of authority" with "the privileging documents this grant of authority"; and

on page 388, line 22, by replacing "authority" with "privileges authority"; and

on page 388, line 25, by replacing "grant of authority" with "privileges grant of authority"; and

on page 389, immediately below line 11, by inserting the following:

"(d) An advanced practice registered nurse meeting the requirements of Section 65-43 may be privileged to prescribe controlled substances categorized as Schedule II through V in accordance with Section 65-43."; and

on page 389, line 19, after "initials", by inserting "Advanced Practice Registered Nurse"; and

on page 390, line 3, after "(a).", by inserting "No advanced practice registered nurse licensed under this Act may use the title "doctor" or "physician" in paid or approved advertising. Any advertising must contain the appropriate advanced practice registered nurse credentials."; and

on page 390, line 9, after "patient.", by inserting "If an advanced practice registered nurse has a doctorate degree, when identifying himself or herself as "doctor" in a clinical setting, the advanced practice registered nurse must clearly state that his or her educational preparation is not in medicine and that he or she is not a medical doctor or physician."; and

on page 391, line 2, by replacing "board" with "national board"; and

on page 391, by replacing line 5 with "physician's or , dentist's, or podiatric physician's name,"; and

on page 391, line 6, after "title,", by inserting "if such is required,"; and

on page 391, line 16, by replacing "as" with "as"; and

on page 391, by replacing line 17 with "an advanced practice nurse to use testimonials or"; and

on page 392, immediately below line 18, by inserting the following:

"(225 ILCS 65/65-60) (was 225 ILCS 65/15-45)

(Section scheduled to be repealed on January 1, 2018)

Sec. 65-60. Continuing education. The Department shall adopt rules of continuing education for persons licensed under this Article as advanced practice registered nurses that require 80 50 hours of continuing education per 2-year license renewal cycle. Completion of the 80 50 hours of continuing education shall be deemed to satisfy the continuing education requirements for renewal of a registered professional nurse license as required by this Act.

The 80 hours of continuing education required under this Section shall be completed as follows:

(1) A minimum of 50 hours of the continuing education shall be obtained in continuing education programs as determined by rule that shall include no less than 20 hours of pharmacotherapeutics, including 10 hours of opioid prescribing or substance abuse education. Continuing education programs may be conducted or endorsed by educational institutions, hospitals, specialist associations, facilities, or other organizations approved to offer continuing education under this Act or rules and shall be in the advanced practice registered nurse's specialty.

(2) A maximum of 30 hours of credit may be obtained by presentations in the advanced practice registered nurse's clinical specialty, evidence-based practice, or quality improvement projects, publications, research projects, or preceptor hours as determined by rule.

The rules adopted regarding continuing education shall be consistent to the extent possible with requirements of relevant national certifying bodies or State or national professional associations.

The rules shall not be inconsistent with requirements of relevant national certifying bodies or State or national professional associations. The rules shall also address variances in part or in whole for good cause, including but not limited to illness or hardship. The continuing education rules shall assure that licensees are given the opportunity to participate in programs sponsored by or through their State or national professional associations, hospitals, or other providers of continuing education. Each licensee is

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responsible for maintaining records of completion of continuing education and shall be prepared to produce the records when requested by the Department. (Source: P.A. 95-639, eff. 10-5-07.); and

on page 685, line 10, by replacing "or" with "or"; and

on page 685, line 14, after "Section 303.05", by inserting ", or an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has full practice authority pursuant to Section 65-43 of the Nurse Practice Act"; and

on page 686, line 7, by replacing "or" with "or"; and

on page 686, line 12, after "by law", by inserting ", or of an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has full practice authority pursuant to Section 65-43 of the Nurse Practice Act"; and

on page 694, line 13, after "nurses", by inserting "who do not meet the requirements of Section 65-43 of the Nurse Practice Act"; and

on page 694, lines 25 and 26, by replacing "or collaborating podiatric physician" with "~~or collaborating podiatric physician~~"; and

on page 695, lines 9 and 17, by replacing "or podiatric physician" each time it appears with "~~or podiatric physician~~"; and

on page 695, lines 21 and 25, by replacing "or podiatric physician" each time it appears with "~~or podiatric physician~~"; and

on page 696, line 17, after "specialists" by inserting "who do not meet the requirements of Section 65-43 of the Nurse Practice Act"; and

on page 696, line 21, by replacing "granted authority" with "privileged granted authority"; and

on page 697, line 5, by replacing "granted authority" with "privileged granted authority"; and

on page 697, line 16, by replacing "this grant of authority" with "the privileging documents this grant of authority"; and

on page 697, line 18, by replacing "authority" with "privileges authority"; and

on page 697, line 22, by replacing "grant of authority" with "privileges grant of authority"; and

on page 698, line 24, by replacing "or licensed podiatric physician" with "~~or licensed podiatric physician~~"; and

on page 699, line 4, after "authority", by inserting "or as authorized by their practice Act"; and

on page 699, line 9, by replacing "or podiatric physician" with "~~or podiatric physician~~"; and

on page 737, line 25, after "effect", by inserting "January 1, 2018, except that this Section and Section 5 take effect".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

[May 29, 2017]

On motion of Senator Martinez, **House Bill No. 313** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Righter
Anderson	Cunningham	McCarter	Rooney
Aquino	Fowler	McConchie	Rose
Barickman	Harmon	McConnaughay	Schimpf
Bennett	Harris	McGuire	Silverstein
Bertino-Tarrant	Hastings	Morrison	Stadelman
Biss	Holmes	Mulroe	Steans
Bivins	Hunter	Muñoz	Syverson
Brady	Hutchinson	Murphy	Tracy
Bush	Koehler	Nybo	Trotter
Castro	Landek	Oberweis	Van Pelt
Clayborne	Lightford	Radogno	Weaver
Collins	Link	Raoul	Mr. President
Connelly	Manar	Rezin	

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

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

HOUSE BILL RECALLED

On motion of Senator Martinez, **House Bill No. 369** was recalled from the order of third reading to the order of second reading.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 369

AMENDMENT NO. 1. Amend House Bill 369 on page 2, line 5, after the period, by inserting "Failure of an employee to notify his or her employer of the presence of bedbugs shall not result in disciplinary action.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Martinez, **House Bill No. 369** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

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Althoff	Cullerton, T.	Martinez	Rooney
Anderson	Cunningham	McConchie	Schimpf
Aquino	Fowler	McConnaughay	Silverstein
Barickman	Harmon	McGuire	Stadelman
Bennett	Harris	Morrison	Steans
Bertino-Tarrant	Hastings	Mulroe	Syverson
Biss	Holmes	Muñoz	Tracy
Bivins	Hunter	Murphy	Trotter
Brady	Hutchinson	Nybo	Van Pelt
Bush	Koehler	Oberweis	Mr. President
Castro	Landek	Radogno	
Clayborne	Lightford	Raoul	
Collins	Link	Rezin	
Connelly	Manar	Righter	

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

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

HOUSE BILL RECALLED

On motion of Senator Martinez, **House Bill No. 690** was recalled from the order of third reading to the order of second reading.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 690

AMENDMENT NO. 1. Amend House Bill 690 on page 18, line 4, by changing "or money order" to ", or money order , or the State Treasurer's E-Pay program or any successor program."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Martinez, **House Bill No. 690** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 41; NAYS 9.

The following voted in the affirmative:

Althoff	Fowler	Manar	Raoul
Anderson	Harmon	Martinez	Rooney
Aquino	Harris	McConnaughay	Schimpf
Bennett	Hastings	McGuire	Silverstein
Bertino-Tarrant	Holmes	Morrison	Stadelman
Biss	Hunter	Mulroe	Trotter
Bush	Hutchinson	Muñoz	Van Pelt
Castro	Koehler	Murphy	Mr. President
Clayborne	Landek	Nybo	
Collins	Lightford	Oberweis	
Cullerton, T.	Link	Radogno	

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The following voted in the negative:

Barickman	McCarter	Syverson
Bivins	McConchie	Tracy
Connelly	Rose	Weaver

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

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

HOUSE BILL RECALLED

On motion of Senator Martinez, **House Bill No. 786** was recalled from the order of third reading to the order of second reading.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 786

AMENDMENT NO. 2. Amend House Bill 786 on page 1, line 23, after the period, by inserting "If a volunteer is under 18 years of age, the volunteer's parent or legal guardian may complete the application on behalf of the volunteer.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Martínez, **House Bill No. 786** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Righter
Anderson	Cunningham	McCarter	Rooney
Aquino	Fowler	McConchie	Rose
Barickman	Harmon	McConnaughay	Schimpf
Bennett	Harris	McGuire	Silverstein
Bertino-Tarrant	Hastings	Morrison	Stadelman
Biss	Holmes	Mulroe	Steans
Bivins	Hunter	Muñoz	Syverson
Brady	Hutchinson	Murphy	Tracy
Bush	Koehler	Nybo	Trotter
Castro	Landek	Oberweis	Van Pelt
Clayborne	Lightford	Radogno	Weaver
Collins	Link	Raoul	Mr. President
Connelly	Manar	Rezin	

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

[May 29, 2017]

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

HOUSE BILL RECALLED

On motion of Senator T. Cullerton, **House Bill No. 2647** was recalled from the order of third reading to the order of second reading.

Senator T. Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 2647

AMENDMENT NO. 1. Amend House Bill 2647 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Veterans Affairs Act is amended by adding Section 2h as follows:
(20 ILCS 2805/2h new)

Sec. 2h. Task Force on Veterans' Suicide recommendations. The provisions of this Section are based on the recommendations in the final report of the Task Force on Veterans' Suicide, published on December 1, 2016. The Department shall adopt any rules necessary to implement this Section. The Department shall seek available federal funding, grants, or private funding to help fund the requirements of this Section; or the Department shall collaborate with other departments, existing veterans' organizations, nonprofit organizations, or private organizations to implement the requirements of this Section.

(1) The Department shall reach out and coordinate with the United States Department of Veterans' Affairs in order to identify veterans returning from service in combat units. The Department shall establish a proactive outreach program for veterans that served in combat units.

(2) The Department or the Department in collaboration with not-for-profit organizations shall engage in a public awareness campaign concerning the trauma and internal injuries suffered by veterans in order to promote understanding and acceptance from the general public. The public awareness campaign shall work to dispel the myths associated with grieving, suicide, and mental health healing. The Department shall evaluate existing programs, including, but not limited to, the Suicide Prevention Alliance under the Suicide Prevention, Education, and Treatment Act, and coordinate messaging using messaging guidelines that existing programs have found to be successful.

(3) The Department shall provide training to frontline employees at veterans service organizations established under this Act on mental health services to identify veterans who might be at risk of suicidal thoughts. This training may include, but not be limited to, mental health first aid training and amplified suicide advanced training programs. The Department shall provide assistance to Veterans Assistance Commissions established under Section 9 of the Military Veterans Assistance Act and veterans' service associations, including, but not limited to, the American Legion, Veterans of Foreign Wars, and AMVETS, in providing the training under this paragraph to the employees of the Veterans Assistance Commissions and veterans' service associations that seek participation in the Department's training events.

The Department shall have priority for hiring combat veterans to serve as veteran service officers at veterans service organizations established under this Act for the purpose of having veteran services officers who are able to properly relate to fellow combat veterans.

(4) The Department shall collaborate with institutions of higher education to address environmental factors that could negatively impact a veteran's ability to learn in a traditional classroom setting. The Department, in coordination with institutions of higher education, shall provide proactive outreach as part of an educational success program for veterans experiencing difficulties in higher education.

(5) The Department shall coordinate with existing veterans' associations and military organizations to provide a family preparation course concerning the emotional cycle of deployment that is designed to help a family unit adjust to changes in discharged and returning veterans and inform the family members of where to go to seek assistance. This course shall be made available to the family of a veteran prior to the discharge and homecoming of the veteran.

(6) The Department shall reach out to the United States Department of Veterans' Affairs to obtain information on returning veterans and develop a transition program for returning veterans that reside in the State including information on local organizations that provide resources or services for veterans that a veteran can access.

(7) The Department shall collaborate with non-profits, businesses, and employers in the State that focus on the needs of employees who are veterans seeking employment and that support employees who are veterans.

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(8) The Department, in collaboration with veterans' organizations in the State, shall coordinate with the United States Department of Veterans' Affairs to promote their peer specialist program and collaborate with outside programs to establish a peer-to-peer program."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator T. Cullerton, **House Bill No. 2647** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Righter
Anderson	Cunningham	McCarter	Rooney
Aquino	Fowler	McConchie	Rose
Barickman	Harmon	McConnaughay	Schimpf
Bennett	Harris	McGuire	Silverstein
Bertino-Tarrant	Hastings	Morrison	Stadelman
Biss	Holmes	Mulroe	Steans
Bivins	Hunter	Muñoz	Syverson
Brady	Hutchinson	Murphy	Tracy
Bush	Koehler	Nybo	Trotter
Castro	Landek	Oberweis	Van Pelt
Clayborne	Lightford	Radogno	Weaver
Collins	Link	Raoul	Mr. President
Connelly	Manar	Rezin	

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

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

HOUSE BILL RECALLED

On motion of Senator Harmon, **House Bill No. 3399** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 3399

AMENDMENT NO. 1. Amend House Bill 3399 by replacing everything after the enacting clause with the following:

"Section 5. The Wildlife Code is amended by changing Section 2.30 as follows:

(520 ILCS 5/2.30) (from Ch. 61, par. 2.30)

Sec. 2.30. Except as provided in this Section, it ~~It~~ shall be unlawful for any person to trap or to hunt with gun, dog, dog and gun, or bow and arrow, gray fox, red fox, raccoon, weasel, mink, muskrat, badger, bobcat, and opossum except during the open season which will be set annually by the Director between 12:01 a.m., November 1 to 12:00 midnight, February 15, both inclusive.

[May 29, 2017]

It shall be unlawful for any person to hunt or trap bobcat in this State on and after the effective date of this amendatory Act of the 100th General Assembly in the counties of Boone, Bureau, Champaign, Cook, DeKalb, DeWitt, DuPage, Ford, Grundy, Henry, Iroquois, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, Marshall, McHenry, McLean, Ogle, Peoria, Piatt, Putnam, Stark, Stephenson, Vermilion, Will, Winnebago, and Woodford and north of U.S. Route 36 in Edgar and Douglas and north of U.S. Route 36 to the junction with Illinois Route 121 and north or east of Illinois Route 121 in Macon. For the season beginning in 2017, a total number of 350 bobcats may be hunted or trapped lawfully, or the conclusion of the season occurs, whichever is earlier. For the season beginning in 2018, a total number of 375 bobcats may be hunted or trapped lawfully, or the conclusion of the season occurs, whichever is earlier. The changes added to this Section by this amendatory Act of the 100th General Assembly, except for this sentence, are inoperative on and after June 30, 2019.

It is unlawful to pursue any fur-bearing mammal with a dog or dogs between the hours of sunset and sunrise during the 10 day period preceding the opening date of the raccoon hunting season and the 10 day period following the closing date of the raccoon hunting season except that the Department may issue field trial permits in accordance with Section 2.34 of this Act. A non-resident from a state with more restrictive fur-bearer pursuit regulations for any particular species than provided for that species in this Act may not pursue that species in Illinois except during the period of time that Illinois residents are allowed to pursue that species in the non-resident's state of residence. Hound running areas approved by the Department shall be exempt from the provisions of this Section.

It shall be unlawful to take beaver, river otter, weasel, mink, or muskrat except during the open season set annually by the Director, and then, only with traps, except that a firearm, pistol, or airgun of a caliber not larger than a .22 long rifle may be used to remove the animal from the trap.

It shall be unlawful for any person to trap beaver or river otter with traps except during the open season which will be set annually by the Director between 12:01 a.m., November 1st and 12:00 midnight, March 31, both inclusive.

Coyote may be taken by trapping methods only during the period from September 1 to March 1, both inclusive, and by hunting methods at any time.

Striped skunk may be taken by trapping methods only during the period from September 1 to March 1, both inclusive, and by hunting methods at any time.

Muskrat may be taken by trapping methods during an open season set annually by the Director.

For the purpose of taking fur-bearing mammals, the State may be divided into management zones by administrative rule.

It shall be unlawful to take or possess more than the season limit or possession limit of fur-bearing mammals that shall be set annually by the Director. The season limit for river otter shall not exceed 5 river otters per person per season. The season limit for bobcat shall not exceed one bobcat per permit. Possession limits shall not apply to fur buyers, tanners, manufacturers, and taxidermists, as defined by this Act, who possess fur-bearing mammals in accordance with laws governing such activities.

Nothing in this Section shall prohibit the taking or possessing of fur-bearing mammals found dead or unintentionally killed by a vehicle along a roadway during the open season provided the person who possesses such fur-bearing mammals has all appropriate licenses, stamps, or permits; the season for which the species possessed is open; and that such possession and disposal of such fur-bearing mammals is otherwise subject to the provisions of this Section.

The provisions of this Section are subject to modification by administrative rule.

(Source: P.A. 98-463, eff. 8-16-13; 98-924, eff. 8-15-14; 99-33, eff. 1-1-16.)

Section 99. Effective date. This Act takes effect July 1, 2017."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Harmon, **House Bill No. 3399** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

[May 29, 2017]

YEAS 52; NAY 1.

The following voted in the affirmative:

Althoff	Cunningham	McConchie	Schimpf
Anderson	Fowler	McConnaughay	Silverstein
Aquino	Harmon	McGuire	Stadelman
Barickman	Harris	Morrison	Steans
Bennett	Hastings	Mulroe	Syverson
Bertino-Tarrant	Holmes	Muñoz	Tracy
Biss	Hunter	Murphy	Trotter
Brady	Hutchinson	Nybo	Van Pelt
Bush	Koehler	Oberweis	Weaver
Castro	Landek	Radogno	Mr. President
Clayborne	Lightford	Raoul	
Collins	Link	Rezin	
Connelly	Manar	Righter	
Cullerton, T.	Martinez	Rooney	

The following voted in the negative:

Rose

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

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

Senator Rose asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **House Bill No. 3399**.

HOUSE BILL RECALLED

On motion of Senator Harmon, **House Bill No. 3922** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 3922

AMENDMENT NO. 2. Amend House Bill 3922, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Sections 11-19-1, 11-19-2, and 11-19-5 as follows:

(65 ILCS 5/11-19-1) (from Ch. 24, par. 11-19-1)

Sec. 11-19-1. Contracts.

(a) Any city, village or incorporated town may make contracts with any other city, village, or incorporated town or with any person, corporation, or county, or any agency created by intergovernmental agreement, for more than one year and not exceeding 30 years relating to the collection and final disposition, or relating solely to either the collection or final disposition of garbage, refuse and ashes. A municipality may contract with private industry to operate a designated facility for the disposal, treatment or recycling of solid waste, and may enter into contracts with private firms or local governments for the delivery of waste to such facility. In regard to a contract involving a garbage, refuse, or garbage and refuse incineration facility, the 30 year contract limitation imposed by this Section shall be computed so that the 30 years shall not begin to run until the date on which the facility actually begins accepting garbage or refuse. The payments required in regard to any contract entered into under this Division 19 shall not be regarded as indebtedness of the city, village, or incorporated town, as the case may be, for the purpose of any debt limitation imposed by any law. On and after the effective date of this amendatory Act of the 100th General Assembly, a municipality with a population of less than 1,000,000 shall not enter into any new

[May 29, 2017]

contracts with any other unit of local government, by intergovernmental agreement or otherwise, or with any corporation or person relating to the collecting and final disposition of general construction or demolition debris; except that this sentence does not apply to a municipality with a population of less than 1,000,000 that is a party to: (1) a contract relating to the collecting and final disposition of general construction or demolition debris on the effective date of this amendatory Act of the 100th General Assembly; or (2) the renewal or extension of a contract relating to the collecting and final disposition of general construction or demolition debris irrespective of whether the contract automatically renews, is amended, or is subject to a new request for proposal after the effective date of this amendatory Act of the 100th General Assembly.

(a-5) If a municipality with a population of less than 1,000,000 located in a county as defined in the Solid Waste and Recycling Program Act has never awarded a franchise to a private entity for the collection of waste from non-residential locations, then the municipality may not award a franchise unless:

(1) the municipality provides prior written notice to all haulers licensed to provide waste hauling service in that municipality of the municipality's intent to issue a request for proposal under this Section;

(2) the municipality adopts an ordinance requiring each licensed hauler, for a period of no less than 36 continuous months commencing on the first day of the month following the effective date of such ordinance, to report every 6 months to the municipality the number of non-residential locations served by the hauler in the municipality and the number of non-residential locations contracting with the hauler for the recyclable materials collection service pursuant to Section 10 of the Solid Waste Hauling and Recycling Program Act; and

(3) the report to the municipality required under paragraph (2) of this subsection

(a-5) for the final 6 months of that 36-month period establishes that less than 50% of the non-residential locations in the municipality contract for recyclable material collection services pursuant to Section 10 of the Solid Waste Hauling and Recycling Program Act.

All such reports shall be filed with the municipality by the hauler on or before the last day of the month following the end of the 6-month reporting period. Within 15 days after the last day for licensed haulers to file such reports, the municipality shall post on its website: (i) the information provided by each hauler pursuant to paragraph (2) of this subsection (a-5), without identifying the hauler; and (ii) the aggregate number of non-residential locations served by all licensed haulers in the municipality and the aggregate number of non-residential locations contracting with all licensed haulers in the municipality for the recyclable materials collection service under Section 10 of the Solid Waste Hauling and Recycling Program Act.

(a-10) Beginning at the conclusion of the 36-month reporting period and thereafter, and upon written request of the municipality, each licensed hauler shall, for every 6-month period, report to the municipality (i) the number of non-residential locations served by the hauler in the municipality and the number of non-residential locations contracting with the hauler for the recyclable materials collection service pursuant to Section 10 of the Solid Waste Hauling and Recycling Program Act, (ii) an estimate of the quantity of recyclable materials, in tons, collected by the hauler in the municipality from non-residential locations contracting with the hauler for recyclable materials collection service pursuant to Section 10 of the Solid Waste Hauling and Recycling Program Act, and (iii) an estimate of the quantity of municipal waste, in tons, collected by the hauler in the municipality from those non-residential locations. All reports for that 6-month period shall be filed with the municipality by the hauler on or before the last day of the month following the end of the 6-month reporting period. Within 15 days after the last day for licensed haulers to file such reports, the municipality shall post on its website: (i) the information provided by each hauler pursuant to this subsection (a-10), without identifying the hauler; and (ii) the aggregate number of non-residential locations served by all licensed haulers in the municipality and the aggregate number of non-residential locations contracting with all licensed haulers in the municipality for the recyclable materials collection service under Section 10 of the Solid Waste Hauling and Recycling Program Act.

A municipality subject to subsection (a-5) of this Section may not award a franchise unless 2 consecutive 6-month reports determine that less than 50% of the non-residential locations within the municipality contract for recyclable material collection service pursuant to Section 10 of the Solid Waste Hauling and Recycling Program Act.

(b) If a municipality with a population of less than 1,000,000 has never awarded a franchise to a private entity for the collection of waste from non-residential locations, then that municipality may not award such a franchise without issuing a request for proposal. The municipality may not issue a request for proposal without first: (i) holding at least one public hearing seeking comment on the advisability of issuing a request for proposal and awarding a franchise; (ii) providing at least 30 days' written notice of the hearing, delivered by first class mail to all private entities that provide non-residential waste collection services

within the municipality that the municipality is able to identify through its records; and (iii) providing at least 30 days' public notice of the hearing.

After issuing a request for proposal, the municipality may not award a franchise without first: (i) allowing at least 30 days for proposals to be submitted to the municipality; (ii) holding at least one public hearing after the receipt of proposals on whether to award a franchise to a proposed franchisee; and (iii) providing at least 30 days' public notice of the hearing. At the public hearing, the municipality must disclose and discuss the proposed franchise fee or calculation formula of such franchise fee that it will receive under the proposed franchise.

(b-5) If no request for proposal is issued within 120 days after the initial public hearing required in subsection (b), then the municipality must hold another hearing as outlined in subsection (b).

(b-10) If a municipality has not awarded a franchise within 210 days after the date that a request for proposal is issued pursuant to subsection (b), then the municipality must adhere to all of the requirements set forth in subsections (b) and (b-5).

(b-15) The franchise fee and any other fees, taxes, or charges imposed by the municipality in connection with a franchise for the collection of waste from non-residential locations must be used exclusively for costs associated with administering the franchise program.

(c) If a municipality with a population of less than 1,000,000 has never awarded a franchise to a private entity for the collection of waste from non-residential locations, then a private entity may not begin providing waste collection services to non-residential locations under a franchise agreement with that municipality at any time before the date that is 15 months after the date the ordinance or resolution approving the award of the franchise is adopted.

(d) For purposes of this Section, "waste" means garbage, refuse, or ashes as defined in Section 11-19-2.

(e) A home rule unit may not award a franchise to a private entity for the collection of waste in a manner contrary to the provisions of this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(f) A municipality with a population of less than 1,000,000 shall not award a franchise or contract to any private entity for the collection of general construction or demolition debris from residential or non-residential locations. This subsection does not apply to a municipality with a population of less than 1,000,000 that is a party to: (1) a franchise or contract with a private entity for the collection of general construction or demolition debris from residential or non-residential locations on the effective date of this amendatory Act of the 100th General Assembly; or (2) the renewal or extension of a franchise or contract with a private entity for the collection of general construction or demolition debris from residential or non-residential locations irrespective of whether the franchise or contract automatically renews, is amended, or is subject to a new request for proposal after the effective date of this amendatory Act of the 100th General Assembly.

(Source: P.A. 98-1079, eff. 8-26-14.)

(65 ILCS 5/11-19-2) (from Ch. 24, par. 11-19-2)

Sec. 11-19-2. As used in this Division 19, ~~the words "garbage", "refuse", and "ashes" have the following meanings:~~

(1) "Garbage" ~~means wastes~~ —Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

(2) "Refuse" ~~means combustible~~ —Combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to, street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles, but refuse does not mean earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler-house cinders, lumber, scraps and shavings.

(3) "Ashes" ~~means residue~~ —Residue from fires used for cooking and for heating buildings.

(4) "General construction or demolition debris" has the meaning given to that term in Section 3.160 of the Environmental Protection Act.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/11-19-5) (from Ch. 24, par. 11-19-5)

Sec. 11-19-5. Every city, village or incorporated town may provide such method or methods as shall be approved by the corporate authorities for the disposition of garbage, refuse and ashes. Any municipality may provide by ordinance that such method or methods shall be the exclusive method or methods for the

disposition of garbage, refuse and ashes to be allowed within that municipality. Such ordinance may be enacted notwithstanding the fact that competition may be displaced or that such ordinance may have an anti-competitive effect. Such methods may include, but need not be limited to land fill, feeding of garbage to hogs, incineration, reduction to fertilizer, or otherwise. Salvage and fertilizer or other matter or things of value may be sold and the proceeds used for the operation of the system. Material that is intended or collected to be recycled is not garbage, refuse or ashes. A municipality with a population of less than 1,000,000 shall not provide by ordinance for any methods that award a franchise for the collection or final disposition of general construction or demolition debris, except as allowed under Section 11-19-1. (Source: P.A. 84-794.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Harmon, **House Bill No. 3922** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Righter
Anderson	Cunningham	McCarter	Rooney
Aquino	Fowler	McConchie	Rose
Barickman	Harmon	McConnaughay	Schimpf
Bennett	Harris	McGuire	Silverstein
Bertino-Tarrant	Hastings	Morrison	Stadelman
Biss	Holmes	Mulroe	Steans
Bivins	Hunter	Muñoz	Syverson
Brady	Hutchinson	Murphy	Tracy
Bush	Koehler	Nybo	Trotter
Castro	Landek	Oberweis	Van Pelt
Clayborne	Lightford	Radogno	Weaver
Collins	Link	Raoul	Mr. President
Connelly	Manar	Rezin	

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

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

HOUSE BILL RECALLED

On motion of Senator Cunningham, **House Bill No. 688** was recalled from the order of third reading to the order of second reading.

Senator Cunningham offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 688

AMENDMENT NO. 1. Amend House Bill 688 by replacing everything after the enacting clause with the following:

[May 29, 2017]

"Section 5. The Illinois Pension Code is amended by changing Sections 4-108, 4-108.6, and 6-227 and by adding Section 3-110.12 as follows:

(40 ILCS 5/3-110.12 new)

Sec. 3-110.12. Transfer to Article 4 fund.

(a) At any time during the 6 months following the effective date of this Section, an active member of an Article 4 firefighters' pension fund may apply for transfer to that fund of up to 6 years of his or her creditable service accumulated in the police pension fund under this Article that is administered by the same unit of local government if that active member was not subject to disciplinary action when he or she terminated employment with that police department. The creditable service shall be transferred upon payment by the police pension fund to the Article 4 fund of an amount equal to:

(1) the amounts accumulated to the credit of the applicant on the books of the fund on the date of transfer for the service to be transferred; and

(2) employer contributions in an amount equal to the amount determined under item (1); and

(3) any interest paid by the applicant in order to reinstate service.

Participation in the police pension fund with respect to the transferred creditable service shall terminate on the date of transfer.

(b) At the time of applying for transfer of creditable service under this Section, an active member of an Article 4 firefighters' pension fund may, for the purpose of that transfer, reinstate creditable service that was terminated by receipt of a refund, by payment to the police pension fund of the amount of the refund with interest thereon at the rate of 6% per year, compounded annually, from the date of the refund to the date of payment.

(40 ILCS 5/4-108) (from Ch. 108 1/2, par. 4-108)

Sec. 4-108. Creditable service.

(a) Creditable service is the time served as a firefighter of a municipality. In computing creditable service, furloughs and leaves of absence without pay exceeding 30 days in any one year shall not be counted, but leaves of absence for illness or accident regardless of length, and periods of disability for which a firefighter received no disability pension payments under this Article, shall be counted.

(b) Furloughs and leaves of absence of 30 days or less in any one year may be counted as creditable service, if the firefighter makes the contribution to the fund that would have been required had he or she not been on furlough or leave of absence. To qualify for this creditable service, the firefighter must pay the required contributions to the fund not more than 90 days subsequent to the termination of the furlough or leave of absence, to the extent that the municipality has not made such contribution on his or her behalf.

(c) Creditable service includes:

(1) Service in the military, naval or air forces of the United States entered upon when the person was an active firefighter, provided that, upon applying for a permanent pension, and in accordance with the rules of the board the firefighter pays into the fund the amount that would have been contributed had he or she been a regular contributor during such period of service, if and to the extent that the municipality which the firefighter served made no such contributions in his or her behalf. The total amount of such creditable service shall not exceed 5 years, except that any firefighter who on July 1, 1973 had more than 5 years of such creditable service shall receive the total amount thereof as of that date.

(1.5) Up to 24 months of service in the military, naval, or air forces of the United States that was served prior to employment by a municipality or fire protection district as a firefighter. To receive the credit for the military service prior to the employment as a firefighter, the firefighter must apply in writing to the fund and must make contributions to the fund equal to (i) the employee contributions that would have been required had the service been rendered as a member, plus (ii) an amount determined by the fund to be equal to the employer's normal cost of the benefits accrued for that military service, plus (iii) interest at the actuarially assumed rate provided by the Department of Financial and Professional Regulation, compounded annually from the first date of membership in the fund to the date of payment on items (i) and (ii). The changes to this paragraph (1.5) by this amendatory Act of the 95th General Assembly apply only to participating employees in service on or after its effective date.

(2) Service prior to July 1, 1976 by a firefighter initially excluded from participation by reason of age who elected to participate and paid the required contributions for such service.

(3) Up to 8 years of service by a firefighter as an officer in a statewide firefighters' association when he is on a leave of absence from a municipality's payroll, provided that (i) the firefighter has at least 10 years of creditable service as an active firefighter, (ii) the firefighter contributes to the fund the amount that he would have contributed had he remained an active member of the fund,

(iii) the employee or statewide firefighter association contributes to the fund an amount equal to the employer's required contribution as determined by the board, and (iv) for all leaves of absence under this subdivision (3), including those beginning before the effective date of this amendatory Act of the 97th General Assembly, the firefighter continues to remain in sworn status, subject to the professional standards of the public employer or those terms established in statute.

(4) Time spent as an on-call fireman for a municipality, calculated at the rate of one year of creditable service for each 5 years of time spent as an on-call fireman, provided that (i) the firefighter has at least 18 years of creditable service as an active firefighter, (ii) the firefighter spent at least 14 years as an on-call firefighter for the municipality, (iii) the firefighter applies for such creditable service within 30 days after the effective date of this amendatory Act of 1989, (iv) the firefighter contributes to the Fund an amount representing employee contributions for the number of years of creditable service granted under this subdivision (4), based on the salary and contribution rate in effect for the firefighter at the date of entry into the Fund, to be determined by the board, and (v) not more than 3 years of creditable service may be granted under this subdivision (4).

Except as provided in Section 4-108.5, creditable service shall not include time spent as a volunteer firefighter, whether or not any compensation was received therefor. The change made in this Section by Public Act 83-0463 is intended to be a restatement and clarification of existing law, and does not imply that creditable service was previously allowed under this Article for time spent as a volunteer firefighter.

(5) Time served between July 1, 1976 and July 1, 1988 in the position of protective inspection officer or administrative assistant for fire services, for a municipality with a population under 10,000 that is located in a county with a population over 3,000,000 and that maintains a firefighters' pension fund under this Article, if the position included firefighting duties, notwithstanding that the person may not have held an appointment as a firefighter, provided that application is made to the pension fund within 30 days after the effective date of this amendatory Act of 1991, and the corresponding contributions are paid for the number of years of service granted, based upon the salary and contribution rate in effect for the firefighter at the date of entry into the pension fund, as determined by the Board.

(6) Service before becoming a participant by a firefighter initially excluded from participation by reason of age who becomes a participant under the amendment to Section 4-107 made by this amendatory Act of 1993 and pays the required contributions for such service.

(7) Up to 3 years of time during which the firefighter receives a disability pension under Section 4-110, 4-110.1, or 4-111, provided that (i) the firefighter returns to active service after the disability for a period at least equal to the period for which credit is to be established and (ii) the firefighter makes contributions to the fund based on the rates specified in Section 4-118.1 and the salary upon which the disability pension is based. These contributions may be paid at any time prior to the commencement of a retirement pension. The firefighter may, but need not, elect to have the contributions deducted from the disability pension or to pay them in installments on a schedule approved by the board. If not deducted from the disability pension, the contributions shall include interest at the rate of 6% per year, compounded annually, from the date for which service credit is being established to the date of payment. If contributions are paid under this subdivision (c)(7) in excess of those needed to establish the credit, the excess shall be refunded. This subdivision (c)(7) applies to persons receiving a disability pension under Section 4-110, 4-110.1, or 4-111 on the effective date of this amendatory Act of the 91st General Assembly, as well as persons who begin to receive such a disability pension after that date.

(8) Up to 6 years of service as a police officer and participant in an Article 3 police pension fund administered by the unit of local government that employs the firefighter under this Article, provided that the service has been transferred to, and the required payment received by, the Article 4 fund in accordance with Section 3-110.12 of this Code.

(Source: P.A. 97-651, eff. 1-5-12.)

(40 ILCS 5/4-108.6)

Sec. 4-108.6. Transfer of creditable service to the Firemen's Annuity and Benefit Fund of Chicago.

(a) Until 6 months after the effective date of this amendatory Act of the 100th General Assembly, January 1, 2010, any active member of the Firemen's Annuity and Benefit Fund of Chicago may apply for transfer of up to 10 years of creditable service accumulated in any pension fund established under this Article to the Firemen's Annuity and Benefit Fund of Chicago. Such creditable service shall be transferred only upon payment by such pension fund to the Firemen's Annuity and Benefit Fund of Chicago of an amount equal to:

(1) the amounts accumulated to the credit of the applicant on the books of the fund on

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the date of transfer;

(2) employer contributions in an amount equal to the amount determined under subparagraph (1); and

(3) any interest paid by the applicant in order to reinstate service.

Participation in such pension fund as to any credits transferred under this Section shall terminate on the date of transfer.

(b) An active member of the Firemen's Annuity and Benefit Fund of Chicago applying for a transfer of creditable service under subsection (a) may reinstate credits and creditable service terminated upon receipt of a refund by payment to the Firemen's Annuity and Benefit Fund of Chicago of the amount of the refund with interest thereon at the actuarially assumed rate, compounded annually, from the date of the refund to the date of payment.

(Source: P.A. 96-727, eff. 8-25-09.)

(40 ILCS 5/6-227)

Sec. 6-227. Transfer of creditable service from Article 4. Until 6 months after the effective date of this amendatory Act of the 100th General Assembly, January 1, 2010, any active member of the Firemen's Annuity and Benefit Fund of Chicago may transfer to the Fund up to a total of 10 years of creditable service accumulated under Article 4 of this Code upon payment to the Fund within 5 years after the date of application of an amount equal to the difference between the amount of employee and employer contributions transferred to the Fund under Section 4-108.6 and the amounts determined by the Fund in accordance with this Section, plus interest on that difference at the actuarially assumed rate, compounded annually, from the date of service to the date of payment.

The Fund must determine the fireman's payment required to establish creditable service under this Section by taking into account the appropriate actuarial assumptions, including without limitation the fireman's service, age, and salary history; the level of funding of the Fund; and any other factors that the Fund determines to be relevant. For this purpose, the fireman's required payment should result in no significant increase to the Fund's unfunded actuarial accrued liability determined as of the most recent actuarial valuation, based on the same assumptions and methods used to develop and report the Fund's actuarial accrued liability and actuarial value of assets under Statement No. 25 of Governmental Accounting Standards Board or any subsequent applicable Statement.

(Source: P.A. 96-727, eff. 8-25-09.)

Section 90. The State Mandates Act is amended by adding Section 8.41 as follows:

(30 ILCS 805/8.41 new)

Sec. 8.41. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 100th General Assembly.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendment No. 2 was held in the Committee on Assignments.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Cunningham, **House Bill No. 688** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 39; NAYS 10; Present 2.

The following voted in the affirmative:

Aquino	Cunningham	Link	Oberweis
Bennett	Harmon	Manar	Raoul

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Bertino-Tarrant	Harris	Martinez	Silverstein
Biss	Hastings	McCarter	Stadelman
Bivins	Holmes	McConchie	Steans
Bush	Hunter	McGuire	Tracy
Castro	Hutchinson	Morrison	Trotter
Clayborne	Koehler	Mulroe	Van Pelt
Collins	Landek	Muñoz	Mr. President
Cullerton, T.	Lightford	Nybo	

The following voted in the negative:

Althoff	Fowler	Rezin	Weaver
Barickman	McConnaughay	Righter	
Connelly	Radogno	Rooney	

The following voted present:

Anderson
Murphy

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

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

SENATE BILL RECALLED

On motion of Senator Lightford, **Senate Bill No. 453** was recalled from the order of third reading to the order of second reading.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 453

AMENDMENT NO. 1. Amend Senate Bill 453 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 2-3.162 and by adding Section 2-3.170 as follows:

(105 ILCS 5/2-3.162)

Sec. 2-3.162. Student discipline report; school discipline improvement plan.

(a) On or before October 31, 2015 and on or before October 31 of each subsequent year, the State Board of Education, through the State Superintendent of Education, shall prepare a report on student discipline in all school districts in this State, including State-authorized charter schools. This report shall include data from all public schools within school districts, including district-authorized charter schools. This report must be posted on the Internet website of the State Board of Education. The report shall include data on the issuance of out-of-school suspensions, expulsions, and removals to alternative settings in lieu of another disciplinary action, disaggregated by race and ethnicity, gender, age, grade level, whether a student is an English learner, incident type, and discipline duration.

(b) The State Board of Education shall analyze the data under subsection (a) of this Section on an annual basis and determine the top 20% of school districts qualifying under any of ~~for~~ the following metrics:

(1) Total number of out-of-school suspensions divided by the total district enrollment by the last school day in September for the year in which the data was collected, multiplied by 100.

(2) Total number of out-of-school expulsions divided by the total district enrollment by the last school day in September for the year in which the data was collected, multiplied by 100.

(3) Racial disproportionality, defined as the overrepresentation of students of color or white students in comparison to the total number of students of color or white students on October 1st of the school year in which data are collected, with respect to the use of out-of-school suspensions and expulsions, which must be calculated using the same method as the U.S. Department of Education's Office for Civil Rights uses.

[May 29, 2017]

The analysis must be based on data collected over 3 consecutive school years, beginning with the 2014-2015 school year.

(c) On or before October 31, 2017 and on or before October 31 of each subsequent year, the State Board of Education shall notify each school district. Beginning with the 2017-2018 school year, the State Board of Education shall require each of the school districts that are identified in the top 20% of any of the metrics described in this subsection (b) of this Section for 3 consecutive school years that the school district must submit a plan in conformance with subsection (d) of this Section.

(d) School districts identified in the top 20% of any of the metrics described in subsection (b) of this Section for 3 consecutive school years must, in a manner prescribed by the State Board of Education, submit a plan to the State Board of Education that identifies to submit a plan identifying the strategies the school district will implement to reduce the use of exclusionary disciplinary practices or racial disproportionality or both, if applicable. School districts that no longer meet the criteria described in any of the metrics described in this subsection (b) for 3 consecutive years shall no longer be required to submit a plan.

This plan may be combined with any other improvement plans required under federal or State law.

The plan must be approved at a public school board meeting no later than 90 days after notification from the State Board of Education pursuant to subsection (c) of this Section and must be posted on the school district's Internet website. Within one calendar year after the school board's approval of the plan, the school district shall submit to the State Board of Education, in a manner prescribed by the State Board of Education, and post on the district's Internet website a progress report describing the implementation of the plan and the results achieved. Additional annual progress reports shall be required until a school district no longer meets the criteria in any of the metrics described in subsection (b) of this Section for 3 consecutive school years.

(e) The calculation of the top 20% of any of the metrics described in this subsection (b) of this Section shall exclude all school districts, State-authorized charter schools, and special charter districts that issued fewer than a total of 10 out-of-school suspensions or expulsions, whichever is applicable, during the school year. The calculation of the top 20% of the metric described in subdivision (3) of this subsection (b) of this Section shall exclude all school districts with an enrollment of fewer than 50 white students or fewer than 50 students of color.

The plan must be approved at a public school board meeting and posted on the school district's Internet website. Within one year after being identified, the school district shall submit to the State Board of Education and post on the district's Internet website a progress report describing the implementation of the plan and the results achieved.

(Source: P.A. 98-1102, eff. 8-26-14; 99-30, eff. 7-10-15; 99-78, eff. 7-20-15.)

(105 ILCS 5/2-3.170 new)

Sec. 2-3.170. Safe Schools and Healthy Learning Environments Program.

(a) The General Assembly recognizes that (i) many K-12 students around the State are arrested in school and sent into the justice system, often for minor offenses that do not pose a serious threat to school safety; (ii) many schools across the State have become overly reliant on law enforcement personnel to handle routine school disciplinary matters; (iii) many student behaviors that result in arrest in some schools are addressed without involving the justice system in others; (iv) the over-criminalization of K-12 students has had significant negative consequences for students, families, and entire communities; (v) these dynamics, known as the "school-to-prison pipeline", have disproportionately affected students of color; (vi) these practices impose substantial economic costs on both localities and the State overall; (vii) the use of school-based law enforcement has not been proven effective as a strategy to promote safe and productive schools; and (viii) eliminating unnecessary school-based arrests and law enforcement presence in school while promoting the use of developmentally appropriate alternatives will protect school safety, improve school climate, raise academic achievement, and save taxpayer dollars.

(b) The State Board of Education, subject to appropriation, is authorized to award competitive grants on an annual basis under a Safe Schools and Healthy Learning Environments Program. Under this program, selected school districts must reallocate funding for school-based law enforcement personnel in some or all of their schools to other evidence-based and promising practices designed to promote school safety and healthy learning environments, including, but not limited to, restorative justice programs; increased use of school psychologists, social workers, and other mental and behavioral health specialists; drug and alcohol treatment services; wraparound services for youth; and training for school staff on conflict resolution techniques and other disciplinary alternatives. For purposes of this subsection (b), "promising practices" means practices that present, based on preliminary information, potential for becoming evidence-based practices.

To apply for a grant under the program, school districts shall submit applications that outline their plans for reallocating their funds, including the total amount of funds to be reallocated. Subject to the availability of funds, for grant recipients, the Safe Schools and Healthy Learning Environments Program shall match the amount that is reallocated from school-based law enforcement personnel to alternative methods of addressing student behavior on a dollar-for-dollar basis.

Grant funds shall be used only to fund alternatives to school-based arrests and law enforcement presence in schools. Grant funds shall not be used to increase the use of school-based security personnel. Grant funds may be used to transition from school-based law enforcement personnel to alternative patrol structures. Nothing in this Section shall prohibit school districts from involving law enforcement personnel when necessary and allowed by law.

(c) The State Board of Education, subject to appropriation of the grant program, shall annually disseminate a request for applications to this program and funds shall be distributed annually. The criteria to be considered by the State Board of Education in awarding the funds shall be (i) the arrest rates in the target schools over the preceding 3 years, which shall be calculated as the number of arrests divided by the number of students; (ii) the ratio of school-based law enforcement personnel to students in the target schools over the preceding 3 years; and (iii) the degree to which the proposal articulates a strong, comprehensive approach for eliminating unnecessary school-based arrests and the over-reliance on school-based law enforcement to address school disciplinary matters while building safer and healthier learning environments.

For factor (i), applicant school districts shall be ranked from highest arrest rates to lowest, with higher arrest rates receiving priority. For factor (ii), applicant school districts shall be ranked from the highest ratio of school-based law enforcement to students to the lowest ratio, with the higher ratios receiving priority. For factor (iii), applicant school districts shall be ranked on the basis of the strength of their overall strategy, with all school districts that fail to articulate a sound approach being excluded from consideration. The State Board of Education shall determine a scoring system for each factor based on the relative ranking of the applicant school districts. Applicant school districts' overall cumulative scores shall be based on the following weights: factor (i): 40%; factor (ii): 20%; and factor (iii): 40%. If the appropriated funds are insufficient to provide matching funds to all selected grantees, the funds shall be awarded to the qualified applicant school districts on a proportionate basis, based on the number of students within the school districts to be affected by the grants, unless the resulting allocation to qualified applicants would be less than 25% of some or all school districts' proposed reallocation amounts. In that event, funds shall be awarded on a proportionate basis to school districts in the order of their respective scores, with the highest-scoring school district receiving top priority, up until the point at which the resulting allocations would be less than 25% of some or all selected school districts' proposed reallocation amounts. If the appropriated funds exceed what is required to provide dollar-for-dollar matching funds to all qualified applicants, the surplus shall be rolled over to be used for grants the following year.

(d) The State Board of Education, subject to appropriation to the grant program, in cooperation with the school districts participating in the program, shall produce an annual report on the results of the program, including both quantitative and qualitative information on the progress being made in reducing both unnecessary school-based arrests and the over-reliance on school-based law enforcement to address school disciplinary matters, and the effects of the program on school safety and school climate. The report shall include the number of school-based arrests made within each participating school district during the school year prior to the grant compared to the number of school-based arrests made during the school year the grant was awarded. This report shall be posted on the State Board of Education's website by October 31st of each year, beginning in 2018.

(e) The State Board of Education may adopt rules necessary for the implementation of this program."

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 453

AMENDMENT NO. 2. Amend Senate Bill 453 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 2-3.162 and by adding Section 2-3.170 as follows:

[May 29, 2017]

(105 ILCS 5/2-3.162)

Sec. 2-3.162. Student discipline report; school discipline improvement plan.

(a) On or before October 31, 2015 and on or before October 31 of each subsequent year, the State Board of Education, through the State Superintendent of Education, shall prepare a report on student discipline in all school districts in this State, including State-authorized charter schools. This report shall include data from all public schools within school districts, including district-authorized charter schools. This report must be posted on the Internet website of the State Board of Education. The report shall include data on the issuance of out-of-school suspensions, expulsions, and removals to alternative settings in lieu of another disciplinary action, disaggregated by race and ethnicity, gender, age, grade level, whether a student is an English learner, incident type, and discipline duration.

(b) The State Board of Education shall analyze the data under subsection (a) of this Section on an annual basis and determine the top 20% of school districts qualifying under any of ~~for~~ the following metrics:

(1) Total number of out-of-school suspensions divided by the total district enrollment by the last school day in September for the year in which the data was collected, multiplied by 100.

(2) Total number of out-of-school expulsions divided by the total district enrollment by the last school day in September for the year in which the data was collected, multiplied by 100.

(3) Racial disproportionality, defined as the overrepresentation of students of color or white students in comparison to the total number of students of color or white students on October 1st of the school year in which data are collected, with respect to the use of out-of-school suspensions and expulsions, which must be calculated using the same method as the U.S. Department of Education's Office for Civil Rights uses.

~~The analysis must be based on data collected over 3 consecutive school years, beginning with the 2014-2015 school year.~~

~~(c) On or before October 31, 2017 and on or before October 31 of each subsequent year, the State Board of Education shall notify each school district. Beginning with the 2017-2018 school year, the State Board of Education shall require each of the school districts that are identified in the top 20% of any of the metrics described in this subsection (b) of this Section for 3 consecutive school years that the school district must submit a plan in conformance with subsection (d) of this Section.~~

~~(d) School districts identified in the top 20% of any of the metrics described in subsection (b) of this Section for 3 consecutive school years must, in a manner prescribed by the State Board of Education, submit a plan to the State Board of Education that identifies to submit a plan identifying the strategies the school district will implement to reduce the use of exclusionary disciplinary practices or racial disproportionality or both, if applicable. School districts that no longer meet the criteria described in any of the metrics described in this subsection (b) for 3 consecutive years shall no longer be required to submit a plan.~~

This plan may be combined with any other improvement plans required under federal or State law.

~~The plan must be approved at a public school board meeting no later than 90 days after notification from the State Board of Education pursuant to subsection (c) of this Section and must be posted on the school district's Internet website. Within one calendar year after the school board's approval of the plan, the school district shall submit to the State Board of Education, in a manner prescribed by the State Board of Education, and post on the district's Internet website a progress report describing the implementation of the plan and the results achieved. Additional annual progress reports shall be required until a school district no longer meets the criteria in any of the metrics described in subsection (b) of this Section for 3 consecutive school years.~~

~~(e) The calculation of the top 20% of any of the metrics described in this subsection (b) of this Section shall exclude all school districts, State-authorized charter schools, and special charter districts that issued fewer than a total of 10 out-of-school suspensions or expulsions, whichever is applicable, during the school year. The calculation of the top 20% of the metric described in subdivision (3) of this subsection (b) of this Section shall exclude all school districts with an enrollment of fewer than 50 white students or fewer than 50 students of color.~~

~~The plan must be approved at a public school board meeting and posted on the school district's Internet website. Within one year after being identified, the school district shall submit to the State Board of Education and post on the district's Internet website a progress report describing the implementation of the plan and the results achieved.~~

(Source: P.A. 98-1102, eff. 8-26-14; 99-30, eff. 7-10-15; 99-78, eff. 7-20-15.)

(105 ILCS 5/2-3.170 new)

Sec. 2-3.170. Safe Schools and Healthy Learning Environments Program.

(a) The General Assembly recognizes that (i) many K-12 students around the State are arrested in school and sent into the justice system, often for minor offenses that do not pose a serious threat to school safety;

[May 29, 2017]

(ii) many schools across the State have become overly reliant on law enforcement personnel to handle routine school disciplinary matters; (iii) many student behaviors that result in arrest in some schools are addressed without involving the justice system in others; (iv) the over-criminalization of K-12 students has had significant negative consequences for students, families, and entire communities; (v) these dynamics, known as the "school-to-prison pipeline", have disproportionately affected students of color; (vi) these practices impose substantial economic costs on both localities and the State overall; (vii) the use of school-based law enforcement has not been proven effective as a strategy to promote safe and productive schools; and (viii) eliminating unnecessary school-based arrests and law enforcement presence in school while promoting the use of developmentally appropriate alternatives will protect school safety, improve school climate, raise academic achievement, and save taxpayer dollars.

(b) The State Board of Education, subject to appropriation, is authorized to award competitive grants on an annual basis under a Safe Schools and Healthy Learning Environments Program. Under this program, selected school districts must reallocate funding for school-based law enforcement personnel in some or all of their schools to other evidence-based and promising practices designed to promote school safety and healthy learning environments, including, but not limited to, restorative justice programs; increased use of school psychologists, social workers, and other mental and behavioral health specialists; drug and alcohol treatment services; wraparound services for youth; and training for school staff on conflict resolution techniques and other disciplinary alternatives. For purposes of this subsection (b), "promising practices" means practices that present, based on preliminary information, potential for becoming evidence-based practices.

To apply for a grant under the program, school districts shall submit applications that outline their plans for reallocating their funds, including the total amount of funds to be reallocated. Subject to the availability of funds, for grant recipients, the Safe Schools and Healthy Learning Environments Program shall match the amount that is reallocated from school-based law enforcement personnel to alternative methods of addressing student behavior on a dollar-for-dollar basis.

Grant funds shall be used only to fund alternatives to school-based arrests and law enforcement presence in schools. Grant funds shall not be used to increase the use of school-based security personnel. Grant funds may be used to transition from school-based law enforcement personnel to alternative patrol structures. Nothing in this Section shall prohibit school districts from involving law enforcement personnel when necessary and allowed by law.

(c) The State Board of Education, subject to appropriation of the grant program, shall annually disseminate a request for applications to this program and funds shall be distributed annually. The criteria to be considered by the State Board of Education in awarding the funds shall be (i) the arrest rates in the target schools over the preceding 3 years, which shall be calculated as the number of arrests divided by the number of students; (ii) the ratio of school-based law enforcement personnel to students in the target schools over the preceding 3 years; and (iii) the degree to which the proposal articulates a strong, comprehensive approach for eliminating unnecessary school-based arrests and the over-reliance on school-based law enforcement to address school disciplinary matters while building safer and healthier learning environments.

For factor (i), applicant school districts shall be ranked from highest arrest rates to lowest, with higher arrest rates receiving priority. For factor (ii), applicant school districts shall be ranked from the highest ratio of school-based law enforcement to students to the lowest ratio, with the higher ratios receiving priority. For factor (iii), applicant school districts shall be ranked on the basis of the strength of their overall strategy, with all school districts that fail to articulate a sound approach being excluded from consideration. The State Board of Education shall determine a scoring system for each factor based on the relative ranking of the applicant school districts. Applicant school districts' overall cumulative scores shall be based on the following weights: factor (i): 40%; factor (ii): 20%; and factor (iii): 40%. If the appropriated funds are insufficient to provide matching funds to all selected grantees, the funds shall be awarded to the qualified applicant school districts on a proportionate basis, based on the number of students within the school districts to be affected by the grants, unless the resulting allocation to qualified applicants would be less than 25% of some or all school districts' proposed reallocation amounts. In that event, funds shall be awarded on a proportionate basis to school districts in the order of their respective scores, with the highest-scoring school district receiving top priority, up until the point at which the resulting allocations would be less than 25% of some or all selected school districts' proposed reallocation amounts. If the appropriated funds exceed what is required to provide dollar-for-dollar matching funds to all qualified applicants, the surplus shall be rolled over to be used for grants the following year.

(d) The State Board of Education, subject to appropriation to the grant program, shall produce an annual report on the results of the Safe Schools and Healthy Learning Environments Program in cooperation with the school districts participating in the program. The report shall include both quantitative and qualitative

information on the progress being made in reducing unnecessary school-based arrests and the over-reliance on school-based law enforcement to address school disciplinary matters, and the effects of the program on school safety and school climate. The report shall include the number of school-based arrests made within participating schools during the 3 school years prior to the grant compared to the number of school-based arrests made during the school year the grant was awarded. This report shall be posted on the State Board of Education's website by October 31 of each year, beginning in 2018.

(e) The State Board of Education may adopt rules necessary for the implementation of this program.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Lightford, **Senate Bill No. 453** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 32; NAYS 19.

The following voted in the affirmative:

Aquino	Cunningham	Lightford	Stadelman
Bennett	Harmon	Link	Steans
Bertino-Tarrant	Harris	Manar	Trotter
Biss	Hastings	Martinez	Van Pelt
Bush	Holmes	McGuire	Mr. President
Castro	Hunter	Mulroe	
Clayborne	Hutchinson	Muñoz	
Collins	Koehler	Raoul	
Cullerton, T.	Landek	Silverstein	

The following voted in the negative:

Anderson	Fowler	Oberweis	Rose
Barickman	McCarter	Radogno	Syverson
Bivins	McConchie	Rezin	Tracy
Brady	McConnaughay	Righter	Weaver
Connelly	Nybo	Rooney	

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

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

SENATE BILL RECALLED

On motion of Senator Rezin, **Senate Bill No. 1337** was recalled from the order of third reading to the order of second reading.

Senator Rezin offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1337

[May 29, 2017]

AMENDMENT NO. 2. Amend Senate Bill 1337, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Sections 5-1062, 5-1062.2, and 5-1062.3 as follows:

(55 ILCS 5/5-1062) (from Ch. 34, par. 5-1062)

Sec. 5-1062. Stormwater management.

(a) The purpose of this Section is to allow management and mitigation of the effects of urbanization on stormwater drainage in metropolitan counties located in the area served by the Chicago Metropolitan Agency for Planning ~~Northeastern Illinois Planning Commission~~, and references to "county" in this Section shall apply only to those counties. This Section shall not apply to any county with a population in excess of 1,500,000, except as provided in subsection (c). The purpose of this Section shall be achieved by:

(1) consolidating the existing stormwater management framework into a united, countywide structure;

(2) setting minimum standards for floodplain and stormwater management with an emphasis on the use of cost-effective solutions to flooding problems; and

(3) preparing a countywide plan for the management of stormwater runoff, including the management of natural and man-made drainageways. The countywide plan may incorporate watershed plans and shall evaluate and address flooding problems that exist in urbanized areas that are a result of urban flooding.

(b) A stormwater management planning committee shall be established by county board resolution, with its membership consisting of equal numbers of county board and municipal representatives from each county board district, and such other members as may be determined by the county and municipal members. However, if the county has more than 6 county board districts, the county board may by ordinance divide the county into not less than 6 areas of approximately equal population, to be used instead of county board districts for the purpose of determining representation on the stormwater management planning committee.

The county board members shall be appointed by the chairman of the county board. Municipal members from each county board district or other represented area shall be appointed by a majority vote of the mayors of those municipalities which have the greatest percentage of their respective populations residing in such county board district or other represented area. All municipal and county board representatives shall be entitled to a vote; the other members shall be nonvoting members, unless authorized to vote by the unanimous consent of the municipal and county board representatives. A municipality that is located in more than one county may choose, at the time of formation of the stormwater management planning committee and based on watershed boundaries, to participate in the stormwater management planning program of either or both of the counties. Subcommittees of the stormwater management planning committee may be established to serve a portion of the county or a particular drainage basin that has similar stormwater management needs. The stormwater management planning committee shall adopt by-laws, by a majority vote of the county and municipal members, to govern the functions of the committee and its subcommittees. Officers of the committee shall include a chair and vice chair, one of whom shall be a county representative and one a municipal representative.

The principal duties of the committee shall be to develop a stormwater management plan for presentation to and approval by the county board, and to direct the plan's implementation and revision. The committee may retain engineering, legal and financial advisors and inspection personnel. The committee shall meet at least quarterly and shall hold at least one public meeting during the preparation of the plan and prior to its submittal to the county board. The committee may make grants to: (1) units of local government; (2) not-for-profit organizations; and (3) landowners. In order for a municipality located partially or wholly within a mapped floodplain to receive grant moneys, the municipality must be a member in the Federal Emergency Management Agency's National Flood Insurance Program. A municipality receiving grant moneys must have adopted an ordinance requiring actions consistent with the stormwater management plan. Use of the grant moneys must be consistent with the stormwater management plan.

(c) In the preparation of a stormwater management plan, a county stormwater management planning committee shall coordinate the planning process with each adjoining county to ensure that recommended stormwater projects will have no significant impact on the levels or flows of stormwaters in inter-county watersheds or on the capacity of existing and planned stormwater retention facilities. An adopted stormwater management plan shall identify steps taken by the county to coordinate the development of plan recommendations with adjoining counties.

(d) (Blank).

(e) Prior to recommending the plan to the county board, the stormwater management planning committee shall hold at least one public hearing thereon and shall afford interested persons an opportunity to be heard. The hearing shall be held in the county seat. Notice of the hearing shall be published at least once no less than 15 days in advance thereof in a newspaper of general circulation published in the county. The notice shall state the time and place of the hearing and the place where copies of the proposed plan will be accessible for examination by interested parties. If an affected municipality having a stormwater management plan adopted by ordinance wishes to protest the proposed county plan provisions, it shall appear at the hearing and submit in writing specific proposals to the stormwater management planning committee. After consideration of the matters raised at the hearing, the committee may amend or approve the plan and recommend it to the county board for adoption.

The county board may enact the proposed plan by ordinance. If the proposals for modification of the plan made by an affected municipality having a stormwater management plan are not included in the proposed county plan, and the municipality affected by the plan opposes adoption of the county plan by resolution of its corporate authorities, approval of the county plan shall require an affirmative vote of at least two-thirds of the county board members present and voting. If the county board wishes to amend the county plan, it shall submit in writing specific proposals to the stormwater management planning committee. If the proposals are not approved by the committee, or are opposed by resolution of the corporate authorities of an affected municipality having a municipal stormwater management plan, amendment of the plan shall require an affirmative vote of at least two-thirds of the county board members present and voting.

(f) The county board may prescribe by ordinance reasonable rules and regulations for floodplain or stormwater management and for governing the location, width, course and release rate of all stormwater runoff channels, streams and basins in the county, in accordance with the adopted stormwater management plan. These rules and regulations shall, at a minimum, meet the standards for floodplain management established by the Office of Water Resources and the requirements of the Federal Emergency Management Agency for participation in the National Flood Insurance Program.

(g) In accordance with, and if recommended in, the adopted stormwater management plan, the county board may adopt a schedule of fees as may be necessary to mitigate the effects of increased stormwater runoff resulting from new development. The fees shall not exceed the cost of satisfying the onsite stormwater retention or detention requirements of the adopted stormwater management plan. The fees shall be used to finance activities undertaken by the county or its included municipalities to mitigate the effects of urban stormwater runoff by providing regional stormwater retention or detention facilities, as identified in the county plan. All such fees collected by the county shall be held in a separate fund, and shall be expended only in the watershed within which they were collected.

(h) For the purpose of implementing this Section and for the development, design, planning, construction, operation and maintenance of stormwater facilities provided for in the stormwater management plan, a county board that has established a stormwater management planning committee pursuant to this Section may cause an annual tax of not to exceed 0.20% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the county to be levied upon all the taxable property in the county. The tax shall be in addition to all other taxes authorized by law to be levied and collected in the county and shall be in addition to the maximum tax rate authorized by law for general county purposes. The 0.20% limitation provided in this Section may be increased or decreased by referendum in accordance with the provisions of Sections 18-120, 18-125, and 18-130 of the Property Tax Code.

Any revenues generated as a result of ownership or operation of facilities or land acquired with the tax funds collected pursuant to this subsection (h) shall be held in a separate fund and be used either to abate such property tax or for implementing this Section.

However, unless at least part of the county has been declared after July 1, 1986 by presidential proclamation to be a disaster area as a result of flooding, the tax authorized by this subsection (h) shall not be levied until the question of its adoption, either for a specified period or indefinitely, has been submitted to the electors thereof and approved by a majority of those voting on the question. This question may be submitted at any election held in the county after the adoption of a resolution by the county board providing for the submission of the question to the electors of the county. The county board shall certify the resolution and proposition to the proper election officials, who shall submit the proposition at an election in accordance with the general election law. If a majority of the votes cast on the question is in favor of the levy of the tax, it may thereafter be levied in the county for the specified period or indefinitely, as provided in the proposition. The question shall be put in substantially the following form:

Shall an annual tax be levied
 for stormwater management purposes YES
 (for a period of not more than
 years) at a rate not exceeding -----
% of the equalized assessed
 value of the taxable property of NO
 County?

(i) Upon the creation and implementation of a county stormwater management plan, the county may petition the circuit court to dissolve any or all drainage districts created pursuant to the Illinois Drainage Code or predecessor Acts which are located entirely within the area of the county covered by the plan.

However, any active drainage district implementing a plan that is consistent with and at least as stringent as the county stormwater management plan may petition the stormwater management planning committee for exception from dissolution. Upon filing of the petition, the committee shall set a date for hearing not less than 2 weeks, nor more than 4 weeks, from the filing thereof, and the committee shall give at least one week's notice of the hearing in one or more newspapers of general circulation within the district, and in addition shall cause a copy of the notice to be personally served upon each of the trustees of the district. At the hearing, the committee shall hear the district's petition and allow the district trustees and any interested parties an opportunity to present oral and written evidence. The committee shall render its decision upon the petition for exception from dissolution based upon the best interests of the residents of the district. In the event that the exception is not allowed, the district may file a petition within 30 days of the decision with the circuit court. In that case, the notice and hearing requirements for the court shall be the same as herein provided for the committee. The court shall likewise render its decision of whether to dissolve the district based upon the best interests of residents of the district.

The dissolution of any drainage district shall not affect the obligation of any bonds issued or contracts entered into by the district nor invalidate the levy, extension or collection of any taxes or special assessments upon the property in the former drainage district. All property and obligations of the former drainage district shall be assumed and managed by the county, and the debts of the former drainage district shall be discharged as soon as practicable.

If a drainage district lies only partly within a county that adopts a county stormwater management plan, the county may petition the circuit court to disconnect from the drainage district that portion of the district that lies within that county. The property of the drainage district within the disconnected area shall be assumed and managed by the county. The county shall also assume a portion of the drainage district's debt at the time of disconnection, based on the portion of the value of the taxable property of the drainage district which is located within the area being disconnected.

The operations of any drainage district that continues to exist in a county that has adopted a stormwater management plan in accordance with this Section shall be in accordance with the adopted plan.

(j) Any county that has adopted a county stormwater management plan under this Section may, after 10 days written notice to the owner or occupant, enter upon any lands or waters within the county for the purpose of inspecting stormwater facilities or causing the removal of any obstruction to an affected watercourse. The county shall be responsible for any damages occasioned thereby.

(k) Upon petition of the municipality, and based on a finding of the stormwater management planning committee, the county shall not enforce rules and regulations adopted by the county in any municipality located wholly or partly within the county that has a municipal stormwater management ordinance that is consistent with and at least as stringent as the county plan and ordinance, and is being enforced by the municipal authorities.

(l) A county may issue general obligation bonds for implementing any stormwater plan adopted under this Section in the manner prescribed in Section 5-1012; except that the referendum requirement of Section 5-1012 shall not apply to bonds issued pursuant to this Section on which the principal and interest are to be paid entirely out of funds generated by the taxes and fees authorized by this Section.

(m) The powers authorized by this Section may be implemented by the county board for a portion of the county subject to similar stormwater management needs.

(n) The powers and taxes authorized by this Section are in addition to the powers and taxes authorized by Division 5-15; in exercising its powers under this Section, a county shall not be subject to the restrictions and requirements of that Division.

(o) Pursuant to paragraphs (g) and (i) of Section 6 of Article VII of the Illinois Constitution, this Section specifically denies and limits the exercise of any power which is inconsistent herewith by home rule units in any county with a population of less than 1,500,000 in the area served by the Chicago Metropolitan

Agency for Planning Northeastern Illinois Planning Commission. This Section does not prohibit the concurrent exercise of powers consistent herewith.

(p) As used in this Section:

"Urban flooding" means the flooding of public and private land in urban communities that results from stormwater or snowmelt runoff overwhelming the existing drainage infrastructure, unrelated to the overflow of any river or lake, whether or not that land is located in or near a floodplain.

"Urbanized areas" means a statistical geographic entity consisting of a densely settled core created from census tracts or blocks and contiguous qualifying territory that together have a minimum population of at least 50,000 persons and has been delineated as an urbanized area by the United States Census Bureau after the most recent decennial census.

(Source: P.A. 97-916, eff. 8-9-12.)

(55 ILCS 5/5-1062.2)

Sec. 5-1062.2. Stormwater management.

(a) The purpose of this Section is to allow management and mitigation of the effects of urbanization on stormwater drainage in the metropolitan counties of Madison, St. Clair, Monroe, Kankakee, Grundy, LaSalle, DeKalb, Kendall, and Boone as well as all counties containing all or a part of an urbanized area and references to "county" in this Section apply only to those counties. This Section does not apply to counties in the Chicago Metropolitan Agency for Planning Northeastern Illinois Planning Commission that are granted authorities in Section 5-1062. The purpose of this Section shall be achieved by:

(1) Consolidating the existing stormwater management framework into a united, countywide structure.

(2) Setting minimum standards for floodplain and stormwater management with an emphasis on the use of cost-effective solutions to flooding problems.

(3) Preparing a countywide plan for the management of stormwater runoff, including

the management of natural and man-made drainageways. The countywide plan may incorporate watershed plans and shall evaluate and address flooding problems that exist in urbanized areas that are a result of urban flooding.

(a-5) This Section also applies to all counties not otherwise covered in Section 5-1062, 5-1062.2, or 5-1062.3 if the question of allowing the county board to establish a stormwater management planning council has been submitted to the electors of the county and approved by a majority of those voting on the question.

(b) A stormwater management planning committee may be established by county board resolution, with its membership consisting of equal numbers of county board and municipal representatives from each county board district, one member representing drainage districts, and one member representing soil and water conservation districts and such other members as may be determined by the stormwater management planning committee county and municipal members. If the county has more than 6 county board districts, however, the county board may by ordinance divide the county into not less than 6 areas of approximately equal population, to be used instead of county board districts for the purpose of determining representation on the stormwater management planning committee.

The county board members shall be appointed by the chairman of the county board. Municipal members from each county board district or other represented area shall be appointed by a majority vote of the mayors of those municipalities that have the greatest percentage of their respective populations residing in that county board district or other represented area. The member representing drainage districts shall be appointed by the drainage district chairperson or by a majority vote of all drainage district chairpersons in the county if more than one drainage district exists in the county. The member representing soil and water conservation districts shall be appointed by a majority vote of the soil and water conservation district board or by a majority vote of all soil and water conservation district boards in the county if more than one soil and water conservation district board exists in the county. All municipal, and county board, drainage district, and soil and water conservation district representatives shall be entitled to a vote; the other members shall be nonvoting members, unless authorized to vote by the unanimous consent of the voting members of the committee; however, Madison, St. Clair, Monroe, Kankakee, Grundy, LaSalle, DeKalb, Kendall, and Boone counties are not required to have a drainage district or a soil and water conservation representative the municipal and county board representatives. A municipality that is located in more than one county may choose, at the time of formation of the stormwater management planning committee and based on watershed boundaries, to participate in the stormwater management planning program of either or both of the counties. Subcommittees of the stormwater management planning committee may be established to serve a portion of the county or a particular drainage basin that has similar stormwater management needs. The stormwater management planning committee shall adopt bylaws, by a majority vote of the county and municipal members, to govern the functions of the committee and its

subcommittees. Officers of the committee shall include a chair and vice chair, one of whom shall be a county representative and one a municipal representative.

The principal duties of the committee shall be to develop a stormwater management plan for presentation to and approval by the county board, and to direct the plan's implementation and revision. The committee may retain engineering, legal, and financial advisors and inspection personnel. The committee shall meet at least quarterly and shall hold at least one public meeting during the preparation of the plan and prior to its submittal to the county board. The committee may make grants to: (1) units of local government; (2) not-for-profit organizations; and (3) landowners. In order for a municipality located partially or wholly within a mapped floodplain to receive grant moneys, the municipality must be a member in the Federal Emergency Management Agency's National Flood Insurance Program. A municipality receiving grant moneys must that have adopted an ordinance requiring actions consistent with the stormwater management plan . Use and to landowners for the purposes of stormwater management, including special projects; use of the grant money must be consistent with the stormwater management plan.

The committee shall not have or exercise any power of eminent domain.

(c) In the preparation of a stormwater management plan, a county stormwater management planning committee shall coordinate the planning process with each adjoining county to ensure that recommended stormwater projects will have no significant impact on the levels or flows of stormwaters in inter-county watersheds or on the capacity of existing and planned stormwater retention facilities. An adopted stormwater management plan shall identify steps taken by the county to coordinate the development of plan recommendations with adjoining counties.

(d) The stormwater management committee may not enforce any rules or regulations that would interfere with (i) any power granted by the Illinois Drainage Code (70 ILCS 605/) to operate, construct, maintain, or improve drainage systems or (ii) the ability to operate, maintain, or improve the drainage systems used on or by land or a facility used for production agriculture purposes, as defined in the Use Tax Act (35 ILCS 105/), except newly constructed buildings and newly installed impervious paved surfaces. Disputes regarding an exception shall be determined by a mutually agreed upon arbitrator paid by the disputing party or parties.

(e) Before the stormwater management planning committee recommends to the county board a stormwater management plan for the county or a portion thereof, it shall submit the plan to the Office of Water Resources of the Department of Natural Resources for review and recommendations. The Office, in reviewing the plan, shall consider such factors as impacts on the levels or flows in rivers and streams and the cumulative effects of stormwater discharges on flood levels. The Office of Water Resources shall determine whether the plan or ordinances enacted to implement the plan complies with the requirements of subsection (f). Within a period not to exceed 60 days, the review comments and recommendations shall be submitted to the stormwater management planning committee for consideration. Any amendments to the plan shall be submitted to the Office for review.

(f) Prior to recommending the plan to the county board, the stormwater management planning committee shall hold at least one public hearing thereon and shall afford interested persons an opportunity to be heard. The hearing shall be held in the county seat. Notice of the hearing shall be published at least once no less than 15 days in advance of the hearing in a newspaper of general circulation published in the county. The notice shall state the time and place of the hearing and the place where copies of the proposed plan will be accessible for examination by interested parties. If an affected municipality having a stormwater management plan adopted by ordinance wishes to protest the proposed county plan provisions, it shall appear at the hearing and submit in writing specific proposals to the stormwater management planning committee. After consideration of the matters raised at the hearing, the committee may amend or approve the plan and recommend it to the county board for adoption.

The county board may enact the proposed plan by ordinance. If the proposals for modification of the plan made by an affected municipality having a stormwater management plan are not included in the proposed county plan, and the municipality affected by the plan opposes adoption of the county plan by resolution of its corporate authorities, approval of the county plan shall require an affirmative vote of at least two-thirds of the county board members present and voting. If the county board wishes to amend the county plan, it shall submit in writing specific proposals to the stormwater management planning committee. If the proposals are not approved by the committee, or are opposed by resolution of the corporate authorities of an affected municipality having a municipal stormwater management plan, amendment of the plan shall require an affirmative vote of at least two-thirds of the county board members present and voting.

(g) The county board may prescribe by ordinance reasonable rules and regulations for floodplain or stormwater management and for governing the location, width, course, and release rate of all stormwater

runoff channels, streams, and basins in the county, in accordance with the adopted stormwater management plan. Land, facilities, and drainage district facilities used for production agriculture as defined in subsection (d) shall not be subjected to regulation by the county board or stormwater management committee under this Section for floodplain management and for governing location, width, course, maintenance, and release rate of stormwater runoff channels, streams and basins, or water discharged from a drainage district. These rules and regulations shall, at a minimum, meet the standards for floodplain management established by the Office of Water Resources and the requirements of the Federal Emergency Management Agency for participation in the National Flood Insurance Program. The Commission may not impose more stringent regulations regarding water quality on entities discharging in accordance with a valid National Pollution Discharge Elimination System permit issued under the Environmental Protection Act.

(h) In accordance with, and if recommended in, the adopted stormwater management plan, the county board may adopt a schedule of fees as may be necessary to mitigate the effects of increased stormwater runoff resulting from new development based on actual costs. The fees shall not exceed the cost of satisfying the onsite stormwater retention or detention requirements of the adopted stormwater management plan. The fees shall be used to finance activities undertaken by the county or its included municipalities to mitigate the effects of urban stormwater runoff by providing regional stormwater retention or detention facilities, as identified in the county plan. The county board shall provide for a credit or reduction in fees for any onsite retention, detention, drainage district assessments, or other similar stormwater facility that the developer is required to construct consistent with the stormwater management ordinance. All these fees collected by the county shall be held in a separate fund, and shall be expended only in the watershed within which they were collected.

(i) For the purpose of implementing this Section and for the development, design, planning, construction, operation, and maintenance of stormwater facilities provided for in the stormwater management plan, a county board that has established a stormwater management planning committee pursuant to this Section may cause an annual tax of not to exceed 0.20% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the county to be levied upon all the taxable property in the county or occupation and use taxes of 1/10 of one cent. The property tax shall be in addition to all other taxes authorized by law to be levied and collected in the county and shall be in addition to the maximum tax rate authorized by law for general county purposes. The 0.20% limitation provided in this Section may be increased or decreased by referendum at a general election in accordance with the provisions of Sections 18-120, 18-125, and 18-130 of the Property Tax Code (35 ILCS 200/).

Any revenues generated as a result of ownership or operation of facilities or land acquired with the tax funds collected pursuant to this subsection shall be held in a separate fund and be used either to abate such property tax or for implementing this Section.

However, the tax authorized by this subsection shall not be levied until the question of its adoption, either for a specified period or indefinitely, has been submitted to the electors thereof and approved by a majority of those voting on the question. This question may be submitted at any general election held in the county after the adoption of a resolution by the county board providing for the submission of the question to the electors of the county. The county board shall certify the resolution and proposition to the proper election officials, who shall submit the proposition at an election in accordance with the general election law. If a majority of the votes cast on the question is in favor of the levy of the tax, it may thereafter be levied in the county for the specified period or indefinitely, as provided in the proposition. The question shall be put in substantially the following form:

Shall an annual tax be levied for stormwater management purposes (for a period of not more than years) at a rate not exceeding% of the equalized assessed value of the taxable property of County?

Or this question may be submitted at any general election held in the county after the adoption of a resolution by the county board providing for the submission of the question to the electors of the county to authorize use and occupation taxes of 1/10 of one cent:

Shall use and occupation taxes be raised for stormwater management purposes (for a period of not more than years) at a rate of 1/10 of one cent for taxable goods in County?
Votes shall be recorded as Yes or No.

(j) For those counties that adopt a property tax in accordance with the provisions in this Section, the stormwater management committee shall offer property tax abatements or incentive payments to property owners who construct, maintain, and use approved stormwater management devices. For those counties that adopt use and occupation taxes in accordance with the provisions of this Section, the stormwater management committee may offer tax rebates or incentive payments to property owners who construct, maintain, and use approved stormwater management devices. The stormwater management committee is

authorized to offer credits to the property tax, if applicable, based on authorized practices consistent with the stormwater management plan and approved by the committee. Expenses of staff of a stormwater management committee that are expended on regulatory project review may be no more than 20% of the annual budget of the committee, including funds raised under subsections (h) and (i).

(k) Any county that has adopted a county stormwater management plan under this Section may, after 10 days written notice receiving consent of the owner or occupant, enter upon any lands or waters within the county for the purpose of inspecting stormwater facilities or causing the removal of any obstruction to an affected watercourse. If consent is denied or cannot be reasonably obtained, the county ordinance shall provide a process or procedure for an administrative warrant to be obtained. The county shall be responsible for any damages occasioned thereby.

(l) Upon petition of the municipality, and based on a finding of the stormwater management planning committee, the county shall not enforce rules and regulations adopted by the county in any municipality located wholly or partly within the county that has a municipal stormwater management ordinance that is consistent with and at least as stringent as the county plan and ordinance, and is being enforced by the municipal authorities. On issues that the county ordinance is more stringent as deemed by the committee, the county shall only enforce rules and regulations adopted by the county on the more stringent issues and accept municipal permits. The county shall have no more than 60 days to review permits or the permits shall be deemed approved.

(m) A county may issue general obligation bonds for implementing any stormwater plan adopted under this Section in the manner prescribed in Section 5-1012; except that the referendum requirement of Section 5-1012 does not apply to bonds issued pursuant to this Section on which the principal and interest are to be paid entirely out of funds generated by the taxes and fees authorized by this Section.

(n) The powers authorized by this Section may be implemented by the county board for a portion of the county subject to similar stormwater management needs.

(o) The powers and taxes authorized by this Section are in addition to the powers and taxes authorized by Division 5-15; in exercising its powers under this Section, a county shall not be subject to the restrictions and requirements of that Division.

(p) As used in this Section:

"Urban flooding" means the flooding of public and private land in urban communities that results from stormwater or snowmelt runoff overwhelming the existing drainage infrastructure, unrelated to the overflow of any river or lake, whether or not that land is located in or near a floodplain.

"Urbanized areas" means a statistical geographic entity consisting of a densely settled core created from census tracts or blocks and contiguous qualifying territory that together have a minimum population of at least 50,000 persons and has been delineated as an urbanized area by the United States Census Bureau after the most recent decennial census.

(Source: P.A. 94-675, eff. 8-23-05.)

(55 ILCS 5/5-1062.3)

Sec. 5-1062.3. Stormwater management; DuPage and Peoria Counties.

(a) The purpose of this Section is to allow management and mitigation of the effects of urbanization on stormwater drainage in the metropolitan counties of DuPage and Peoria, and references to "county" in this Section apply only to those counties. This Section does not apply to a municipality that only partially lies within one of these counties and, on the effective date of this amendatory Act of the 98th General Assembly, is served by an existing Section in the Counties Code regarding stormwater management. The purpose of this Section shall be achieved by:

- (1) consolidating the existing stormwater management framework into a united, countywide structure;
- (2) setting minimum standards for floodplain and stormwater management with an emphasis on the use of cost-effective solutions to flooding problems; and
- (3) preparing a countywide plan for the management of stormwater runoff, including the management of natural and man-made drainageways. The countywide plan may incorporate watershed plans and shall evaluate and address flooding problems that exist in urbanized areas that are a result of urban flooding.

(b) A stormwater management planning committee may be established by county board resolution, with its membership consisting of equal numbers of county board and municipal representatives from each county board district, and such other members as may be determined by the county and municipal members. If the county has more than 6 county board districts, however, the county board may by ordinance divide the county into not less than 6 areas of approximately equal population, to be used instead of county board districts for the purpose of determining representation on the stormwater management planning committee.

The county board members shall be appointed by the chairman of the county board. Municipal members from each county board district or other represented area shall be appointed by a majority vote of the mayors of those municipalities that have the greatest percentage of their respective populations residing in that county board district or other represented area. All municipal and county board representatives shall be entitled to a vote; the other members shall be nonvoting members, unless authorized to vote by the unanimous consent of the municipal and county board representatives. A municipality that is located in more than one county may choose, at the time of formation of the stormwater management planning committee and based on watershed boundaries, to participate in the stormwater management planning program of either county. Subcommittees of the stormwater management planning committee may be established to serve a portion of the county or a particular drainage basin that has similar stormwater management needs. The stormwater management planning committee shall adopt bylaws, by a majority vote of the county and municipal members, to govern the functions of the committee and its subcommittees. Officers of the committee shall include a chair and vice chair, one of whom shall be a county representative and one a municipal representative.

The principal duties of the committee shall be to develop a stormwater management plan for presentation to and approval by the county board, and to direct the plan's implementation and revision. The committee may retain engineering, legal, and financial advisors and inspection personnel. The committee shall meet at least quarterly and shall hold at least one public meeting during the preparation of the plan and prior to its submittal to the county board. The committee may make grants to: (1) units of local government; (2) not-for-profit organizations; and (3) landowners. In order for a municipality located partially or wholly within a mapped floodplain to receive grant moneys, the municipality must be a member in the Federal Emergency Management Agency's National Flood Insurance Program. A municipality receiving grant moneys must that have adopted an ordinance requiring actions consistent with the stormwater management plan . Use and to landowners for the purposes of stormwater management, including special projects; use of the grant money must be consistent with the stormwater management plan.

The committee shall not have or exercise any power of eminent domain.

(c) In the preparation of a stormwater management plan, a county stormwater management planning committee shall coordinate the planning process with each adjoining county to ensure that recommended stormwater projects will have no significant impact on the levels or flows of stormwaters in inter-county watersheds or on the capacity of existing and planned stormwater retention facilities. An adopted stormwater management plan shall identify steps taken by the county to coordinate the development of plan recommendations with adjoining counties.

(d) The stormwater management committee may not enforce any rules or regulations that would interfere with (i) any power granted by the Illinois Drainage Code (70 ILCS 605/) to operate, construct, maintain, or improve drainage systems or (ii) the ability to operate, maintain, or improve the drainage systems used on or by land or a facility used for production agriculture purposes, as defined in the Use Tax Act (35 ILCS 105/), except newly constructed buildings and newly installed impervious paved surfaces. Disputes regarding an exception shall be determined by a mutually agreed upon arbitrator paid by the disputing party or parties.

(e) Before the stormwater management planning committee recommends to the county board a stormwater management plan for the county or a portion thereof, it shall submit the plan to the Office of Water Resources of the Department of Natural Resources for review and recommendations. The Office, in reviewing the plan, shall consider such factors as impacts on the levels or flows in rivers and streams and the cumulative effects of stormwater discharges on flood levels. The Office of Water Resources shall determine whether the plan or ordinances enacted to implement the plan complies with the requirements of subsection (f). Within a period not to exceed 60 days, the review comments and recommendations shall be submitted to the stormwater management planning committee for consideration. Any amendments to the plan shall be submitted to the Office for review.

(f) Prior to recommending the plan to the county board, the stormwater management planning committee shall hold at least one public hearing thereon and shall afford interested persons an opportunity to be heard. The hearing shall be held in the county seat. Notice of the hearing shall be published at least once and no less than 15 days in advance of the hearing in a newspaper of general circulation published in the county. The notice shall state the time and place of the hearing and the place where copies of the proposed plan will be accessible for examination by interested parties. If an affected municipality having a stormwater management plan adopted by ordinance wishes to protest the proposed county plan provisions, it shall appear at the hearing and submit in writing specific proposals to the stormwater management planning committee. After consideration of the matters raised at the hearing, the committee may amend or approve the plan and recommend it to the county board for adoption.

The county board may enact the proposed plan by ordinance. If the proposals for modification of the plan made by an affected municipality having a stormwater management plan are not included in the proposed county plan, and the municipality affected by the plan opposes adoption of the county plan by resolution of its corporate authorities, approval of the county plan shall require an affirmative vote of at least two-thirds of the county board members present and voting. If the county board wishes to amend the county plan, it shall submit in writing specific proposals to the stormwater management planning committee. If the proposals are not approved by the committee, or are opposed by resolution of the corporate authorities of an affected municipality having a municipal stormwater management plan, amendment of the plan shall require an affirmative vote of at least two-thirds of the county board members present and voting.

(g) The county board may prescribe by ordinance reasonable rules and regulations for floodplain or stormwater management and for governing the location, width, course, and release rate of all stormwater runoff channels, streams, and basins in the county, in accordance with the adopted stormwater management plan. Land, facilities, and drainage district facilities used for production agriculture as defined in subsection (d) shall not be subjected to regulation by the county board or stormwater management committee under this Section for floodplain management and for governing location, width, course, maintenance, and release rate of stormwater runoff channels, streams and basins, or water discharged from a drainage district. These rules and regulations shall, at a minimum, meet the standards for floodplain management established by the Office of Water Resources and the requirements of the Federal Emergency Management Agency for participation in the National Flood Insurance Program. With respect to DuPage County only, the Chicago Metropolitan Agency for Planning may not impose more stringent regulations regarding water quality on entities discharging in accordance with a valid National Pollution Discharge Elimination System permit issued under the Environmental Protection Act.

(h) For the purpose of implementing this Section and for the development, design, planning, construction, operation, and maintenance of stormwater facilities provided for in the adopted stormwater management plan, a county board that has established a stormwater management planning committee pursuant to this Section or has participated in a stormwater management planning process may adopt a schedule of fees applicable to all real property within the county which benefits from the county's stormwater management facilities and activities, and as may be necessary to mitigate the effects of increased stormwater runoff resulting from development. The total amount of the fees assessed must be specifically and uniquely attributable to the actual costs of the county in the preparation, administration, and implementation of the adopted stormwater management plan, construction and maintenance of stormwater facilities, and other activities related to the management of the runoff from the property. The individual fees must be specifically and uniquely attributable to the portion of the actual cost to the county of managing the runoff from the property. The fees shall be used to finance activities undertaken by the county or its included municipalities to mitigate the effects of urban stormwater runoff by providing and maintaining stormwater collection, retention, detention, and particulate treatment facilities, and improving water bodies impacted by stormwater runoff, as identified in the county plan. In establishing, maintaining, or replacing such facilities, the county shall not duplicate facilities operated by other governmental bodies within its corporate boundaries. The schedule of fees established by the county board shall include a procedure for a full or partial fee waiver for property owners who have taken actions or put in place facilities that reduce or eliminate the cost to the county of providing stormwater management services to their property. The county board may also offer tax or fee rebates or incentive payments to property owners who construct, maintain, and use approved green infrastructure stormwater management devices or any other methods that reduce or eliminate the cost to the county of providing stormwater management services to the property, including but not limited to facilities that reduce the volume, temperature, velocity, and pollutant load of the stormwater managed by the county, such as systems that infiltrate, evapotranspire, or harvest stormwater for reuse, known as "green infrastructure". In exercising this authority, the county shall provide notice to the municipalities within its jurisdiction of any fees proposed under this Section and seek the input of each municipality with respect to the calculation of the fees. The county shall also give property owners at least 2 years' notice of the fee, during which time the county shall provide education on green infrastructure practices and an opportunity to take action to reduce or eliminate the fee. All these fees collected by the county shall be held in a separate fund, and shall be expended only in the watershed within which they were collected. The county may enter into intergovernmental agreements with other government bodies for the joint administration of stormwater management and the collection of the fees authorized in this Section.

A fee schedule authorized by this subsection must have the same limit as the authorized stormwater tax. In Peoria County only, the fee schedule shall not be adopted unless (i) a referendum has been passed approving a stormwater tax as provided in subsection (i) of this Section; or (ii) the question of the adoption

of a fee schedule with the same limit as the authorized stormwater tax has been approved in a referendum by a majority of those voting on the question.

(i) In the alternative to a fee imposed under subsection (h), the county board may cause an annual tax of not to exceed 0.20% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the county to be levied upon all the taxable property in the county. The property tax shall be in addition to all other taxes authorized by law to be levied and collected in the county and shall be in addition to the maximum tax rate authorized by law for general county purposes. The 0.20% limitation provided in this Section may be increased or decreased by referendum in accordance with the provisions of Sections 18-120, 18-125, and 18-130 of the Property Tax Code (35 ILCS 200/).

Any revenues generated as a result of ownership or operation of facilities or land acquired with the tax funds collected pursuant to this subsection shall be held in a separate fund and be used either to abate such property tax or for implementing this Section.

If at least part of the county has been declared by a presidential proclamation after July 1, 1986 and before December 31, 1987, to be a disaster area as a result of flooding, the tax authorized by this subsection does not require approval by referendum. However, in Peoria County, the tax authorized by this subsection shall not be levied until the question of its adoption, either for a specified period or indefinitely, has been submitted to the electors thereof and approved by a majority of those voting on the question. This question may be submitted at any election held in the county after the adoption of a resolution by the county board providing for the submission of the question to the electors of the county. The county board shall certify the resolution and proposition to the proper election officials, who shall submit the proposition at an election in accordance with the general election law. If a majority of the votes cast on the question is in favor of the levy of the tax, it may thereafter be levied in the county for the specified period or indefinitely, as provided in the proposition. The question shall be put in substantially the following form:

Shall an annual tax be levied for stormwater management purposes (for a period of not more than years) at a rate not exceeding% of the equalized assessed value of the taxable property of County?

Votes shall be recorded as Yes or No.

The following question may be submitted at any election held in the county after the adoption of a resolution by the county board providing for the submission of the question to the electors of the county to authorize adoption of a schedule of fees applicable to all real property within the county:

Shall the county board be authorized to adopt a schedule of fees, at a rate not exceeding that of the stormwater management tax, applicable to all real property for preparation, administration, and implementation of an adopted stormwater management plan, construction and maintenance of related facilities, and management of the runoff from the property?

Votes shall be recorded as Yes or No.

If these questions have been approved by a majority of those voting prior to the effective date of this amendatory Act of the 98th General Assembly, this subsection does not apply.

(j) For those counties that adopt a property tax in accordance with the provisions in this Section, the stormwater management committee shall offer property tax abatements or incentive payments to property owners who construct, maintain, and use approved stormwater management devices. The stormwater management committee is authorized to offer credits to the property tax, if applicable, based on authorized practices consistent with the stormwater management plan and approved by the committee. Expenses of staff of a stormwater management committee that are expended on regulatory project review may be no more than 20% of the annual budget of the committee, including funds raised under subsections (h) and (i).

(k) Upon the creation and implementation of a county stormwater management plan, the county may petition the circuit court to dissolve any or all drainage districts created pursuant to the Illinois Drainage Code or predecessor Acts which are located entirely within the area of the county covered by the plan.

However, any active drainage district implementing a plan that is consistent with and at least as stringent as the county stormwater management plan may petition the stormwater management planning committee for exception from dissolution. Upon filing of the petition, the committee shall set a date for hearing not less than 2 weeks, nor more than 4 weeks, from the filing thereof, and the committee shall give at least one week's notice of the hearing in one or more newspapers of general circulation within the district, and in addition shall cause a copy of the notice to be personally served upon each of the trustees of the district. At the hearing, the committee shall hear the district's petition and allow the district trustees and any interested parties an opportunity to present oral and written evidence. The committee shall render its decision upon the petition for exception from dissolution based upon the best interests of the residents of the district. In the event that the exception is not allowed, the district may file a petition within 30 days of the decision with the circuit court. In that case, the notice and hearing requirements for the court shall be

the same as herein provided for the committee. The court shall likewise render its decision of whether to dissolve the district based upon the best interests of residents of the district.

The dissolution of any drainage district shall not affect the obligation of any bonds issued or contracts entered into by the district nor invalidate the levy, extension or collection of any taxes or special assessments upon the property in the former drainage district. All property and obligations of the former drainage district shall be assumed and managed by the county, and the debts of the former drainage district shall be discharged as soon as practicable.

If a drainage district lies only partly within a county that adopts a county stormwater management plan, the county may petition the circuit court to disconnect from the drainage district that portion of the district that lies within that county. The property of the drainage district within the disconnected area shall be assumed and managed by the county. The county shall also assume a portion of the drainage district's debt at the time of disconnection, based on the portion of the value of the taxable property of the drainage district which is located within the area being disconnected.

The operations of any drainage district that continues to exist in a county that has adopted a stormwater management plan in accordance with this Section shall be in accordance with the adopted plan.

(l) Any county that has adopted a county stormwater management plan under this Section may, after 10 days' written notice receiving consent of the owner or occupant, enter upon any lands or waters within the county for the purpose of inspecting stormwater facilities or causing the removal of any obstruction to an affected watercourse. If consent is denied or cannot be reasonably obtained, the county ordinance shall provide a process or procedure for an administrative warrant to be obtained. The county shall be responsible for any damages occasioned thereby.

(m) Except as otherwise provided in subsection (a) of this Section, upon petition of the municipality, and based on a finding of the stormwater management planning committee, the county shall not enforce rules and regulations adopted by the county in any municipality located wholly or partly within the county that has a municipal stormwater management ordinance that is consistent with and at least as stringent as the county plan and ordinance, and is being enforced by the municipal authorities. On issues that the county ordinance is more stringent as deemed by the committee, the county shall only enforce rules and regulations adopted by the county on the more stringent issues and accept municipal permits. The county shall have no more than 60 days to review permits or the permits shall be deemed approved.

(n) A county may issue general obligation bonds for implementing any stormwater plan adopted under this Section in the manner prescribed in Section 5-1012; except that the referendum requirement of Section 5-1012 does not apply to bonds issued pursuant to this Section on which the principal and interest are to be paid entirely out of funds generated by the taxes and fees authorized by this Section.

(o) A county that has adopted a fee schedule pursuant to this Section may not thereafter issue any bond extensions related to implementing a stormwater management plan.

(p) The powers authorized by this Section may be implemented by the county board for a portion of the county subject to similar stormwater management needs.

(q) The powers and taxes authorized by this Section are in addition to the powers and taxes authorized by Division 5-15; in exercising its powers under this Section, a county shall not be subject to the restrictions and requirements of that Division.

(r) Stormwater management projects and actions related to stormwater management in a county that has adopted a fee schedule or tax pursuant to this Section prior to the effective date of this amendatory Act of the 98th General Assembly are not altered by this amendatory Act of the 98th General Assembly.

(s) As used in this Section:

"Urban flooding" means the flooding of public and private land in urban communities that results from stormwater or snowmelt runoff overwhelming the existing drainage infrastructure, unrelated to the overflow of any river or lake, whether or not that land is located in or near a floodplain.

"Urbanized areas" means a statistical geographic entity consisting of a densely settled core created from census tracts or blocks and contiguous qualifying territory that together have a minimum population of at least 50,000 persons and has been delineated as an urbanized area by the United States Census Bureau after the most recent decennial census.

(Source: P.A. 98-335, eff. 8-13-13; 98-756, eff. 7-16-14.)"

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendment No. 3 was postponed in the Committee on Local Government.

Senator Rezin offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 1337

[May 29, 2017]

AMENDMENT NO. 4. Amend Senate Bill 1337, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 6, line 16, after "be", by inserting "reasonable and"; and

on page 20, line 7, before "fees", by inserting "reasonable"; and

on page 22, immediately below line 22, by inserting the following:

"(i-5) Before a county that establishes a stormwater management planning council after submission of the question to the electors of the county pursuant to subsection (a-5) may submit a referendum question to the electors of the county for an annual tax under subsection (i), the county shall:

(1) adopt and enforce a floodplain management ordinance or a stormwater management ordinance under subsection (g) that has been approved by the Office of Water Resources of the Department of Natural Resources; and

(2) designate a certified floodplain manager who has been certified by the Association of State Floodplain Managers; however, nothing in this paragraph (2) requires a county to create a new position or designate another individual if the county already has a certified floodplain manager on staff.

If a county fails to continually meet any of the conditions of this subsection (i-5) after approval of a referendum question for an annual tax, the county may not levy a tax under subsection (i) until they are in full compliance with this subsection (i-5)."; and

on page 32, line 8, before "fees", by inserting "reasonable".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 2 and 4 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Rezin, **Senate Bill No. 1337** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 42; NAYS 6.

The following voted in the affirmative:

Althoff	Harris	McConaughay	Rose
Aquino	Hastings	McGuire	Silverstein
Barickman	Holmes	Morrison	Stadelman
Bennett	Hunter	Mulroe	Steans
Brady	Hutchinson	Muñoz	Syverson
Bush	Koehler	Nybo	Tracy
Castro	Landek	Oberweis	Trotter
Clayborne	Lightford	Radogno	Van Pelt
Collins	Link	Raoul	Mr. President
Cunningham	Manar	Rezin	
Harmon	Martinez	Righter	

The following voted in the negative:

Anderson	Fowler	Rooney
Bivins	McCarter	Weaver

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

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

[May 29, 2017]

PRESENTATION OF RESOLUTIONS**SENATE RESOLUTION NO. 551**

Offered by Senator Link and all Senators:
Mourns the death of Billy Lee Franklin of Gurnee.

SENATE RESOLUTION NO. 552

Offered by Senator Link and all Senators:
Mourns the death of Howard J. Goodwin of Beach Park.

SENATE RESOLUTION NO. 553

Offered by Senator Link and all Senators:
Mourns the death of Larry O. Klemm of Gurnee.

SENATE RESOLUTION NO. 554

Offered by Senator Link and all Senators:
Mourns the death of James W. McDonough, Sr., of Ft. Myers, Florida.

SENATE RESOLUTION NO. 555

Offered by Senator Link and all Senators:
Mourns the death of Richard "Dick" Nixon.

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

CONSIDERATION OF SENATE BILL ON CONSIDERATION POSTPONED

On motion of Senator Bush, **Senate Bill No. 569**, having been read by title a third time on May 16, 2017, and pending roll call further consideration postponed, was taken up again on third reading.

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

YEAS 32; NAYS 18.

The following voted in the affirmative:

Aquino	Cunningham	Manar	Stadelman
Bennett	Harmon	Martinez	Steans
Bertino-Tarrant	Harris	McGuire	Trotter
Biss	Hastings	Morrison	Van Pelt
Bush	Hunter	Mulroe	Mr. President
Castro	Hutchinson	Muñoz	
Clayborne	Koehler	Oberweis	
Collins	Lightford	Raoul	
Cullerton, T.	Link	Silverstein	

The following voted in the negative:

Barickman	McCarter	Radogno	Syverson
Bivins	McConchie	Rezin	Tracy
Brady	McConnaughay	Righter	Weaver
Connelly	Murphy	Rooney	
Fowler	Nybo	Rose	

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

[May 29, 2017]

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Biss, **Senate Bill No. 779** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 34; NAYS 19.

The following voted in the affirmative:

Aquino	Cunningham	Lightford	Raoul
Bennett	Harmon	Link	Silverstein
Bertino-Tarrant	Harris	Manar	Stadelman
Biss	Hastings	Martinez	Steans
Bush	Holmes	McGuire	Trotter
Castro	Hunter	Morrison	Van Pelt
Clayborne	Hutchinson	Mulroe	Mr. President
Collins	Koehler	Muñoz	
Cullerton, T.	Landek	Murphy	

The following voted in the negative:

Althoff	Connelly	Oberweis	Rose
Anderson	Fowler	Radogno	Syverson
Barickman	McConchie	Rezin	Tracy
Bivins	McConnaughay	Righter	Weaver
Brady	Nybo	Rooney	

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

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Connelly, **House Bill No. 106** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	McCarter	Rooney
Anderson	Cunningham	McConchie	Rose
Aquino	Fowler	McConnaughay	Silverstein
Barickman	Harmon	McGuire	Stadelman
Bennett	Harris	Morrison	Steans
Bertino-Tarrant	Hastings	Mulroe	Syverson
Biss	Holmes	Muñoz	Tracy
Bivins	Hunter	Murphy	Trotter

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Brady	Hutchinson	Nybo	Van Pelt
Bush	Koehler	Oberweis	Weaver
Castro	Landek	Radogno	Mr. President
Clayborne	Link	Raoul	
Collins	Manar	Rezin	
Connelly	Martinez	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cunningham, **House Bill No. 140** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	McCarter	Rooney
Anderson	Fowler	McConchie	Rose
Aquino	Harmon	McConnaughay	Silverstein
Barickman	Harris	McGuire	Stadelman
Bennett	Hastings	Morrison	Stears
Bertino-Tarrant	Holmes	Mulroe	Syverson
Bivins	Hunter	Muñoz	Tracy
Brady	Hutchinson	Murphy	Trotter
Bush	Koehler	Nybo	Van Pelt
Castro	Landek	Oberweis	Weaver
Clayborne	Lightford	Radogno	Mr. President
Collins	Link	Raoul	
Connelly	Manar	Rezin	
Cullerton, T.	Martinez	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator T. Cullerton, **House Bill No. 169** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Rooney
Anderson	Cunningham	McCarter	Rose
Aquino	Fowler	McConchie	Silverstein
Barickman	Harmon	McConnaughay	Stadelman
Bennett	Harris	McGuire	Stears
Bertino-Tarrant	Hastings	Morrison	Syverson
Biss	Holmes	Mulroe	Tracy
Bivins	Hunter	Muñoz	Trotter
Brady	Hutchinson	Murphy	Van Pelt

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Bush	Koehler	Nybo	Weaver
Castro	Landek	Oberweis	Mr. President
Clayborne	Lightford	Radogno	
Collins	Link	Raoul	
Connelly	Manar	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Raoul, **House Bill No. 189** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 52; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Fowler	McConchie	Rose
Anderson	Harmon	McConnaughay	Silverstein
Aquino	Harris	McGuire	Stadelman
Bennett	Hastings	Morrison	Steans
Bertino-Tarrant	Holmes	Mulroe	Syverson
Biss	Hunter	Muñoz	Tracy
Bivins	Hutchinson	Murphy	Trotter
Brady	Koehler	Nybo	Van Pelt
Bush	Landek	Oberweis	Weaver
Castro	Lightford	Radogno	Mr. President
Collins	Link	Raoul	
Connelly	Manar	Rezin	
Cullerton, T.	Martinez	Righter	
Cunningham	McCarter	Rooney	

The following voted present:

Barickman

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Martinez, **House Bill No. 223** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Righter
Anderson	Cunningham	McCarter	Rooney
Aquino	Fowler	McConchie	Rose
Barickman	Harmon	McConnaughay	Silverstein
Bennett	Harris	McGuire	Stadelman
Bertino-Tarrant	Hastings	Morrison	Steans

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Biss	Holmes	Mulroe	Syverson
Bivins	Hunter	Muñoz	Tracy
Brady	Hutchinson	Murphy	Trotter
Bush	Koehler	Nybo	Van Pelt
Castro	Landek	Oberweis	Weaver
Clayborne	Lightford	Radogno	Mr. President
Collins	Link	Raoul	
Connelly	Manar	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Van Pelt, **House Bill No. 243** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 48; NAYS 3; Present 1.

The following voted in the affirmative:

Althoff	Cunningham	Martinez	Silverstein
Anderson	Fowler	McConchie	Stadelman
Aquino	Harmon	McConaughay	Steans
Barickman	Harris	McGuire	Syverson
Bennett	Hastings	Morrison	Tracy
Bertino-Tarrant	Holmes	Mulroe	Trotter
Brady	Hunter	Muñoz	Van Pelt
Bush	Hutchinson	Murphy	Weaver
Castro	Koehler	Oberweis	Mr. President
Clayborne	Landek	Radogno	
Collins	Lightford	Raoul	
Connelly	Link	Righter	
Cullerton, T.	Manar	Rooney	

The following voted in the negative:

McCarter
Rezin
Rose

The following voted present:

Bivins

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Bennett, **House Bill No. 261** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 39; NAYS 15.

The following voted in the affirmative:

Aquino	Cullerton, T.	Lightford	Radogno
Bennett	Cunningham	Link	Raoul
Bertino-Tarrant	Harmon	Manar	Righter
Biss	Harris	Martinez	Silverstein
Brady	Hastings	McConchie	Stadelman
Bush	Holmes	McGuire	Steans
Castro	Hunter	Morrison	Trotter
Clayborne	Hutchinson	Mulroe	Van Pelt
Collins	Koehler	Muñoz	Mr. President
Connelly	Landek	Murphy	

The following voted in the negative:

Althoff	Fowler	Rezin	Syverson
Anderson	McCarter	Rooney	Tracy
Barickman	Nybo	Rose	Weaver
Bivins	Oberweis	Schimpf	

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

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 2:16 o'clock p.m., Senator Trotter, presiding.

On motion of Senator Martinez, **House Bill No. 164** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 46; NAYS 4.

The following voted in the affirmative:

Anderson	Cullerton, T.	Link	Righter
Aquino	Cunningham	Manar	Rose
Barickman	Fowler	Martinez	Silverstein
Bennett	Harmon	McConaughay	Stadelman
Bertino-Tarrant	Harris	McGuire	Steans
Biss	Hastings	Morrison	Tracy
Brady	Holmes	Mulroe	Trotter
Bush	Hunter	Muñoz	Van Pelt
Castro	Hutchinson	Murphy	Weaver
Clayborne	Koehler	Radogno	Mr. President
Collins	Landek	Raoul	
Connelly	Lightford	Rezin	

The following voted in the negative:

Bivins	Oberweis
McCarter	Rooney

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

Ordered that the Secretary inform the House of Representatives thereof.

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Senator Althoff asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **House Bill No. 164**.

Senator Weaver asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the negative on **House Bill No. 164**.

Senator Nybo asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **House Bill No. 164**.

At the hour of 2:18 o'clock p.m., Senator Link, presiding.

On motion of Senator Harris, **House Bill No. 284** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 32; NAYS 20.

The following voted in the affirmative:

Aquino	Harmon	Manar	Stadelman
Bennett	Harris	Martinez	Steans
Bertino-Tarrant	Hastings	McGuire	Trotter
Biss	Hunter	Morrison	Van Pelt
Castro	Hutchinson	Mulroe	Mr. President
Clayborne	Koehler	Muñoz	
Collins	Landek	Murphy	
Cullerton, T.	Lightford	Raoul	
Cunningham	Link	Silverstein	

The following voted in the negative:

Althoff	McCarter	Rezin	Tracy
Anderson	McConchie	Righter	Weaver
Bivins	McConnaughay	Rooney	
Brady	Nybo	Rose	
Connelly	Oberweis	Schimpf	
Fowler	Radogno	Syversen	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Morrison, **House Bill No. 373** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	McCarter	Rooney
Anderson	Fowler	McConchie	Rose
Aquino	Harmon	McConnaughay	Schimpf
Bennett	Harris	McGuire	Silverstein
Bertino-Tarrant	Hastings	Morrison	Stadelman

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Biss	Holmes	Mulroe	Steans
Bivins	Hunter	Muñoz	Syverson
Brady	Hutchinson	Murphy	Tracy
Bush	Koehler	Nybo	Trotter
Castro	Landek	Oberweis	Van Pelt
Clayborne	Lightford	Radogno	Weaver
Collins	Link	Raoul	Mr. President
Connelly	Manar	Rezin	
Cullerton, T.	Martinez	Righter	

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

On motion of Senator McConchie, **House Bill No. 374** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Righter
Anderson	Cunningham	McCarter	Rooney
Aquino	Fowler	McConchie	Rose
Barickman	Harmon	McConnaughay	Schimpf
Bennett	Harris	McGuire	Silverstein
Bertino-Tarrant	Hastings	Morrison	Stadelman
Biss	Holmes	Mulroe	Steans
Bivins	Hunter	Muñoz	Syverson
Brady	Hutchinson	Murphy	Tracy
Bush	Koehler	Nybo	Trotter
Castro	Landek	Oberweis	Van Pelt
Clayborne	Lightford	Radogno	Weaver
Collins	Link	Raoul	Mr. President
Connelly	Manar	Rezin	

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

On motion of Senator Steans, **House Bill No. 375** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Righter
Anderson	Cunningham	McCarter	Rooney
Aquino	Fowler	McConchie	Rose
Barickman	Harmon	McConnaughay	Schimpf
Bennett	Harris	McGuire	Silverstein
Bertino-Tarrant	Hastings	Morrison	Stadelman

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Biss	Holmes	Mulroe	Stears
Bivins	Hunter	Muñoz	Syverson
Brady	Hutchinson	Murphy	Tracy
Bush	Koehler	Nybo	Trotter
Castro	Landek	Oberweis	Van Pelt
Clayborne	Lightford	Radogno	Weaver
Collins	Link	Raoul	Mr. President
Connelly	Manar	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Connelly, **House Bill No. 394** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Rooney
Anderson	Cunningham	McCarter	Rose
Aquino	Fowler	McConchie	Schimpf
Barickman	Harmon	McConnaughay	Silverstein
Bennett	Harris	McGuire	Stadelman
Bertino-Tarrant	Hastings	Morrison	Stears
Biss	Holmes	Mulroe	Syverson
Bivins	Hunter	Muñoz	Tracy
Brady	Hutchinson	Murphy	Trotter
Bush	Koehler	Nybo	Van Pelt
Castro	Landek	Oberweis	Weaver
Clayborne	Lightford	Radogno	Mr. President
Collins	Link	Raoul	
Connelly	Manar	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Martinez, **House Bill No. 395** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 47; NAYS 6.

The following voted in the affirmative:

Althoff	Cullerton, T.	Manar	Rooney
Aquino	Cunningham	Martinez	Schimpf
Barickman	Harmon	McConchie	Silverstein
Bennett	Harris	McConnaughay	Stadelman
Bertino-Tarrant	Hastings	McGuire	Stears
Biss	Holmes	Morrison	Syverson
Brady	Hunter	Mulroe	Tracy

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Bush	Hutchinson	Muñoz	Trotter
Castro	Koehler	Murphy	Van Pelt
Clayborne	Landek	Nybo	Weaver
Collins	Lightford	Radogno	Mr. President
Connelly	Link	Raoul	

The following voted in the negative:

Anderson	Fowler	Oberweis
Bivins	McCarter	Rose

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Connelly, **House Bill No. 418** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	McCarter	Rooney
Anderson	Fowler	McConchie	Rose
Aquino	Harmon	McConnaughay	Schimpf
Barickman	Harris	McGuire	Silverstein
Bennett	Hastings	Morrison	Stadelman
Bertino-Tarrant	Holmes	Mulroe	Steans
Biss	Hunter	Muñoz	Syverson
Bivins	Hutchinson	Murphy	Tracy
Brady	Koehler	Nybo	Trotter
Bush	Landek	Oberweis	Van Pelt
Castro	Lightford	Radogno	Weaver
Clayborne	Link	Raoul	Mr. President
Collins	Manar	Rezin	
Connelly	Martinez	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Lightford, **House Bill No. 425** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 35; NAYS 19.

The following voted in the affirmative:

Aquino	Cunningham	Lightford	Nybo
Bennett	Harmon	Link	Raoul
Bertino-Tarrant	Harris	Manar	Silverstein
Biss	Hastings	Martinez	Stadelman
Bush	Holmes	McGuire	Steans

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Castro	Hunter	Morrison	Trotter
Clayborne	Hutchinson	Mulroe	Van Pelt
Collins	Koehler	Muñoz	Mr. President
Cullerton, T.	Landek	Murphy	

The following voted in the negative:

Althoff	Fowler	Radogno	Schimpf
Barickman	McCarter	Rezin	Syverson
Bivins	McConchie	Righter	Tracy
Brady	McConnaughay	Rooney	Weaver
Connelly	Oberweis	Rose	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Stadelman, **House Bill No. 457** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Rooney
Anderson	Cunningham	McCarter	Rose
Aquino	Fowler	McConnaughay	Schimpf
Barickman	Harmon	McGuire	Silverstein
Bennett	Harris	Morrison	Stadelman
Bertino-Tarrant	Hastings	Mulroe	Steans
Biss	Holmes	Muñoz	Syverson
Bivins	Hunter	Murphy	Tracy
Brady	Hutchinson	Nybo	Trotter
Bush	Koehler	Oberweis	Van Pelt
Castro	Landek	Radogno	Weaver
Clayborne	Lightford	Raoul	Mr. President
Collins	Link	Rezin	
Connelly	Manar	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Bivins, **House Bill No. 465** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 48; NAYS 3.

The following voted in the affirmative:

Althoff	Cunningham	McCarter	Silverstein
Anderson	Fowler	McConnaughay	Stadelman
Barickman	Harmon	McGuire	Steans

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Bennett	Harris	Mulroe	Syverson
Bertino-Tarrant	Hastings	Muñoz	Tracy
Biss	Holmes	Murphy	Trotter
Bivins	Hunter	Nybo	Van Pelt
Brady	Hutchinson	Radogno	Weaver
Bush	Koehler	Raoul	Mr. President
Castro	Landek	Rezin	
Clayborne	Link	Righter	
Collins	Manar	Rose	
Cullerton, T.	Martinez	Schimpf	

The following voted in the negative:

McConchie
Oberweis
Rooney

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Barickman, **House Bill No. 466** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Rooney
Anderson	Cunningham	McConchie	Rose
Aquino	Fowler	McConnaughay	Schimpf
Barickman	Harmon	McGuire	Silverstein
Bennett	Harris	Morrison	Stadelman
Bertino-Tarrant	Hastings	Mulroe	Steans
Biss	Holmes	Muñoz	Syverson
Bivins	Hunter	Murphy	Tracy
Brady	Hutchinson	Nybo	Trotter
Bush	Koehler	Oberweis	Van Pelt
Castro	Landek	Radogno	Weaver
Clayborne	Lightford	Raoul	Mr. President
Collins	Link	Rezin	
Connelly	Manar	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Nybo, **House Bill No. 512** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

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Althoff	Cullerton, T.	McCarter	Rooney
Anderson	Cunningham	McConchie	Rose
Aquino	Fowler	McConnaughay	Schimpf
Barickman	Harmon	McGuire	Silverstein
Bennett	Harris	Morrison	Stadelman
Bertino-Tarrant	Hastings	Mulroe	Steans
Biss	Holmes	Muñoz	Syverson
Bivins	Hunter	Murphy	Tracy
Brady	Hutchinson	Nybo	Trotter
Bush	Koehler	Oberweis	Van Pelt
Castro	Landek	Radogno	Weaver
Clayborne	Link	Raoul	Mr. President
Collins	Manar	Rezin	
Connelly	Martinez	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Tracy, **House Bill No. 513** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	McCarter	Rose
Anderson	Cunningham	McConchie	Schimpf
Aquino	Fowler	McConnaughay	Silverstein
Barickman	Harmon	McGuire	Stadelman
Bennett	Harris	Morrison	Steans
Bertino-Tarrant	Hastings	Mulroe	Syverson
Biss	Holmes	Muñoz	Tracy
Bivins	Hunter	Murphy	Trotter
Brady	Hutchinson	Oberweis	Van Pelt
Bush	Koehler	Radogno	Weaver
Castro	Landek	Raoul	Mr. President
Clayborne	Link	Rezin	
Collins	Manar	Righter	
Connelly	Martinez	Rooney	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **House Bill No. 514** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 38; NAYS 13.

The following voted in the affirmative:

Aquino	Harmon	Manar	Schimpf
Barickman	Harris	Martinez	Silverstein
Bennett	Hastings	McGuire	Stadelman
Bertino-Tarrant	Holmes	Morrison	Steans
Biss	Hunter	Mulroe	Tracy
Bush	Hutchinson	Muñoz	Trotter
Castro	Koehler	Murphy	Van Pelt
Clayborne	Landek	Oberweis	Mr. President
Collins	Lightford	Raoul	
Cunningham	Link	Sandoval	

The following voted in the negative:

Althoff	Fowler	Rezin	Weaver
Anderson	McCarter	Righter	
Bivins	McConchie	Rooney	
Connelly	McConnaughay	Syverson	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Althoff, **House Bill No. 524** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Rooney
Anderson	Cunningham	McCarter	Rose
Aquino	Fowler	McConchie	Sandoval
Barickman	Harmon	McConnaughay	Schimpf
Bennett	Harris	McGuire	Silverstein
Bertino-Tarrant	Hastings	Morrison	Stadelman
Biss	Holmes	Mulroe	Steans
Bivins	Hunter	Muñoz	Syverson
Brady	Hutchinson	Murphy	Tracy
Bush	Koehler	Oberweis	Trotter
Castro	Landek	Radogno	Van Pelt
Clayborne	Lightford	Raoul	Weaver
Collins	Link	Rezin	Mr. President
Connelly	Manar	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator McConchie, **House Bill No. 528** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

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The following voted in the affirmative:

Althoff	Cullerton, T.	McCarter	Rooney
Anderson	Cunningham	McConchie	Rose
Aquino	Fowler	McConnaughay	Sandoval
Barickman	Harmon	McGuire	Schimpf
Bennett	Harris	Morrison	Silverstein
Bertino-Tarrant	Hastings	Mulroe	Stadelman
Biss	Holmes	Muñoz	Steans
Bivins	Hunter	Murphy	Syversen
Brady	Hutchinson	Nybo	Tracy
Bush	Koehler	Oberweis	Trotter
Castro	Landek	Radogno	Van Pelt
Clayborne	Link	Raoul	Weaver
Collins	Manar	Rezin	Mr. President
Connelly	Martinez	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sandoval, **House Bill No. 535** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Rooney
Anderson	Cunningham	McCarter	Rose
Aquino	Fowler	McConnaughay	Sandoval
Barickman	Harmon	McGuire	Schimpf
Bennett	Harris	Morrison	Silverstein
Bertino-Tarrant	Hastings	Mulroe	Stadelman
Biss	Holmes	Muñoz	Steans
Bivins	Hunter	Murphy	Syversen
Brady	Hutchinson	Nybo	Tracy
Bush	Koehler	Oberweis	Trotter
Castro	Landek	Radogno	Van Pelt
Clayborne	Lightford	Raoul	Weaver
Collins	Link	Rezin	Mr. President
Connelly	Manar	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Oberweis, **House Bill No. 539** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAY 1.

The following voted in the affirmative:

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Althoff	Cunningham	McCarter	Rooney
Anderson	Fowler	McConchie	Rose
Aquino	Harmon	McConnaughay	Schimpf
Barickman	Harris	McGuire	Silverstein
Bennett	Hastings	Morrison	Stadelman
Bertino-Tarrant	Holmes	Mulroe	Steans
Biss	Hunter	Muñoz	Syverson
Brady	Hutchinson	Murphy	Tracy
Bush	Koehler	Nybo	Trotter
Castro	Landek	Oberweis	Van Pelt
Clayborne	Lightford	Radogno	Weaver
Collins	Link	Raoul	Mr. President
Connelly	Manar	Rezin	
Cullerton, T.	Martinez	Righter	

The following voted in the negative:

Sandoval

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sandoval, **House Bill No. 547** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAY 1.

The following voted in the affirmative:

Althoff	Harmon	McConnaughay	Sandoval
Bennett	Harris	McGuire	Schimpf
Bertino-Tarrant	Hastings	Morrison	Silverstein
Biss	Holmes	Mulroe	Stadelman
Bivins	Hunter	Muñoz	Steans
Brady	Hutchinson	Murphy	Syverson
Bush	Koehler	Nybo	Tracy
Castro	Landek	Oberweis	Trotter
Clayborne	Lightford	Radogno	Van Pelt
Collins	Link	Raoul	Weaver
Connelly	Manar	Rezin	Mr. President
Cullerton, T.	Martinez	Righter	
Cunningham	McCarter	Rooney	
Fowler	McConchie	Rose	

The following voted in the negative:

Anderson

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

Ordered that the Secretary inform the House of Representatives thereof.

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On motion of Senator Morrison, **House Bill No. 607** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 43; NAYS 7; Present 1.

The following voted in the affirmative:

Aquino	Hastings	McConnaughay	Sandoval
Bennett	Holmes	McGuire	Schimpf
Bertino-Tarrant	Hunter	Morrison	Silverstein
Biss	Hutchinson	Mulroe	Stadelman
Brady	Koehler	Muñoz	Steans
Clayborne	Landek	Murphy	Tracy
Collins	Lightford	Oberweis	Trotter
Cullerton, T.	Link	Radogno	Van Pelt
Cunningham	Manar	Raoul	Weaver
Harmon	Martinez	Righter	Mr. President
Harris	McConchie	Rooney	

The following voted in the negative:

Anderson	Connelly	Nybo	Rose
Barickman	Fowler	Rezin	

The following voted present:

Althoff

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator McGuire, **House Bill No. 616** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	McCarter	Rooney
Anderson	Fowler	McConchie	Rose
Aquino	Harmon	McConnaughay	Sandoval
Bennett	Harris	McGuire	Schimpf
Bertino-Tarrant	Hastings	Morrison	Silverstein
Biss	Holmes	Mulroe	Stadelman
Bivins	Hunter	Muñoz	Steans
Brady	Hutchinson	Murphy	Syverson
Bush	Koehler	Nybo	Tracy
Castro	Landek	Oberweis	Trotter
Clayborne	Lightford	Radogno	Van Pelt
Collins	Link	Raoul	Weaver
Connelly	Manar	Rezin	Mr. President
Cullerton, T.	Martinez	Righter	

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

On motion of Senator Bertino-Tarrant, as chief co-sponsor pursuant to Senate Rule 5-1(b)(i), **House Bill No. 619** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Rooney
Anderson	Cunningham	McCarter	Rose
Aquino	Fowler	McConchie	Sandoval
Barickman	Harmon	McConnaughay	Schimpf
Bennett	Harris	McGuire	Silverstein
Bertino-Tarrant	Hastings	Morrison	Stadelman
Biss	Holmes	Mulroe	Steans
Bivins	Hunter	Muñoz	Syverson
Brady	Hutchinson	Murphy	Tracy
Bush	Koehler	Nybo	Trotter
Castro	Landek	Oberweis	Van Pelt
Clayborne	Lightford	Radogno	Weaver
Collins	Link	Raoul	Mr. President
Connelly	Manar	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator McConchie, **House Bill No. 623** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	McCarter	Rooney
Anderson	Cunningham	McConchie	Rose
Aquino	Fowler	McConnaughay	Sandoval
Barickman	Harmon	McGuire	Schimpf
Bennett	Harris	Morrison	Silverstein
Bertino-Tarrant	Hastings	Mulroe	Stadelman
Biss	Holmes	Muñoz	Steans
Bivins	Hunter	Murphy	Syverson
Brady	Hutchinson	Nybo	Tracy
Bush	Koehler	Oberweis	Trotter
Castro	Landek	Radogno	Van Pelt
Clayborne	Link	Raoul	Weaver
Collins	Manar	Rezin	Mr. President
Connelly	Martinez	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cunningham, **House Bill No. 649** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Rooney
Anderson	Cunningham	McCarter	Rose
Aquino	Fowler	McConchie	Sandoval
Barickman	Harmon	McConnaughay	Schimpf
Bennett	Harris	McGuire	Silverstein
Bertino-Tarrant	Hastings	Mulroe	Stadelman
Biss	Holmes	Muñoz	Steans
Bivins	Hunter	Murphy	Syverson
Brady	Hutchinson	Nybo	Tracy
Bush	Koehler	Oberweis	Trotter
Castro	Landek	Radogno	Van Pelt
Clayborne	Lightford	Raoul	Weaver
Collins	Link	Rezin	Mr. President
Connelly	Manar	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Fowler, **House Bill No. 655** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	McConchie	Sandoval
Anderson	Fowler	McConnaughay	Schimpf
Aquino	Harmon	McGuire	Silverstein
Barickman	Harris	Morrison	Stadelman
Bennett	Hastings	Mulroe	Steans
Bertino-Tarrant	Holmes	Muñoz	Syverson
Biss	Hunter	Murphy	Tracy
Bivins	Hutchinson	Nybo	Trotter
Brady	Koehler	Oberweis	Van Pelt
Bush	Landek	Radogno	Weaver
Castro	Lightford	Raoul	Mr. President
Clayborne	Link	Rezin	
Collins	Manar	Righter	
Connelly	Martinez	Rooney	
Cullerton, T.	McCarter	Rose	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Holmes, **House Bill No. 656** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	McConchie	Sandoval
Anderson	Fowler	McConnaughay	Schimpf
Aquino	Harmon	McGuire	Silverstein
Barickman	Harris	Morrison	Stadelman
Bennett	Hastings	Mulroe	Steans
Bertino-Tarrant	Holmes	Muñoz	Syverson
Biss	Hunter	Murphy	Tracy
Bivins	Hutchinson	Nybo	Trotter
Brady	Koehler	Oberweis	Van Pelt
Bush	Landek	Radogno	Weaver
Castro	Lightford	Raoul	Mr. President
Clayborne	Link	Rezin	
Collins	Manar	Righter	
Connelly	Martinez	Rooney	
Cullerton, T.	McCarter	Rose	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cunningham, **House Bill No. 659** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	McConchie	Sandoval
Anderson	Fowler	McConnaughay	Schimpf
Aquino	Harmon	McGuire	Silverstein
Barickman	Harris	Morrison	Stadelman
Bennett	Hastings	Mulroe	Steans
Bertino-Tarrant	Holmes	Muñoz	Syverson
Biss	Hunter	Murphy	Tracy
Bivins	Hutchinson	Nybo	Trotter
Brady	Koehler	Oberweis	Van Pelt
Bush	Landek	Radogno	Weaver
Castro	Lightford	Raoul	Mr. President
Clayborne	Link	Rezin	
Collins	Manar	Righter	
Connelly	Martinez	Rooney	
Cullerton, T.	McCarter	Rose	

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

On motion of Senator Mulroe, **House Bill No. 679** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	McConchie	Sandoval
Anderson	Fowler	McConnaughay	Schimpf
Aquino	Harmon	McGuire	Silverstein
Barickman	Harris	Morrison	Stadelman
Bennett	Hastings	Mulroe	Steans
Bertino-Tarrant	Holmes	Muñoz	Syverson
Biss	Hunter	Murphy	Tracy
Bivins	Hutchinson	Nybo	Trotter
Brady	Koehler	Oberweis	Van Pelt
Bush	Landek	Radogno	Weaver
Castro	Lightford	Raoul	Mr. President
Clayborne	Link	Rezin	
Collins	Manar	Righter	
Connelly	Martinez	Rooney	
Cullerton, T.	McCarter	Rose	

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

On motion of Senator Bivins, **House Bill No. 683** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Rooney
Anderson	Cunningham	McCarter	Rose
Aquino	Fowler	McConchie	Sandoval
Barickman	Harmon	McConnaughay	Schimpf
Bennett	Harris	McGuire	Silverstein
Bertino-Tarrant	Hastings	Morrison	Stadelman
Biss	Holmes	Mulroe	Steans
Bivins	Hunter	Muñoz	Syverson
Brady	Hutchinson	Murphy	Tracy
Bush	Koehler	Nybo	Trotter
Castro	Landek	Oberweis	Van Pelt
Clayborne	Lightford	Radogno	Weaver
Collins	Link	Rezin	Mr. President
Connelly	Manar	Righter	

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

On motion of Senator Aquino, **House Bill No. 698** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAY 1.

The following voted in the affirmative:

Althoff	Cunningham	McConchie	Rose
Anderson	Fowler	McConaughay	Sandoval
Aquino	Harmon	McGuire	Schimpf
Barickman	Harris	Morrison	Silverstein
Bennett	Hastings	Mulroe	Stadelman
Bertino-Tarrant	Holmes	Muñoz	Steans
Biss	Hunter	Murphy	Syverson
Brady	Hutchinson	Nybo	Tracy
Bush	Koehler	Oberweis	Trotter
Castro	Landek	Radogno	Van Pelt
Clayborne	Lightford	Raoul	Weaver
Collins	Link	Rezin	Mr. President
Connelly	Manar	Righter	
Cullerton, T.	Martinez	Rooney	

The following voted in the negative:

McCarter

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

On motion of Senator Raoul, **House Bill No. 703** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Rooney
Anderson	Cunningham	McCarter	Rose
Aquino	Fowler	McConchie	Sandoval
Barickman	Harmon	McConaughay	Schimpf
Bennett	Harris	McGuire	Silverstein
Bertino-Tarrant	Hastings	Morrison	Stadelman
Biss	Holmes	Mulroe	Steans
Bivins	Hunter	Murphy	Syverson
Brady	Hutchinson	Nybo	Tracy
Bush	Koehler	Oberweis	Trotter
Castro	Landek	Radogno	Van Pelt

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Clayborne	Lightford	Raoul	Weaver
Collins	Link	Rezin	Mr. President
Connelly	Manar	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Silverstein moved that **Senate Resolution No. 225**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Silverstein moved that Senate Resolution No. 225 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Clayborne moved that **Senate Resolution No. 337**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Clayborne moved that Senate Resolution No. 337 be adopted.

The motion prevailed.

And the resolution was adopted.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Trotter, **Senate Bill No. 552** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 49; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	Martinez	Sandoval
Anderson	Fowler	McConnaughay	Schimpf
Aquino	Harmon	McGuire	Silverstein
Bennett	Harris	Morrison	Stadelman
Bertino-Tarrant	Hastings	Mulroe	Steans
Biss	Holmes	Muñoz	Syverson
Brady	Hunter	Murphy	Tracy
Bush	Hutchinson	Nybo	Trotter
Castro	Koehler	Oberweis	Van Pelt
Clayborne	Landek	Radogno	Mr. President
Collins	Lightford	Raoul	
Connelly	Link	Righter	
Cullerton, T.	Manar	Rooney	

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

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

At the hour of 3:51 o'clock p.m., Senator Harmon, presiding.

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READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Connelly, **House Bill No. 706** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	McConchie	Sandoval
Anderson	Fowler	McConnaughay	Schimpf
Aquino	Harmon	McGuire	Silverstein
Barickman	Harris	Morrison	Stadelman
Bennett	Hastings	Mulroe	Steans
Bertino-Tarrant	Holmes	Muñoz	Syverson
Biss	Hunter	Murphy	Tracy
Bivins	Hutchinson	Nybo	Trotter
Brady	Koehler	Oberweis	Van Pelt
Bush	Landek	Radogno	Weaver
Castro	Lightford	Raoul	Mr. President
Clayborne	Link	Rezin	
Collins	Manar	Righter	
Connelly	Martinez	Rooney	
Cullerton, T.	McCarter	Rose	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Martinez, **House Bill No. 732** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 39; NAYS 17.

The following voted in the affirmative:

Anderson	Cullerton, T.	Lightford	Raoul
Aquino	Cunningham	Link	Rose
Bennett	Fowler	Manar	Sandoval
Bertino-Tarrant	Harmon	Martinez	Silverstein
Biss	Harris	McGuire	Stadelman
Brady	Hastings	Morrison	Steans
Bush	Holmes	Mulroe	Trotter
Castro	Hunter	Muñoz	Van Pelt
Clayborne	Hutchinson	Murphy	Mr. President
Collins	Koehler	Radogno	

The following voted in the negative:

Althoff	McCarter	Rezin	Tracy
Barickman	McConchie	Righter	Weaver
Bivins	McConnaughay	Rooney	

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Connelly	Nybo	Schimpf
Landek	Oberweis	Syverson

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Castro, **House Bill No. 733** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Rooney
Anderson	Cunningham	McConchie	Rose
Aquino	Fowler	McConnaughay	Sandoval
Barickman	Harmon	McGuire	Schimpf
Bennett	Harris	Morrison	Silverstein
Bertino-Tarrant	Hastings	Mulroe	Stadelman
Biss	Holmes	Muñoz	Steans
Bivins	Hunter	Murphy	Syverson
Brady	Hutchinson	Nybo	Trotter
Bush	Koehler	Oberweis	Van Pelt
Castro	Landek	Radogno	Weaver
Clayborne	Lightford	Raoul	Mr. President
Collins	Link	Rezin	
Connelly	Manar	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **House Bill No. 736** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Manar	Righter
Anderson	Cunningham	Martinez	Rose
Aquino	Fowler	McConchie	Sandoval
Barickman	Harmon	McConnaughay	Schimpf
Bennett	Harris	McGuire	Silverstein
Bertino-Tarrant	Hastings	Morrison	Stadelman
Biss	Holmes	Mulroe	Steans
Bivins	Hunter	Muñoz	Tracy
Brady	Hutchinson	Nybo	Trotter
Bush	Koehler	Oberweis	Van Pelt
Castro	Landek	Radogno	Weaver
Collins	Lightford	Raoul	Mr. President
Connelly	Link	Rezin	

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

On motion of Senator Althoff, **House Bill No. 743** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 52; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Fowler	McConaughay	Schimpf
Anderson	Harmon	McGuire	Silverstein
Aquino	Harris	Morrison	Stadelman
Barickman	Hastings	Mulroe	Steans
Bennett	Holmes	Muñoz	Syverson
Biss	Hunter	Nybo	Tracy
Bivins	Hutchinson	Oberweis	Trotter
Brady	Koehler	Radogno	Van Pelt
Bush	Landek	Raoul	Weaver
Castro	Lightford	Rezin	Mr. President
Clayborne	Link	Righter	
Collins	Manar	Rooney	
Connelly	Martinez	Rose	
Cunningham	McConchie	Sandoval	

The following voted present:

Cullerton, T.

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

On motion of Senator McConaughay, **House Bill No. 764** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	McCarter	Rooney
Anderson	Cunningham	McConchie	Rose
Aquino	Fowler	McConaughay	Sandoval
Barickman	Harmon	McGuire	Schimpf
Bennett	Harris	Morrison	Silverstein
Bertino-Tarrant	Hastings	Mulroe	Stadelman
Biss	Holmes	Muñoz	Steans
Bivins	Hunter	Murphy	Syverson
Brady	Hutchinson	Nybo	Tracy
Bush	Landek	Oberweis	Trotter
Castro	Lightford	Radogno	Van Pelt

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Clayborne	Link	Raoul	Weaver
Collins	Manar	Rezin	Mr. President
Connelly	Martinez	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Holmes, **House Bill No. 768** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 33; NAYS 17; Present 2.

The following voted in the affirmative:

Anderson	Cunningham	Lightford	Rose
Aquino	Fowler	Link	Schimpf
Bennett	Harmon	Manar	Silverstein
Bertino-Tarrant	Hastings	McGuire	Stadelman
Biss	Holmes	Morrison	Trotter
Castro	Hunter	Mulroe	Mr. President
Clayborne	Hutchinson	Murphy	
Collins	Koehler	Raoul	
Cullerton, T.	Landek	Rezin	

The following voted in the negative:

Barickman	McCarter	Radogno	Van Pelt
Bivins	McConchie	Righter	Weaver
Brady	McConnaughay	Rooney	
Connelly	Nybo	Syverson	
Martinez	Oberweis	Tracy	

The following voted present:

Muñoz
Sandoval

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Althoff, **House Bill No. 770** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Cunningham	McCarter	Rose
Anderson	Fowler	McConchie	Sandoval
Aquino	Harmon	McConnaughay	Schimpf
Barickman	Harris	McGuire	Silverstein

Bennett	Hastings	Morrison	Stadelman
Bertino-Tarrant	Holmes	Mulroe	Syverson
Bivins	Hunter	Muñoz	Tracy
Brady	Hutchinson	Murphy	Trotter
Bush	Koehler	Nybo	Van Pelt
Castro	Landek	Radogno	Weaver
Clayborne	Lightford	Raoul	Mr. President
Collins	Link	Rezin	
Connelly	Manar	Righter	
Cullerton, T.	Martinez	Rooney	

The following voted present:

Oberweis

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Althoff, **House Bill No. 776** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAY 1.

The following voted in the affirmative:

Althoff	Cunningham	McCarter	Rooney
Anderson	Fowler	McConchie	Rose
Aquino	Harmon	McConnaughay	Sandoval
Barickman	Harris	McGuire	Schimpf
Bennett	Hastings	Morrison	Silverstein
Bertino-Tarrant	Holmes	Mulroe	Stadelman
Bivins	Hunter	Muñoz	Syverson
Brady	Hutchinson	Murphy	Trotter
Bush	Koehler	Nybo	Van Pelt
Castro	Landek	Oberweis	Weaver
Clayborne	Lightford	Radogno	Mr. President
Collins	Link	Raoul	
Connelly	Manar	Rezin	
Cullerton, T.	Martinez	Righter	

The following voted in the negative:

Tracy

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

Ordered that the Secretary inform the House of Representatives thereof.

Senator Tracy asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **House Bill No. 776**.

On motion of Senator Nybo, **House Bill No. 817** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

[May 29, 2017]

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Cunningham	McConchie	Rose
Aquino	Fowler	McConnaughay	Sandoval
Barickman	Harmon	McGuire	Schimpf
Bennett	Harris	Morrison	Silverstein
Bertino-Tarrant	Holmes	Mulroe	Stadelman
Biss	Hunter	Muñoz	Syverson
Bivins	Hutchinson	Murphy	Tracy
Brady	Koehler	Nybo	Trotter
Bush	Landek	Oberweis	Van Pelt
Castro	Lightford	Radogno	Weaver
Clayborne	Link	Raoul	Mr. President
Collins	Manar	Rezin	
Connelly	Martinez	Righter	
Cullerton, T.	McCarter	Rooney	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sandoval, **House Bill No. 815** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAY 1.

The following voted in the affirmative:

Althoff	Cullerton, T.	Manar	Righter
Anderson	Cunningham	Martinez	Rooney
Aquino	Fowler	McConchie	Rose
Barickman	Harmon	McConnaughay	Sandoval
Bennett	Harris	McGuire	Schimpf
Bertino-Tarrant	Hastings	Morrison	Silverstein
Biss	Holmes	Mulroe	Stadelman
Brady	Hunter	Muñoz	Syverson
Bush	Hutchinson	Murphy	Trotter
Castro	Koehler	Nybo	Van Pelt
Clayborne	Landek	Radogno	Weaver
Collins	Lightford	Raoul	Mr. President
Connelly	Link	Rezin	

The following voted in the negative:

Oberweis

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Althoff, **House Bill No. 819** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

[May 29, 2017]

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Fowler	McConnaughay	Sandoval
Anderson	Harmon	McGuire	Schimpf
Aquino	Harris	Morrison	Silverstein
Barickman	Hastings	Mulroe	Stadelman
Bennett	Holmes	Muñoz	Steans
Bertino-Tarrant	Hunter	Murphy	Syverson
Brady	Hutchinson	Nybo	Tracy
Bush	Koehler	Oberweis	Trotter
Castro	Landek	Radogno	Van Pelt
Clayborne	Lightford	Raoul	Weaver
Collins	Link	Rezin	Mr. President
Connelly	Manar	Righter	
Cullerton, T.	Martinez	Rooney	
Cunningham	McConchie	Rose	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Althoff, **House Bill No. 821** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	McConchie	Rose
Anderson	Cunningham	McConnaughay	Sandoval
Aquino	Fowler	McGuire	Schimpf
Barickman	Harmon	Morrison	Silverstein
Bennett	Harris	Mulroe	Stadelman
Bertino-Tarrant	Holmes	Muñoz	Steans
Biss	Hunter	Murphy	Syverson
Bivins	Hutchinson	Nybo	Tracy
Brady	Koehler	Oberweis	Trotter
Bush	Landek	Radogno	Van Pelt
Castro	Lightford	Raoul	Weaver
Clayborne	Link	Rezin	Mr. President
Collins	Manar	Righter	
Connelly	Martinez	Rooney	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **House Bill No. 823** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

[May 29, 2017]

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	McCarter	Rooney
Anderson	Cunningham	McConchie	Rose
Aquino	Fowler	McConnaughay	Sandoval
Barickman	Harmon	McGuire	Schimpf
Bennett	Harris	Morrison	Silverstein
Bertino-Tarrant	Holmes	Mulroe	Stadelman
Biss	Hunter	Muñoz	Steans
Bivins	Hutchinson	Murphy	Syverson
Brady	Koehler	Nybo	Tracy
Bush	Landek	Oberweis	Trotter
Castro	Lightford	Radogno	Van Pelt
Clayborne	Link	Raoul	Weaver
Collins	Manar	Rezin	Mr. President
Connelly	Martinez	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Koehler, **House Bill No. 826** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	McConchie	Sandoval
Anderson	Fowler	McConnaughay	Schimpf
Aquino	Harmon	McGuire	Silverstein
Barickman	Harris	Morrison	Stadelman
Bennett	Hastings	Mulroe	Steans
Bertino-Tarrant	Holmes	Muñoz	Syverson
Biss	Hunter	Murphy	Tracy
Bivins	Hutchinson	Nybo	Trotter
Brady	Koehler	Oberweis	Van Pelt
Bush	Landek	Radogno	Weaver
Castro	Lightford	Raoul	Mr. President
Clayborne	Link	Rezin	
Collins	Manar	Righter	
Connelly	Martinez	Rooney	
Cullerton, T.	McCarter	Rose	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Morrison, **House Bill No. 1332** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

[May 29, 2017]

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Righter
Anderson	Cunningham	McCarter	Rooney
Aquino	Fowler	McConchie	Rose
Barickman	Harmon	McConnaughay	Sandoval
Bennett	Harris	McGuire	Schimpf
Bertino-Tarrant	Hastings	Morrison	Silverstein
Biss	Holmes	Mulroe	Stadelman
Bivins	Hunter	Muñoz	Steans
Brady	Hutchinson	Murphy	Tracy
Bush	Koehler	Nybo	Trotter
Castro	Landek	Oberweis	Van Pelt
Clayborne	Lightford	Radogno	Weaver
Collins	Link	Raoul	Mr. President
Connelly	Manar	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator McConnaughay, **House Bill No. 1677** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Cunningham	McConchie	Sandoval
Anderson	Fowler	McConnaughay	Schimpf
Aquino	Harmon	McGuire	Silverstein
Barickman	Harris	Morrison	Stadelman
Bennett	Hastings	Mulroe	Steans
Bertino-Tarrant	Holmes	Muñoz	Syverson
Biss	Hunter	Murphy	Tracy
Bivins	Hutchinson	Nybo	Trotter
Brady	Koehler	Oberweis	Van Pelt
Bush	Landek	Radogno	Weaver
Castro	Lightford	Raoul	Mr. President
Clayborne	Link	Rezin	
Collins	Manar	Righter	
Connelly	Martinez	Rooney	
Cullerton, T.	McCarter	Rose	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Steans, **House Bill No. 1784** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

[May 29, 2017]

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Righter
Anderson	Cunningham	McCarter	Rooney
Aquino	Fowler	McConchie	Rose
Barickman	Harmon	McConnaughay	Sandoval
Bennett	Harris	McGuire	Schimpf
Bertino-Tarrant	Hastings	Morrison	Silverstein
Biss	Holmes	Mulroe	Stadelman
Bivins	Hunter	Muñoz	Steans
Brady	Hutchinson	Murphy	Syverson
Bush	Koehler	Nybo	Trotter
Castro	Landek	Oberweis	Van Pelt
Clayborne	Lightford	Radogno	Weaver
Collins	Link	Raoul	Mr. President
Connelly	Manar	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Koehler, **House Bill No. 1792** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Rooney
Anderson	Cunningham	McConchie	Rose
Aquino	Fowler	McConnaughay	Sandoval
Barickman	Harmon	McGuire	Schimpf
Bennett	Harris	Morrison	Silverstein
Bertino-Tarrant	Hastings	Mulroe	Stadelman
Biss	Holmes	Muñoz	Steans
Bivins	Hunter	Murphy	Syverson
Brady	Hutchinson	Nybo	Tracy
Bush	Koehler	Oberweis	Trotter
Castro	Landek	Radogno	Van Pelt
Clayborne	Lightford	Raoul	Weaver
Collins	Link	Rezin	Mr. President
Connelly	Manar	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Martinez, **House Bill No. 2630** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	McConchie	Rose
Anderson	Cunningham	McConnaughay	Sandoval
Aquino	Fowler	McGuire	Schimpf
Barickman	Harmon	Morrison	Silverstein
Bennett	Harris	Mulroe	Stadelman
Bertino-Tarrant	Hastings	Muñoz	Steans
Biss	Holmes	Murphy	Syverson
Bivins	Hunter	Nybo	Tracy
Brady	Hutchinson	Oberweis	Trotter
Bush	Koehler	Radogno	Van Pelt
Castro	Landek	Raoul	Weaver
Clayborne	Lightford	Rezin	Mr. President
Collins	Link	Righter	
Connelly	Martinez	Rooney	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Clayborne, **House Bill No. 1685** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Cullerton, T.	Martinez	Rooney
Anderson	Cunningham	McConchie	Rose
Aquino	Fowler	McConnaughay	Schimpf
Barickman	Harmon	McGuire	Silverstein
Bennett	Harris	Morrison	Stadelman
Bertino-Tarrant	Hastings	Mulroe	Steans
Biss	Holmes	Muñoz	Syverson
Bivins	Hunter	Murphy	Tracy
Brady	Hutchinson	Nybo	Trotter
Bush	Koehler	Oberweis	Van Pelt
Castro	Landek	Radogno	Weaver
Clayborne	Lightford	Raoul	Mr. President
Collins	Link	Rezin	
Connelly	Manar	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

[May 29, 2017]

Senator Lightford moved that **Senate Resolution No. 489**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Lightford moved that Senate Resolution No. 489 be adopted.

The motion prevailed.

And the resolution was adopted.

At the hour of 4:57 o'clock p.m., Senator Link, presiding.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 556

Offered by Senator Morrison and all Senators:

Mourns the death of John Kazar Kazarian of Lake Forest.

SENATE RESOLUTION NO. 557

Offered by Senator Rose and all Senators:

Mourns the death of Dave Shaul of Champaign.

SENATE RESOLUTION NO. 558

Offered by Senator Link and all Senators:

Mourns the death of Norman C. Geary.

SENATE RESOLUTION NO. 559

Offered by Senator Link and all Senators:

Mourns the death of Roger Bernard Hilton, Sr.

SENATE RESOLUTION NO. 560

Offered by Senator Link and all Senators:

Mourns the death of Ruth Helen Johnson Ivantic of Lake County.

SENATE RESOLUTION NO. 562

Offered by Senator Murphy and all Senators:

Mourns the death of Gertrude B. Whitton of Des Plaines.

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

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

SENATE RESOLUTION NO. 561

WHEREAS, On February 27, 2017, the Department of Healthcare and Family Services (HFS) released a Medicaid managed care request for proposal (RFP) for a Purchase of Care Contract; and

WHEREAS, The Purchase of Care Contract RFP is exempt from the Illinois Procurement Code rules and oversight; and

WHEREAS, The Purchase of Care Contract RFP cost is estimated at \$9 billion per year, resulting in \$54 billion in expenditures over the six-year potential contract term; and

WHEREAS, Medicaid currently provides healthcare to over three million citizens in Illinois; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Auditor General is directed to conduct a performance audit of the Purchase of Care Contract RFP at the Department of Healthcare and Family Services; and be it further

RESOLVED, That the audit include, but not be limited to, the following:

(1) A review of the Department of Healthcare and Family Services' process in developing the criteria and requirements for Managed Care Organizations to participate in the Purchase of Care Contract RFP;

(2) A review of individuals involved in the creation and selection of participants to score the Purchase of Care Contract RFP and potential conflicts of interest; and

(3) A review on the level of transparency and assurance of non-discriminatory actions in the Purchase of Care Contract RFP; and be it further

RESOLVED, That the Department of Healthcare and Family Services, and any other agency or entity having information relevant to this audit, shall cooperate fully and promptly with the Auditor General during this review; and be it further

RESOLVED, That the Auditor General commence this audit as soon as possible and report the findings and recommendations upon completion in accordance with the provisions of Section 3-14 of the Illinois State Auditing Act.

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 8

A bill for AN ACT concerning finance.

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

House Amendment No. 1 to SENATE BILL NO. 8

House Amendment No. 3 to SENATE BILL NO. 8

Passed the House, as amended, May 29, 2017.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 8

AMENDMENT NO. 1. Amend Senate Bill 8 by replacing everything after the enacting clause with the following:

"Section 5. The State Officials and Employees Ethics Act is amended by changing Sections 5-10 and 20-5 as follows:

(5 ILCS 430/5-10)

Sec. 5-10. Ethics training.

(a) Each officer, member, and employee must complete, at least annually beginning in 2004, an ethics training program conducted by the appropriate State agency. Each ultimate jurisdictional authority must implement an ethics training program for its officers, members, and employees. These ethics training programs shall be overseen by the appropriate Ethics Commission and Inspector General appointed pursuant to this Act in consultation with the Office of the Attorney General.

(b) Each ultimate jurisdictional authority subject to the Executive Ethics Commission shall submit to the Executive Ethics Commission, at least annually, or more frequently as required by that Commission,

[May 29, 2017]

an annual report that summarizes ethics training that was completed during the previous year, and lays out the plan for the ethics training programs in the coming year.

(c) Each Inspector General shall set standards and determine the hours and frequency of training necessary for each position or category of positions. A person who fills a vacancy in an elective or appointed position that requires training and a person employed in a position that requires training must complete his or her initial ethics training within 30 days after commencement of his or her office or employment.

(d) Upon completion of the ethics training program, each officer, member, and employee must certify in writing that the person has completed the training program. Each officer, member, and employee must provide to his or her ethics officer a signed copy of the certification by the deadline for completion of the ethics training program.

(e) The ethics training provided under this Act by the Secretary of State may be expanded to satisfy the requirement of Section 4.5 of the Lobbyist Registration Act.

(f) The ethics training provided under this Act by State agencies under the control of the Governor shall include the requirements and duties of State officers and employees under Sections 50-39, 50-40, and 50-45 of the Illinois Procurement Code.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/20-5)

Sec. 20-5. Executive Ethics Commission.

(a) The Executive Ethics Commission is created.

(b) The Executive Ethics Commission shall consist of 9 commissioners. The Governor shall appoint 5 commissioners, and the Attorney General, Secretary of State, Comptroller, and Treasurer shall each appoint one commissioner. Appointments shall be made by and with the advice and consent of the Senate by three-fifths of the elected members concurring by record vote. Any nomination not acted upon by the Senate within 60 session days of the receipt thereof shall be deemed to have received the advice and consent of the Senate. If, during a recess of the Senate, there is a vacancy in an office of commissioner, the appointing authority shall make a temporary appointment until the next meeting of the Senate when the appointing authority shall make a nomination to fill that office. No person rejected for an office of commissioner shall, except by the Senate's request, be nominated again for that office at the same session of the Senate or be appointed to that office during a recess of that Senate. No more than 5 commissioners may be of the same political party.

The terms of the initial commissioners shall commence upon qualification. Four initial appointees of the Governor, as designated by the Governor, shall serve terms running through June 30, 2007. One initial appointee of the Governor, as designated by the Governor, and the initial appointees of the Attorney General, Secretary of State, Comptroller, and Treasurer shall serve terms running through June 30, 2008. The initial appointments shall be made within 60 days after the effective date of this Act.

After the initial terms, commissioners shall serve for 4-year terms commencing on July 1 of the year of appointment and running through June 30 of the fourth following year. Commissioners may be reappointed to one or more subsequent terms.

Vacancies occurring other than at the end of a term shall be filled by the appointing authority only for the balance of the term of the commissioner whose office is vacant.

Terms shall run regardless of whether the position is filled.

(c) The appointing authorities shall appoint commissioners who have experience holding governmental office or employment and shall appoint commissioners from the general public. A person is not eligible to serve as a commissioner if that person (i) has been convicted of a felony or a crime of dishonesty or moral turpitude, (ii) is, or was within the preceding 12 months, engaged in activities that require registration under the Lobbyist Registration Act, (iii) is related to the appointing authority, or (iv) is a State officer or employee.

(d) The Executive Ethics Commission shall have jurisdiction over all officers and employees of State agencies other than the General Assembly, the Senate, the House of Representatives, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the Senate Operations Commission, the legislative support services agencies, and the Office of the Auditor General. The Executive Ethics Commission shall have jurisdiction over all board members and employees of Regional Transit Boards. The jurisdiction of the Commission is limited to matters arising under this Act, except as provided in subsection (d-5).

A member or legislative branch State employee serving on an executive branch board or commission remains subject to the jurisdiction of the Legislative Ethics Commission and is not subject to the jurisdiction of the Executive Ethics Commission.

(d-5) The Executive Ethics Commission shall have jurisdiction over all chief procurement officers and procurement compliance monitors and their respective staffs. The Executive Ethics Commission shall have jurisdiction over any matters arising under the Illinois Procurement Code if the Commission is given explicit authority in that Code.

(d-6) (1) The Executive Ethics Commission shall have jurisdiction over the Illinois Power Agency and its staff. The Director of the Agency shall be appointed by a majority of the commissioners of the Executive Ethics Commission, subject to Senate confirmation, for a term of 2 years. The Director is removable for cause by a majority of the Commission upon a finding of neglect, malfeasance, absence, or incompetence.

(2) In case of a vacancy in the office of Director of the Illinois Power Agency during a recess of the Senate, the Executive Ethics Commission may make a temporary appointment until the next meeting of the Senate, at which time the Executive Ethics Commission shall nominate some person to fill the office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until his or her successor is appointed and qualified. Nothing in this subsection shall prohibit the Executive Ethics Commission from removing a temporary appointee or from appointing a temporary appointee as the Director of the Illinois Power Agency.

(3) Prior to June 1, 2012, the Executive Ethics Commission may, until the Director of the Illinois Power Agency is appointed and qualified or a temporary appointment is made pursuant to paragraph (2) of this subsection, designate some person as an acting Director to execute the powers and discharge the duties vested by law in that Director. An acting Director shall serve no later than 60 calendar days, or upon the making of an appointment pursuant to paragraph (1) or (2) of this subsection, whichever is earlier. Nothing in this subsection shall prohibit the Executive Ethics Commission from removing an acting Director or from appointing an acting Director as the Director of the Illinois Power Agency.

(4) No person rejected by the Senate for the office of Director of the Illinois Power Agency shall, except at the Senate's request, be nominated again for that office at the same session or be appointed to that office during a recess of that Senate.

(e) The Executive Ethics Commission must meet, either in person or by other technological means, at least monthly and as often as necessary. At the first meeting of the Executive Ethics Commission, the commissioners shall choose from their number a chairperson and other officers that they deem appropriate. The terms of officers shall be for 2 years commencing July 1 and running through June 30 of the second following year. Meetings shall be held at the call of the chairperson or any 3 commissioners. Official action by the Commission shall require the affirmative vote of 5 commissioners, and a quorum shall consist of 5 commissioners. Commissioners shall receive compensation in an amount equal to the compensation of members of the State Board of Elections and may be reimbursed for their reasonable expenses actually incurred in the performance of their duties.

(f) No commissioner or employee of the Executive Ethics Commission may during his or her term of appointment or employment:

(1) become a candidate for any elective office;

(2) hold any other elected or appointed public office except for appointments on governmental advisory boards or study commissions or as otherwise expressly authorized by law;

(3) be actively involved in the affairs of any political party or political organization; or

(4) advocate for the appointment of another person to an appointed or elected office or position or actively participate in any campaign for any elective office.

(g) An appointing authority may remove a commissioner only for cause.

(h) The Executive Ethics Commission shall appoint an Executive Director. The compensation of the Executive Director shall be as determined by the Commission. The Executive Director of the Executive Ethics Commission may employ and determine the compensation of staff, as appropriations permit.

(i) The Executive Ethics Commission shall appoint, by a majority of the members appointed to the Commission, chief procurement officers and may appoint procurement compliance monitors in accordance with the provisions of the Illinois Procurement Code. The compensation of a chief procurement officer and procurement compliance monitor shall be determined by the Commission.

(Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11; 97-618, eff. 10-26-11; 97-677, eff. 2-6-12.)

Section 15. The Illinois Procurement Code is amended by re-enacting and changing Sections 1-12 and 1-13, by changing Sections 1-10, 5-5, 5-30, 10-10, 10-15, 15-25, 15-30, 20-10, 20-15, 20-20, 20-25, 20-30, 20-43, 20-80, 20-160, 25-35, 35-15, 35-30, 35-35, 40-30, 45-15, 45-30, 45-45, 45-57, 50-2, 50-10, 50-10.5, 50-39, 50-40, 50-45, and 53-10, and by adding Sections 1-15.40, 1-15.47, 1-15.48, 1-15.49, 10-30, 25-85, 30-40, 45-85, 45-90, and 50-36.5 as follows:

(30 ILCS 500/1-10)

[May 29, 2017]

Sec. 1-10. Application.

(a) This Code applies only to procurements for which bidders, offerors, potential contractors, or contractors were first solicited on or after July 1, 1998. This Code shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the implementation date of this Code as described in Article 99, including but not limited to any covenant entered into with respect to any revenue bonds or similar instruments. All procurements for which contracts are solicited between the effective date of Articles 50 and 99 and July 1, 1998 shall be substantially in accordance with this Code and its intent.

(b) This Code shall apply regardless of the source of the funds with which the contracts are paid, including federal assistance moneys. Except as specifically provided in this Code, this ~~This~~ Code shall not apply to:

(1) Contracts between the State and its political subdivisions or other governments, or between State governmental bodies ~~except as specifically provided in this Code.~~

(2) Grants, except for the filing requirements of Section 20-80.

(3) Purchase of care.

(4) Hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual.

(5) Collective bargaining contracts.

(6) Purchase of real estate, except that notice of this type of contract with a value of more than \$25,000 must be published in the Procurement Bulletin within 10 calendar days after the deed is recorded in the county of jurisdiction. The notice shall identify the real estate purchased, the names of all parties to the contract, the value of the contract, and the effective date of the contract.

(7) Contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other procuring entity subject to this Code shall give his or her prior approval when the procuring entity is not one subject to the jurisdiction of the Governor.

~~(8) (Blank). Contracts for services to Northern Illinois University by a person, acting as an independent contractor, who is qualified by education, experience, and technical ability and is selected by negotiation for the purpose of providing non-credit educational service activities or products by means of specialized programs offered by the university.~~

(9) Procurement expenditures by the Illinois Conservation Foundation when only private funds are used.

~~(10) (Blank). Procurement expenditures by the Illinois Health Information Exchange Authority involving private funds from the Health Information Exchange Fund. "Private funds" means gifts, donations, and private grants.~~

(11) Public-private agreements entered into according to the procurement requirements of Section 20 of the Public-Private Partnerships for Transportation Act and design-build agreements entered into according to the procurement requirements of Section 25 of the Public-Private Partnerships for Transportation Act.

(12) Contracts for legal, financial, and other professional and artistic services entered into on or before December 31, 2018 by the Illinois Finance Authority in which the State of Illinois is not obligated. Such contracts shall be awarded through a competitive process authorized by the Board of the Illinois Finance Authority and are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code, as well as the final approval by the Board of the Illinois Finance Authority of the terms of the contract.

~~(13) The provisions of this paragraph (13), other than this sentence, are inoperative on and after January 1, 2019 or 2 years after the effective date of this amendatory Act of the 99th General Assembly, whichever is later.~~ Contracts for services, commodities, and equipment to support the delivery of timely forensic science services in consultation with and subject to the approval of the Chief Procurement Officer as provided in subsection (d) of Section 5-4-3a of the Unified Code of Corrections, except for the requirements of Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of this Code; however, the Chief Procurement Officer may, in writing with justification, waive any certification required under Article 50 of this Code. For any contracts for services which are currently provided by members of a collective bargaining agreement, the applicable terms of the collective bargaining agreement concerning subcontracting shall be followed.

On and after January 1, 2019, this paragraph (13), except for this sentence, is inoperative.

(14) Contracts for participation expenditures required by a domestic or international trade show or exhibition of an exhibitor, member, or sponsor.

(15) Contracts with a railroad or utility that requires the State to reimburse the railroad or utilities for the relocation of utilities for construction or other public purpose. Contracts included within this paragraph (15) shall include, but not be limited to, those associated with: relocations, crossings, installations, and maintenance. For the purposes of this paragraph (15), "railroad" means any form of non-highway ground transportation that runs on rails or electromagnetic guideways and "utility" means: (1) public utilities as defined in Section 3-105 of the Public Utilities Act, (2) telecommunications carriers as defined in Section 13-202 of the Public Utilities Act, (3) electric cooperatives as defined in Section 3.4 of the Electric Supplier Act, (4) telephone or telecommunications cooperatives as defined in Section 13-212 of the Public Utilities Act, (5) rural water or waste water systems with 10,000 connections or less, (6) a holder as defined in Section 21-201 of the Public Utilities Act, and (7) municipalities owning or operating utility systems consisting of public utilities as that term is defined in Section 11-117-2 of the Illinois Municipal Code.

~~Notwithstanding any other provision of law, notice of contracts entered into under any paragraph item (12) of this subsection (b) shall be published in the Procurement Bulletin within 14 calendar days after contract execution. The chief procurement officer shall prescribe the form and content of the notice. Each State agency The Illinois Finance Authority shall provide the chief procurement officer, on a monthly basis, in the form and content prescribed by the chief procurement officer, a report of contracts procured under an exemption provided in any paragraph that are related to the procurement of goods and services identified in item (12) of this subsection (b). At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. A copy of each of these contracts shall be made available to the chief procurement officer immediately upon request. The chief procurement officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the chief procurement officer.~~

(c) This Code does not apply to the electric power procurement process provided for under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act.

(d) Except for Section 20-160 and Article 50 of this Code, and as expressly required by Section 9.1 of the Illinois Lottery Law, the provisions of this Code do not apply to the procurement process provided for under Section 9.1 of the Illinois Lottery Law.

(e) This Code does not apply to the process used by the Capital Development Board to retain a person or entity to assist the Capital Development Board with its duties related to the determination of costs of a clean coal SNG brownfield facility, as defined by Section 1-10 of the Illinois Power Agency Act, as required in subsection (h-3) of Section 9-220 of the Public Utilities Act, including calculating the range of capital costs, the range of operating and maintenance costs, or the sequestration costs or monitoring the construction of clean coal SNG brownfield facility for the full duration of construction.

~~(f) (Blank). This Code does not apply to the process used by the Illinois Power Agency to retain a mediator to mediate sourcing agreement disputes between gas utilities and the clean coal SNG brownfield facility, as defined in Section 1-10 of the Illinois Power Agency Act, as required under subsection (h-1) of Section 9-220 of the Public Utilities Act.~~

~~(g) (Blank). This Code does not apply to the processes used by the Illinois Power Agency to retain a mediator to mediate contract disputes between gas utilities and the clean coal SNG facility and to retain an expert to assist in the review of contracts under subsection (h) of Section 9-220 of the Public Utilities Act. This Code does not apply to the process used by the Illinois Commerce Commission to retain an expert to assist in determining the actual incurred costs of the clean coal SNG facility and the reasonableness of those costs as required under subsection (h) of Section 9-220 of the Public Utilities Act.~~

(h) This Code does not apply to the process to procure or contracts entered into in accordance with Sections 11-5.2 and 11-5.3 of the Illinois Public Aid Code.

(i) Each chief procurement officer may access records necessary to review whether a contract, purchase, or other expenditure is or is not subject to the provisions of this Code, unless such records would be subject to attorney-client privilege.

(j) This Code does not apply to the process used by the Capital Development Board to retain an artist or work or works of art as required in Section 14 of the Capital Development Board Act.

(k) This Code does not apply to the process to procure contracts, or contracts entered into, by the State Board of Elections or the State Electoral Board for hearing officers appointed pursuant to the Election Code.

(l) This Code does not apply to the processes used by the Illinois Student Assistance Commission to procure supplies and services paid for from the private funds of the Illinois Prepaid Tuition Fund. As used in this subsection (l), "private funds" means funds derived from deposits paid into the Illinois Prepaid Tuition Trust Fund and the earnings thereon.

(Source: P.A. 98-90, eff. 7-15-13; 98-463, eff. 8-16-13; 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff. 1-1-15; 99-801, eff. 1-1-17.)

(30 ILCS 500/1-12)

Sec. 1-12. Applicability to artistic or musical services.

(a) This Code shall not apply to procurement expenditures necessary to provide artistic or musical services, performances, or theatrical productions held at a venue operated or leased by a State agency.

(b) Notice of each contract entered into by a State agency that is related to the procurement of goods and services identified in this Section shall be published in the Illinois Procurement Bulletin within 14 calendar days after contract execution. The chief procurement officer shall prescribe the form and content of the notice. Each State agency shall provide the chief procurement officer, on a monthly basis, in the form and content prescribed by the chief procurement officer, a report of contracts that are related to the procurement of supplies goods and services identified in this Section. At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. A copy of any or all of these contracts shall be made available to the chief procurement officer immediately upon request. The chief procurement officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the chief procurement officer.

(c) ~~(Blank). This Section is repealed December 31, 2016.~~

(d) The General Assembly finds and declares that:

(1) This amendatory Act of the 100th General Assembly manifests the intention of the General Assembly to remove the repeal of this Section.

(2) This Section was originally enacted to protect, promote, and preserve the general welfare. Any construction of this Section that results in the repeal of this Section on December 31, 2016 would be inconsistent with the manifest intent of the General Assembly and repugnant to the context of this Code.

It is hereby declared to have been the intent of the General Assembly this Section not be subject to repeal on December 31, 2016.

This Section shall be deemed to have been in continuous effect since August 3, 2012 (the effective date of Public Act 97-895), and it shall continue to be in effect henceforward until it is otherwise lawfully repealed. All previously enacted amendments to this Section taking effect on or after December 31, 2016, are hereby validated.

All actions taken in reliance on or pursuant to this Section in the procurement of artistic or musical services are hereby validated.

In order to ensure the continuing effectiveness of this Section, it is set forth in full and re-enacted by this amendatory Act of the 100th General Assembly. This re-enactment is intended as a continuation of this Section. It is not intended to supersede any amendment to this Section that is enacted by the 100th General Assembly.

In this amendatory Act of the 100th General Assembly, the base text of this Section is set forth as amended by Public Act 98-1076. Striking and underscoring is used only to show changes being made to the base text.

This Section applies to all procurements made on or before the effective date of this amendatory Act of the 100th General Assembly.

(Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

(30 ILCS 500/1-13)

Sec. 1-13. Applicability to public institutions of higher education.

(a) This Code shall apply to public institutions of higher education, regardless of the source of the funds with which contracts are paid, except as provided in this Section.

(b) Except as provided in this Section, this Code shall not apply to procurements made by or on behalf of public institutions of higher education for any of the following:

(1) Memberships in professional, academic, research, or athletic organizations on behalf of a public institution of higher education, an employee of a public institution of higher education, or a student at a public institution of higher education.

(2) Procurement expenditures for events or activities paid for exclusively by revenues generated by the event or activity, gifts or donations for the event or activity, private grants, or any combination thereof.

(3) Procurement expenditures for events or activities for which the use of specific potential contractors is mandated or identified by the sponsor of the event or activity, provided that the sponsor is providing a majority of the funding for the event or activity.

(4) Procurement expenditures necessary to provide athletic, artistic or musical services,

performances, events, or productions ~~held at a venue operated by or for~~ a public institution of higher education.

(5) Procurement expenditures for periodicals, ~~and books~~, subscriptions, database licenses, and other publications procured for use by a university

library or academic department, except for expenditures related to procuring textbooks for student use or materials for resale or rental.

(6) Procurement expenditures for placement of students in externships, practicums, field experiences, and ~~for~~ medical residencies and rotations.

(7) Contracts for programming and broadcast license rights for university-operated radio and television stations.

(8) Procurement expenditures necessary to perform sponsored research and other sponsored activities under grants and contracts funded by the sponsor or by sources other than State appropriations.

(9) Contracts with a foreign entity for research or educational activities, provided that the foreign entity either does not maintain an office in the United States or is the sole source of the service or product. Notice of each contract entered into by a public institution of higher education that is related to the procurement of goods and services identified in items (1) through (9) ~~(7)~~ of this subsection shall be published in the Procurement Bulletin within 14 calendar days after contract execution. The Chief Procurement Officer shall prescribe the form and content of the notice. Each public institution of higher education shall provide the Chief Procurement Officer, on a monthly basis, in the form and content prescribed by the Chief Procurement Officer, a report of contracts that are related to the procurement of goods and services identified in this subsection. At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. A copy of any or all of these contracts shall be made available to the Chief Procurement Officer immediately upon request. The Chief Procurement Officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the Chief Procurement Officer.

(b-5) Except as provided in this subsection, the provisions of this Code shall not apply to contracts for medical FDA-regulated supplies, and to contracts for medical services necessary for the delivery of care and treatment at medical, dental, or veterinary teaching facilities utilized by Southern Illinois University or the University of Illinois and at any university-operated health care center or dispensary that provides care, treatment, and medications for students, faculty and staff. Other supplies and services needed for these teaching facilities shall be subject to the jurisdiction of the Chief Procurement Officer for Public Institutions of Higher Education who may establish expedited procurement procedures and may waive or modify certification, contract, hearing, process and registration requirements required by the Code. All procurements made under this subsection shall be documented and may require publication in the Illinois Procurement Bulletin.

(c) Procurements made by or on behalf of public institutions of higher education for the fulfillment of a grant shall be made in accordance with the requirements of this Code to the extent practical. ~~any of the following shall be made in accordance with the requirements of this Code to the extent practical as provided in this subsection:~~

~~(1) Contracts with a foreign entity necessary for research or educational activities, provided that the foreign entity either does not maintain an office in the United States or is the sole source of the service or product.~~

~~(2) (Blank).~~

~~(3) (Blank).~~

~~(4) Procurements required for fulfillment of a grant.~~

Upon the written request of a public institution of higher education, the Chief Procurement Officer may waive contract, registration, certification, and hearing requirements of this Code if, based on the item to be procured or the terms of a grant, compliance is impractical. The public institution of higher education shall provide the Chief Procurement Officer with specific reasons for the waiver, including the necessity of contracting with a particular potential contractor, and shall certify that an effort was made in good faith to comply with the provisions of this Code. The Chief Procurement Officer shall provide written justification for any waivers. By November 1 of each year, the Chief Procurement Officer shall file a report with the General Assembly identifying each contract approved with waivers and providing the justification given for any waivers for each of those contracts. Notice of each waiver made under this subsection shall be published in the Procurement Bulletin within 14 calendar days after contract execution. The Chief Procurement Officer shall prescribe the form and content of the notice.

(d) Notwithstanding this Section, a waiver of the registration requirements of Section 20-160 does not permit a business entity and any affiliated entities or affiliated persons to make campaign contributions if otherwise prohibited by Section 50-37. The total amount of contracts awarded in accordance with this Section shall be included in determining the aggregate amount of contracts or pending bids of a business entity and any affiliated entities or affiliated persons.

(e) Notwithstanding subsection (e) of Section 50-10.5 of this Code, the Chief Procurement Officer, with the approval of the Executive Ethics Commission, may permit a public institution of higher education to accept a bid or enter into a contract with a business that assisted the public institution of higher education in determining whether there is a need for a contract or assisted in reviewing, drafting, or preparing documents related to a bid or contract, provided that the bid or contract is essential to research administered by the public institution of higher education and it is in the best interest of the public institution of higher education to accept the bid or contract. For purposes of this subsection, "business" includes all individuals with whom a business is affiliated, including, but not limited to, any officer, agent, employee, consultant, independent contractor, director, partner, manager, or shareholder of a business. The Executive Ethics Commission may promulgate rules and regulations for the implementation and administration of the provisions of this subsection (e).

(f) As used in this Section:

"Grant" means non-appropriated funding provided by a federal or private entity to support a project or program administered by a public institution of higher education and any non-appropriated funding provided to a sub-recipient of the grant.

"Public institution of higher education" means Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Southern Illinois University, University of Illinois, Western Illinois University, and, for purposes of this Code only, the Illinois Mathematics and Science Academy.

(g) ~~(Blank). This Section is repealed on December 31, 2016.~~

(h) The General Assembly finds and declares that:

(1) Public Act 98-1076, which took effect on January 1, 2015, changed the repeal date set for this Section from December 31, 2014 to December 31, 2016.

(2) The Statute on Statutes sets forth general rules on the repeal of statutes and the construction of multiple amendments, but Section 1 of that Act also states that these rules will not be observed when the result would be "inconsistent with the manifest intent of the General Assembly or repugnant to the context of the statute".

(3) This amendatory Act of the 100th General Assembly manifests the intention of the General Assembly to remove the repeal of this Section.

(4) This Section was originally enacted to protect, promote, and preserve the general welfare. Any construction of this Section that results in the repeal of this Section on December 31, 2014 would be inconsistent with the manifest intent of the General Assembly and repugnant to the context of this Code.

It is hereby declared to have been the intent of the General Assembly that this Section not be subject to repeal on December 31, 2014.

This Section shall be deemed to have been in continuous effect since December 20, 2011 (the effective date of Public Act 97-643), and it shall continue to be in effect henceforward until it is otherwise lawfully repealed. All previously enacted amendments to this Section taking effect on or after December 31, 2014, are hereby validated.

All actions taken in reliance on or pursuant to this Section by any public institution of higher education, person, or entity are hereby validated.

In order to ensure the continuing effectiveness of this Section, it is set forth in full and re-enacted by this amendatory Act of the 100th General Assembly. This re-enactment is intended as a continuation of this Section. It is not intended to supersede any amendment to this Section that is enacted by the 100th General Assembly.

In this amendatory Act of the 100th General Assembly, the base text of the reenacted Section is set forth as amended by Public Act 98-1076. Striking and underscoring is used only to show changes being made to the base text.

This Section applies to all procurements made on or before the effective date of this amendatory Act of the 100th General Assembly.

(Source: P.A. 97-643, eff. 12-20-11; 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

(30 ILCS 500/1-15.40 new)

Sec. 1-15.40. Electronic procurement. "Electronic procurement" means conducting all or some of the procurement function over the Internet.

(30 ILCS 500/1-15.47 new)

Sec. 1-15.47. Master contract. "Master contract" means a definite quantity, indefinite quantity, or requirements contract awarded in accordance with this Code, against which subsequent orders may be placed to meet the needs of a State purchasing entity. A master contract may be for use by a single State purchasing entity or for multiple State purchasing entities and other entities as authorized under the Governmental Joint Purchasing Act.

(30 ILCS 500/1-15.48 new)

Sec. 1-15.48. Multiple Award. "Multiple award" means an award that is made to 2 or more bidders or offerors for similar supplies, services, or construction-related services.

(30 ILCS 500/1-15.49 new)

Sec. 1-15.49. No-cost contract. "No-cost contract" means a contract in which the State of Illinois does not make a payment to or receive a payment from the vendor, but the vendor has the contractual authority to charge an entity other than the State of Illinois for supplies or services at the State's contracted rate to fulfill the State's mandated requirements.

(30 ILCS 500/5-5)

Sec. 5-5. Procurement Policy Board.

(a) Creation. There is created a Procurement Policy Board, an agency of the State of Illinois.

(b) Authority and duties. The Board shall have the authority and responsibility to review, comment upon, and recommend, consistent with this Code, rules and practices governing the procurement, management, control, and disposal of supplies, services, professional or artistic services, construction, and real property and capital improvement leases procured by the State. The Board shall also have the authority to recommend a program for professional development and provide opportunities for training in procurement practices and policies to chief procurement officers and their staffs in order to ensure that all procurement is conducted in an efficient, professional, and appropriately transparent manner.

Upon a three-fifths vote of its members, the Board may review a contract. Upon a three-fifths vote of its members, the Board may propose procurement rules for consideration by chief procurement officers. These proposals shall be published in each volume of the Procurement Bulletin. Except as otherwise provided by law, the Board shall act upon the vote of a majority of its members who have been appointed and are serving.

(b-5) Reviews, studies, and hearings. The Board may review, study, and hold public hearings concerning the implementation and administration of this Code. Each chief procurement officer, State purchasing officer, procurement compliance monitor, and State agency shall cooperate with the Board, provide information to the Board, and be responsive to the Board in the Board's conduct of its reviews, studies, and hearings.

(c) Members. The Board shall consist of 5 members appointed one each by the 4 legislative leaders and the Governor. Each member shall have demonstrated sufficient business or professional experience in the area of procurement to perform the functions of the Board. No member may be a member of the General Assembly.

(d) Terms. Of the initial appointees, the Governor shall designate one member, as Chairman, to serve a one-year term, the President of the Senate and the Speaker of the House shall each appoint one member to serve 3-year terms, and the Minority Leader of the House and the Minority Leader of the Senate shall each appoint one member to serve 2-year terms. Subsequent terms shall be 4 years. Members may be reappointed for succeeding terms.

(e) Reimbursement. Members shall receive no compensation but shall be reimbursed for any expenses reasonably incurred in the performance of their duties.

(f) Staff support. Upon a three-fifths vote of its members, the Board may employ an executive director. Subject to appropriation, the Board also may employ a reasonable and necessary number of staff persons.

(g) Meetings. Meetings of the Board may be conducted telephonically, electronically, or through the use of other telecommunications. Written minutes of such meetings shall be created and available for public inspection and copying.

(h) Procurement recommendations. Upon a three-fifths vote of its members, the Board may review a proposal, bid, or contract and issue a recommendation to void a contract or reject a proposal or bid based on any violation of this Code or the existence of a conflict of interest as described in subsections (b) and (d) of Section 50-35. A chief procurement officer or State purchasing officer shall notify the Board if an alleged conflict of interest or violation of the Code is identified, discovered, or reasonably suspected to exist. Any person or entity may notify the Board of an alleged conflict of interest or violation of the Code. A recommendation of the Board shall be delivered to the appropriate chief procurement officer and Executive Ethics Commission within 7 calendar days and must be published in the next volume of the Procurement Bulletin. In the event that an alleged conflict of interest or violation of the Code that was not originally disclosed with the bid, offer, or proposal is identified and filed with the Board, the Board shall

provide written notice of the alleged conflict of interest or violation to the bidder, offeror, potential contractor, contractor, or subcontractor on that contract. If the alleged conflict of interest or violation is by the subcontractor, written notice shall also be provided to the bidder, offeror, potential contractor, or contractor. The bidder, offeror, potential contractor, contractor, or subcontractor shall have 15 calendar days to provide a written response to the notice, and a hearing before the Board on the alleged conflict of interest or violation shall be held upon request by the bidder, offeror, potential contractor, contractor, or subcontractor. The requested hearing date and time shall be determined by the Board, but in no event shall the hearing occur later than 15 calendar days after the date of the request.

(i) After providing notice and a hearing as required by subsection (h), the Board shall refer any alleged violations of this Code to the Executive Inspector General in addition to or instead of issuing a recommendation to void a contract.

(j) Response. Each State agency shall respond promptly in writing to all inquiries and comments of the Procurement Policy Board.

(Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

(30 ILCS 500/5-30)

Sec. 5-30. Proposed contracts; Procurement Policy Board.

(i) Except as provided in subsection (c), within ~~14~~ 30 calendar days after notice of the awarding or letting of a contract has appeared in the Procurement Bulletin in accordance with subsection (b) of Section 15-25, the Board may request in writing from the contracting agency and the contracting agency shall promptly, but in no event later than 7 calendar days after receipt of the request, provide to the Board, by electronic or other means satisfactory to the Board, documentation in the possession of the contracting agency concerning the proposed contract. Nothing in this subsection is intended to waive or abrogate any privilege or right of confidentiality authorized by law.

(b) No contract subject to this Section may be entered into until the ~~14-day~~ 30-day period described in subsection (a) has expired, unless the contracting agency requests in writing that the Board waive the period and the Board grants the waiver in writing.

(c) This Section does not apply to (i) contracts entered into under this Code for small and emergency procurements as those procurements are defined in Article 20 and (ii) contracts for professional and artistic services that are nonrenewable, one year or less in duration, and have a value of less than \$20,000. If requested in writing by the Board, however, the contracting agency must promptly, but in no event later than 10 calendar days after receipt of the request, transmit to the Board a copy of the contract for an emergency procurement and documentation in the possession of the contracting agency concerning the contract.

(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/10-10)

Sec. 10-10. Independent State purchasing officers.

(a) The chief procurement officer shall appoint a State purchasing officer for each agency that the chief procurement officer is responsible for under Section 1-15.15. A State purchasing officer shall be located in the State agency that the officer serves but shall report to his or her respective chief procurement officer. The State purchasing officer shall have direct communication with agency staff assigned to assist with any procurement process. At the direction of his or her respective chief procurement officer, a State purchasing officer shall have the authority to (i) review any contract or contract amendment prior to execution to ensure that applicable procurement and contracting standards were followed and (ii) approve or reject contracts for a purchasing agency. If the State purchasing officer provides written approval of the contract, the head of the applicable State agency shall have the authority to sign and enter into that contract. All actions of a State purchasing officer are subject to review by a chief procurement officer in accordance with procedures and policies established by the chief procurement officer.

(a-5) A State purchasing officer may (i) attend any procurement meetings; (ii) access any records or files related to procurement; (iii) submit reports to the chief procurement officer on procurement issues; (iv) ensure the State agency is maintaining appropriate records; and (v) ensure transparency of the procurement process.

(a-10) If a State purchasing officer is aware of misconduct, waste, or inefficiency with respect to State procurement, the State purchasing officer shall advise the State agency of the issue in writing. If the State agency does not correct the issue, the State purchasing officer shall report the problem, in writing, to the chief procurement officer and appropriate Inspector General.

(b) In addition to any other requirement or qualification required by State law, within 30 months after appointment, a State purchasing officer must be a Certified Professional Public Buyer or a Certified Public Purchasing Officer, pursuant to certification by the Universal Public Purchasing Certification Council or the Institute for Supply Management. A State purchasing officer shall serve a term of 5 years beginning

on the date of the officer's appointment. A State purchasing officer shall have an office located in the State agency that the officer serves but shall report to the chief procurement officer. A State purchasing officer may be removed by a chief procurement officer for cause after a hearing by the Executive Ethics Commission. The chief procurement officer or executive officer of the State agency housing the State purchasing officer may institute a complaint against the State purchasing officer by filing such a complaint with the Commission and the Commission shall have a public hearing based on the complaint. The State purchasing officer, chief procurement officer, and executive officer of the State agency shall receive notice of the hearing and shall be permitted to present their respective arguments on the complaint. After the hearing, the Commission shall make a non-binding recommendation on whether the State purchasing officer shall be removed. The salary of a State purchasing officer shall be established by the chief procurement officer and may not be diminished during the officer's term. In the absence of an appointed State purchasing officer, the applicable chief procurement officer shall exercise the procurement authority created by this Code and may appoint a temporary acting State purchasing officer.

(c) Each State purchasing officer owes a fiduciary duty to the State.

(Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of changes made by P.A. 96-795); 97-895, eff. 8-3-12.)

(30 ILCS 500/10-15)

Sec. 10-15. Procurement compliance monitors.

(a) The Executive Ethics Commission ~~may shall~~ appoint procurement compliance monitors to oversee and review the procurement processes. Each procurement compliance monitor shall serve a term of 5 years beginning on the date of the officer's appointment. Each procurement compliance monitor appointed pursuant to this Section and serving a 5-year term on the effective date of this amendatory Act of the 100th General Assembly shall have an office located in the State agency that the monitor serves but shall report to the ~~appropriate~~ chief procurement officer in the performance of his or her duties until the expiration of the monitor's term. The compliance monitor shall have direct communications with the executive officer of a State agency in exercising duties. A procurement compliance monitor may be removed only for cause after a hearing by the Executive Ethics Commission. The appropriate chief procurement officer or executive officer of the State agency ~~served by housing~~ the procurement compliance monitor may institute a complaint against the procurement compliance monitor with the Commission and the Commission shall hold a public hearing based on the complaint. The procurement compliance monitor, State purchasing officer, appropriate chief procurement officer, and executive officer of the State agency shall receive notice of the hearing and shall be permitted to present their respective arguments on the complaint. After the hearing, the Commission shall determine whether the procurement compliance monitor shall be removed. The salary of a procurement compliance monitor shall be established by the Executive Ethics Commission and may not be diminished during the officer's term.

(b) The procurement compliance monitor shall: (i) review any procurement, contract, or contract amendment as directed by the Executive Ethics Commission or a chief procurement officer; and (ii) report any findings of the review, in writing, to the Commission, the affected agency, the chief procurement officer responsible for the affected agency, and any entity requesting the review. The procurement compliance monitor may: (i) review each contract or contract amendment prior to execution to ensure that applicable procurement and contracting standards were followed; (ii) attend any procurement meetings; (iii) access any records or files related to procurement; (iv) issue reports to the chief procurement officer on procurement issues that present issues or that have not been corrected after consultation with appropriate State officials; (v) ensure the State agency is maintaining appropriate records; and (vi) ensure transparency of the procurement process.

(c) If the procurement compliance monitor is aware of misconduct, waste, or inefficiency with respect to State procurement, the procurement compliance monitor shall advise the State agency of the issue in writing. If the State agency does not correct the issue, the monitor shall report the problem, in writing, to the chief procurement officer and Inspector General.

(d) Each procurement compliance monitor owes a fiduciary duty to the State.

(Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of changes made by P.A. 96-795); 97-895, eff. 8-3-12.)

(30 ILCS 500/10-30 new)

Sec. 10-30. Fiduciary duty. Each chief procurement officer, State purchasing officer, and procurement compliance monitor owe a fiduciary duty to the State.

(30 ILCS 500/15-25)

Sec. 15-25. Bulletin content.

(a) Invitations for bids. Notice of each and every contract that is offered, including renegotiated contracts and change orders, shall be published in the Bulletin. ~~All businesses listed on the Department of~~

~~Transportation Disadvantaged Business Enterprise Directory, the Department of Central Management Services Business Enterprise Program, and the Chief Procurement Office's Small Business Vendors Directory shall be furnished written instructions and information on how to register on each Procurement Bulletin maintained by the State. Such information shall be provided to each business within 30 calendar days after the business' notice of certification. The applicable chief procurement officer may provide by rule an organized format for the publication of this information, but in any case it must include at least the date first offered, the date submission of offers is due, the location that offers are to be submitted to, the purchasing State agency, the responsible State purchasing officer, a brief purchase description, the method of source selection, information of how to obtain a comprehensive purchase description and any disclosure and contract forms, and encouragement to potential contractors to hire qualified veterans, as defined by Section 45-67 of this Code, and qualified Illinois minorities, women, persons with disabilities, and residents discharged from any Illinois adult correctional center.~~

(a-5) All businesses listed on the Illinois Unified Certification Program Disadvantaged Business Enterprise Directory, the Business Enterprise Program of the Department of Central Management Services, and any small business database created pursuant to Section 45-45 of this Code shall be furnished written instructions and information on how to register for the Illinois Procurement Bulletin. This information shall be provided to each business within 30 calendar days after the business's notice of certification or qualification.

(b) Contracts let. Notice of each and every contract that is let, including renegotiated contracts and change orders, shall be issued electronically to those bidders submitting responses to the solicitations, inclusive of the unsuccessful bidders, immediately upon contract let. Failure of any chief procurement officer to give such notice shall result in tolling the time for filing a bid protest up to 7 calendar days.

For purposes of this subsection (b), "contracts let" means a construction agency's act of advertising an invitation for bids for one or more construction projects.

(b-5) Contracts awarded. Notice of each and every contract that is awarded, including renegotiated contracts and change orders, shall be issued electronically to the successful responsible bidder, offeror, or contractor and published in the ~~next available subsequent~~ Bulletin. The applicable chief procurement officer may provide by rule an organized format for the publication of this information, but in any case it must include at least all of the information specified in subsection (a) as well as the name of the successful responsible bidder, offeror, the contract price, the number of unsuccessful bidders or offerors and any other disclosure specified in any Section of this Code. This notice must be posted in the online electronic Bulletin prior to execution of the contract.

For purposes of this subsection (b-5), "contract award" means the determination that a particular bidder or offeror has been selected from among other bidders or offerors to receive a contract, subject to the successful completion of final negotiations. "Contract award" is evidenced by the posting of a Notice of Award or a Notice of Intent to Award to the respective volume of the Illinois Procurement Bulletin.

(c) Emergency purchase disclosure. Any chief procurement officer or State purchasing officer exercising emergency purchase authority under this Code shall publish a written description and reasons and the total cost, if known, or an estimate if unknown and the name of the responsible chief procurement officer and State purchasing officer, and the business or person contracted with for all emergency purchases in the ~~next timely, practicable~~ Bulletin. This notice must be posted in the online electronic Bulletin no later than 5 calendar days after the contract is awarded. Notice of a hearing to extend an emergency contract must be posted in the online electronic Procurement Bulletin no later than 14 calendar days prior to the hearing.

(c-5) Business Enterprise Program report. Each purchasing agency shall, with the assistance of the applicable chief procurement officer, post in the online electronic Bulletin a copy of its annual report of utilization of businesses owned by minorities, females, and persons with disabilities as submitted to the Business Enterprise Council for Minorities, Females, and Persons with Disabilities pursuant to Section 6(c) of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act within 10 calendar days after its submission of its report to the Council.

(c-10) Renewals. Notice of each contract renewal shall be posted in the ~~online electronic Bulletin within 14 calendar days of the determination to execute a renewal of the renew the contract and the next available subsequent Bulletin.~~ The notice shall include at least all of the information required in subsection (a) or (b), as applicable.

(c-15) Sole source procurements. Before entering into a sole source contract, a chief procurement officer exercising sole source procurement authority under this Code shall publish a written description of intent to enter into a sole source contract along with a description of the item to be procured and the intended sole source contractor. This notice must be posted in the online electronic Procurement Bulletin before a

sole source contract is awarded and at least 14 calendar days before the hearing required by Section 20-25.

(d) Other required disclosure. The applicable chief procurement officer shall provide by rule for the organized publication of all other disclosure required in other Sections of this Code in a timely manner.

(e) The changes to subsections (b), (c), (c-5), (c-10), and (c-15) of this Section made by this amendatory Act of the 96th General Assembly apply to reports submitted, offers made, and notices on contracts executed on or after its effective date.

(f) Each chief procurement officer shall, in consultation with the agencies under his or her jurisdiction, provide the Procurement Policy Board with the information and resources necessary, and in a manner, to effectuate the purpose of this amendatory Act of the 96th General Assembly.

(Source: P.A. 97-895, eff. 8-3-12; 98-1038, eff. 8-25-14; 98-1076, eff. 1-1-15.)

(30 ILCS 500/15-30)

Sec. 15-30. Electronic Bulletin clearinghouse.

(a) The Procurement Policy Board shall maintain on its official website a searchable database containing all information required to be included in the Illinois Procurement Bulletin under subsections (b), (c), (c-10), and (c-15) of Section 15-25 and all information required to be disclosed under Section 50-41. The posting of procurement information on the website is subject to the same posting requirements as the online electronic Bulletin.

(b) For the purposes of this Section, searchable means searchable and sortable by awarded successful ~~responsible~~ bidder, offeror, potential contractor, or contractor, for emergency purchases, business or person contracted with; the contract price or total cost; the service or supply good; the purchasing State agency; and the date first offered or announced.

(c) The applicable chief procurement officer shall provide the Procurement Policy Board the information and resources necessary, and in a manner, to effectuate the purpose of this Section.

(Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

(30 ILCS 500/20-10)

(Text of Section before amendment by P.A. 99-906)

(Text of Section from P.A. 96-159, 96-588, 97-96, 97-895, and 98-1076)

Sec. 20-10. Competitive sealed bidding; reverse auction.

(a) Conditions for use. All contracts shall be awarded by competitive sealed bidding except as otherwise provided in Section 20-5.

(b) Invitation for bids. An invitation for bids shall be issued and shall include a purchase description and the material contractual terms and conditions applicable to the procurement.

(c) Public notice. Public notice of the invitation for bids shall be published in the Illinois Procurement Bulletin at least 14 calendar days before the date set in the invitation for the opening of bids.

(d) Bid opening. Bids shall be opened publicly or through an electronic procurement system in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, the amount of each bid, and other relevant information as may be specified by rule shall be recorded. After the award of the contract, the winning bid and the record of each unsuccessful bid shall be open to public inspection.

(e) Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Code. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award, such as discounts, transportation costs, and total or life cycle costs, shall be objectively measurable. The invitation for bids shall set forth the evaluation criteria to be used.

(f) Correction or withdrawal of bids. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards of contracts based on bid mistakes, shall be permitted in accordance with rules. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the State or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids based on bid mistakes shall be supported by written determination made by a State purchasing officer.

(g) Award. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, except when a State purchasing officer determines it is not in the best interest of the State and by written explanation determines another bidder shall receive the award. The explanation shall appear in the appropriate volume of the Illinois Procurement Bulletin. The written explanation must include:

(1) a description of the agency's needs;

- (2) a determination that the anticipated cost will be fair and reasonable;
- (3) a listing of all responsible and responsive bidders; and
- (4) the name of the bidder selected, the total contract price, and the reasons for selecting that bidder.

Each chief procurement officer may adopt guidelines to implement the requirements of this subsection (g).

The written explanation shall be filed with the Legislative Audit Commission and the Procurement Policy Board, and be made available for inspection by the public, within 30 calendar days after the agency's decision to award the contract.

(h) Multi-step sealed bidding. When it is considered impracticable to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

(i) Alternative procedures. Notwithstanding any other provision of this Act to the contrary, the Director of the Illinois Power Agency may create alternative bidding procedures to be used in procuring professional services under subsection (a) of Section 1-75 and subsection (d) of Section 1-78 of the Illinois Power Agency Act and Section 16-111.5(c) of the Public Utilities Act and to procure renewable energy resources under Section 1-56 of the Illinois Power Agency Act. These alternative procedures shall be set forth together with the other criteria contained in the invitation for bids, and shall appear in the appropriate volume of the Illinois Procurement Bulletin.

(j) Reverse auction. Notwithstanding any other provision of this Section and in accordance with rules adopted by the chief procurement officer, that chief procurement officer may procure supplies or services through a competitive electronic auction bidding process after the chief procurement officer determines that the use of such a process will be in the best interest of the State. The chief procurement officer shall publish that determination in his or her next volume of the Illinois Procurement Bulletin.

An invitation for bids shall be issued and shall include (i) a procurement description, (ii) all contractual terms, whenever practical, and (iii) conditions applicable to the procurement, including a notice that bids will be received in an electronic auction manner.

Public notice of the invitation for bids shall be given in the same manner as provided in subsection (c).

Bids shall be accepted electronically at the time and in the manner designated in the invitation for bids. During the auction, a bidder's price shall be disclosed to other bidders. Bidders shall have the opportunity to reduce their bid prices during the auction. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.

After the auction period has terminated, withdrawal of bids shall be permitted as provided in subsection (f).

The contract shall be awarded within 60 calendar days after the auction by written notice to the lowest responsible bidder, or all bids shall be rejected except as otherwise provided in this Code. Extensions of the date for the award may be made by mutual written consent of the State purchasing officer and the lowest responsible bidder.

This subsection does not apply to (i) procurements of professional and artistic services, (ii) telecommunications services, communication services, and information services, and (iii) contracts for construction projects, including design professional services.

(Source: P.A. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

(Text of Section from P.A. 96-159, 96-795, 97-96, 97-895, and 98-1076)

Sec. 20-10. Competitive sealed bidding; reverse auction.

(a) Conditions for use. All contracts shall be awarded by competitive sealed bidding except as otherwise provided in Section 20-5.

(b) Invitation for bids. An invitation for bids shall be issued and shall include a purchase description and the material contractual terms and conditions applicable to the procurement.

(c) Public notice. Public notice of the invitation for bids shall be published in the Illinois Procurement Bulletin at least 14 calendar days before the date set in the invitation for the opening of bids.

(d) Bid opening. Bids shall be opened publicly or through an electronic procurement system in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, the amount of each bid, and other relevant information as may be specified by rule shall be recorded. After the award of the contract, the winning bid and the record of each unsuccessful bid shall be open to public inspection.

(e) Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Code. Bids shall be evaluated based on the requirements set forth

in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award, such as discounts, transportation costs, and total or life cycle costs, shall be objectively measurable. The invitation for bids shall set forth the evaluation criteria to be used.

(f) Correction or withdrawal of bids. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards of contracts based on bid mistakes, shall be permitted in accordance with rules. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the State or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids based on bid mistakes shall be supported by written determination made by a State purchasing officer.

(g) Award. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, except when a State purchasing officer determines it is not in the best interest of the State and by written explanation determines another bidder shall receive the award. The explanation shall appear in the appropriate volume of the Illinois Procurement Bulletin. The written explanation must include:

- (1) a description of the agency's needs;
- (2) a determination that the anticipated cost will be fair and reasonable;
- (3) a listing of all responsible and responsive bidders; and
- (4) the name of the bidder selected, the total contract price, and the reasons for selecting that bidder.

Each chief procurement officer may adopt guidelines to implement the requirements of this subsection (g).

The written explanation shall be filed with the Legislative Audit Commission and the Procurement Policy Board, and be made available for inspection by the public, within 30 days after the agency's decision to award the contract.

(h) Multi-step sealed bidding. When it is considered impracticable to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

(i) Alternative procedures. Notwithstanding any other provision of this Act to the contrary, the Director of the Illinois Power Agency may create alternative bidding procedures to be used in procuring professional services under subsection (a) of Section 1-75 and subsection (d) of Section 1-78 of the Illinois Power Agency Act and Section 16-111.5(c) of the Public Utilities Act and to procure renewable energy resources under Section 1-56 of the Illinois Power Agency Act. These alternative procedures shall be set forth together with the other criteria contained in the invitation for bids, and shall appear in the appropriate volume of the Illinois Procurement Bulletin.

(j) Reverse auction. Notwithstanding any other provision of this Section and in accordance with rules adopted by the chief procurement officer, that chief procurement officer may procure supplies or services through a competitive electronic auction bidding process after the chief procurement officer determines that the use of such a process will be in the best interest of the State. The chief procurement officer shall publish that determination in his or her next volume of the Illinois Procurement Bulletin.

An invitation for bids shall be issued and shall include (i) a procurement description, (ii) all contractual terms, whenever practical, and (iii) conditions applicable to the procurement, including a notice that bids will be received in an electronic auction manner.

Public notice of the invitation for bids shall be given in the same manner as provided in subsection (c). Bids shall be accepted electronically at the time and in the manner designated in the invitation for bids. During the auction, a bidder's price shall be disclosed to other bidders. Bidders shall have the opportunity to reduce their bid prices during the auction. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.

After the auction period has terminated, withdrawal of bids shall be permitted as provided in subsection (f).

The contract shall be awarded within 60 calendar days after the auction by written notice to the lowest responsible bidder, or all bids shall be rejected except as otherwise provided in this Code. Extensions of the date for the award may be made by mutual written consent of the State purchasing officer and the lowest responsible bidder.

This subsection does not apply to (i) procurements of professional and artistic services, (ii) telecommunications services, communication services, and information services, and (iii) contracts for construction projects, including design professional services.

(Source: P.A. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

(Text of Section after amendment by P.A. 99-906)

(Text of Section from P.A. 96-159, 96-588, 97-96, 97-895, 98-1076, and 99-906)

Sec. 20-10. Competitive sealed bidding; reverse auction.

(a) Conditions for use. All contracts shall be awarded by competitive sealed bidding except as otherwise provided in Section 20-5.

(b) Invitation for bids. An invitation for bids shall be issued and shall include a purchase description and the material contractual terms and conditions applicable to the procurement.

(c) Public notice. Public notice of the invitation for bids shall be published in the Illinois Procurement Bulletin at least 14 calendar days before the date set in the invitation for the opening of bids.

(d) Bid opening. Bids shall be opened publicly or through an electronic procurement system in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, the amount of each bid, and other relevant information as may be specified by rule shall be recorded. After the award of the contract, the winning bid and the record of each unsuccessful bid shall be open to public inspection.

(e) Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Code. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award, such as discounts, transportation costs, and total or life cycle costs, shall be objectively measurable. The invitation for bids shall set forth the evaluation criteria to be used.

(f) Correction or withdrawal of bids. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards of contracts based on bid mistakes, shall be permitted in accordance with rules. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the State or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids based on bid mistakes shall be supported by written determination made by a State purchasing officer.

(g) Award. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, except when a State purchasing officer determines it is not in the best interest of the State and by written explanation determines another bidder shall receive the award. The explanation shall appear in the appropriate volume of the Illinois Procurement Bulletin. The written explanation must include:

- (1) a description of the agency's needs;
- (2) a determination that the anticipated cost will be fair and reasonable;
- (3) a listing of all responsible and responsive bidders; and
- (4) the name of the bidder selected, the total contract price, and the reasons for selecting that bidder.

Each chief procurement officer may adopt guidelines to implement the requirements of this subsection (g).

The written explanation shall be filed with the Legislative Audit Commission and the Procurement Policy Board, and be made available for inspection by the public, within 30 calendar days after the agency's decision to award the contract.

(h) Multi-step sealed bidding. When it is considered impracticable to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

(i) Alternative procedures. Notwithstanding any other provision of this Act to the contrary, the Director of the Illinois Power Agency may create alternative bidding procedures to be used in procuring professional services under Section 1-56, subsections (a) and (c) of Section 1-75 and subsection (d) of Section 1-78 of the Illinois Power Agency Act and Section 16-111.5(c) of the Public Utilities Act and to procure renewable energy resources under Section 1-56 of the Illinois Power Agency Act. These alternative procedures shall be set forth together with the other criteria contained in the invitation for bids, and shall appear in the appropriate volume of the Illinois Procurement Bulletin.

(j) Reverse auction. Notwithstanding any other provision of this Section and in accordance with rules adopted by the chief procurement officer, that chief procurement officer may procure supplies or services through a competitive electronic auction bidding process after the chief procurement officer determines

that the use of such a process will be in the best interest of the State. The chief procurement officer shall publish that determination in his or her next volume of the Illinois Procurement Bulletin.

An invitation for bids shall be issued and shall include (i) a procurement description, (ii) all contractual terms, whenever practical, and (iii) conditions applicable to the procurement, including a notice that bids will be received in an electronic auction manner.

Public notice of the invitation for bids shall be given in the same manner as provided in subsection (c).

Bids shall be accepted electronically at the time and in the manner designated in the invitation for bids. During the auction, a bidder's price shall be disclosed to other bidders. Bidders shall have the opportunity to reduce their bid prices during the auction. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.

After the auction period has terminated, withdrawal of bids shall be permitted as provided in subsection (f).

The contract shall be awarded within 60 calendar days after the auction by written notice to the lowest responsible bidder, or all bids shall be rejected except as otherwise provided in this Code. Extensions of the date for the award may be made by mutual written consent of the State purchasing officer and the lowest responsible bidder.

This subsection does not apply to (i) procurements of professional and artistic services, (ii) telecommunications services, communication services, and information services, and (iii) contracts for construction projects, including design professional services.

(Source: P.A. 98-1076, eff. 1-1-15; 99-906, eff. 6-1-17.)

(Text of Section from P.A. 96-159, 96-795, 97-96, 97-895, 98-1076, and 99-906)

Sec. 20-10. Competitive sealed bidding; reverse auction.

(a) Conditions for use. All contracts shall be awarded by competitive sealed bidding except as otherwise provided in Section 20-5.

(b) Invitation for bids. An invitation for bids shall be issued and shall include a purchase description and the material contractual terms and conditions applicable to the procurement.

(c) Public notice. Public notice of the invitation for bids shall be published in the Illinois Procurement Bulletin at least 14 calendar days before the date set in the invitation for the opening of bids.

(d) Bid opening. Bids shall be opened publicly or through an electronic procurement system in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, the amount of each bid, and other relevant information as may be specified by rule shall be recorded. After the award of the contract, the winning bid and the record of each unsuccessful bid shall be open to public inspection.

(e) Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Code. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award, such as discounts, transportation costs, and total or life cycle costs, shall be objectively measurable. The invitation for bids shall set forth the evaluation criteria to be used.

(f) Correction or withdrawal of bids. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards of contracts based on bid mistakes, shall be permitted in accordance with rules. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the State or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids based on bid mistakes shall be supported by written determination made by a State purchasing officer.

(g) Award. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, except when a State purchasing officer determines it is not in the best interest of the State and by written explanation determines another bidder shall receive the award. The explanation shall appear in the appropriate volume of the Illinois Procurement Bulletin. The written explanation must include:

- (1) a description of the agency's needs;
- (2) a determination that the anticipated cost will be fair and reasonable;
- (3) a listing of all responsible and responsive bidders; and
- (4) the name of the bidder selected, the total contract price, and the reasons for selecting that bidder.

Each chief procurement officer may adopt guidelines to implement the requirements of this subsection (g).

The written explanation shall be filed with the Legislative Audit Commission and the Procurement Policy Board, and be made available for inspection by the public, within 30 days after the agency's decision to award the contract.

(h) Multi-step sealed bidding. When it is considered impracticable to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

(i) Alternative procedures. Notwithstanding any other provision of this Act to the contrary, the Director of the Illinois Power Agency may create alternative bidding procedures to be used in procuring professional services under subsections (a) and (c) of Section 1-75 and subsection (d) of Section 1-78 of the Illinois Power Agency Act and Section 16-111.5(c) of the Public Utilities Act and to procure renewable energy resources under Section 1-56 of the Illinois Power Agency Act. These alternative procedures shall be set forth together with the other criteria contained in the invitation for bids, and shall appear in the appropriate volume of the Illinois Procurement Bulletin.

(j) Reverse auction. Notwithstanding any other provision of this Section and in accordance with rules adopted by the chief procurement officer, that chief procurement officer may procure supplies or services through a competitive electronic auction bidding process after the chief procurement officer determines that the use of such a process will be in the best interest of the State. The chief procurement officer shall publish that determination in his or her next volume of the Illinois Procurement Bulletin.

An invitation for bids shall be issued and shall include (i) a procurement description, (ii) all contractual terms, whenever practical, and (iii) conditions applicable to the procurement, including a notice that bids will be received in an electronic auction manner.

Public notice of the invitation for bids shall be given in the same manner as provided in subsection (c).

Bids shall be accepted electronically at the time and in the manner designated in the invitation for bids. During the auction, a bidder's price shall be disclosed to other bidders. Bidders shall have the opportunity to reduce their bid prices during the auction. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.

After the auction period has terminated, withdrawal of bids shall be permitted as provided in subsection (f).

The contract shall be awarded within 60 calendar days after the auction by written notice to the lowest responsible bidder, or all bids shall be rejected except as otherwise provided in this Code. Extensions of the date for the award may be made by mutual written consent of the State purchasing officer and the lowest responsible bidder.

This subsection does not apply to (i) procurements of professional and artistic services, (ii) telecommunications services, communication services, and information services, and (iii) contracts for construction projects, including design professional services.

(Source: P.A. 98-1076, eff. 1-1-15; 99-906, eff. 6-1-17.)

(30 ILCS 500/20-15)

Sec. 20-15. Competitive sealed proposals.

(a) Conditions for use. When provided under this Code or under rules, or when the purchasing agency determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the State, a contract may be entered into by competitive sealed proposals.

(b) Request for proposals. Proposals shall be solicited through a request for proposals.

(c) Public notice. Public notice of the request for proposals shall be published in the Illinois Procurement Bulletin at least 14 calendar days before the date set in the invitation for the opening of proposals.

(d) Receipt of proposals. Proposals shall be opened publicly or via an electronic procurement system in the presence of one or more witnesses at the time and place designated in the request for proposals, but proposals shall be opened in a manner to avoid disclosure of contents to competing offerors during the process of negotiation. A record of proposals shall be prepared and shall be open for public inspection after contract award.

(e) Evaluation factors. The requests for proposals shall state the relative importance of price and other evaluation factors. Proposals shall be submitted in 2 parts: the first, covering items except price; and the second, covering price. The first part of all proposals shall be evaluated and ranked independently of the second part of all proposals.

(f) Discussion with responsible offerors and revisions of offers or proposals. As provided in the request for proposals and under rules, discussions may be conducted with responsible offerors who submit offers or proposals determined to be reasonably susceptible of being selected for award for the purpose of clarifying and assuring full understanding of and responsiveness to the solicitation requirements. Those offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and

revision of proposals. Revisions may be permitted after submission and before award for the purpose of obtaining best and final offers. In conducting discussions there shall be no disclosure of any information derived from proposals submitted by competing offerors. If information is disclosed to any offeror, it shall be provided to all competing offerors.

(g) Award. Awards shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the State, taking into consideration price and the evaluation factors set forth in the request for proposals. The contract file shall contain the basis on which the award is made.

(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/20-20)

Sec. 20-20. Small purchases.

(a) Amount. Any individual procurement of supplies or services ~~other than professional or artistic services~~, not exceeding ~~\$100,000~~ \$40,000 and any procurement of construction not exceeding ~~\$100,000~~, or any individual procurement of professional or artistic services not exceeding ~~\$100,000~~ \$30,000 may be made without competitive ~~source selection sealed bidding~~. Procurements shall not be artificially divided so as to constitute a small purchase under this Section. Any procurement of construction not exceeding \$100,000 may be made by an alternative competitive source selection. The construction agency shall establish rules for an alternative competitive source selection process. This Section does not apply to construction-related professional services contracts awarded in accordance with the provisions of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(b) Adjustment. Each July 1, the small purchase maximum established in subsection (a) shall be adjusted for inflation as determined by the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor and rounded to the nearest \$100.

(c) Based upon rules proposed by the Board and rules promulgated by the chief procurement officers, the small purchase maximum established in subsection (a) may be modified.

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

(30 ILCS 500/20-25)

Sec. 20-25. Sole source procurements.

(a) In accordance with standards set by rule, contracts may be awarded without use of the specified method of source selection when there is only one economically feasible source for the item. A State contract may be awarded as a sole source ~~contract procurement~~ unless an interested party submits a written request for a public hearing at which the chief procurement officer and purchasing agency present written justification for the procurement method. Any interested party may present testimony. A sole source contract where a hearing was requested by an interested party may be awarded after the hearing is conducted with the approval of the chief procurement officer.

(b) This Section may not be used as a basis for amending a contract for professional or artistic services if the amendment would result in an increase in the amount paid under the contract of more than 5% of the initial award, or would extend the contract term beyond the time reasonably needed for a competitive procurement, not to exceed 2 months.

(c) Notice of intent to enter into a sole source contract shall be provided to the Procurement Policy Board and published in the online electronic Bulletin at least 14 calendar days before the public hearing required in subsection (a). The notice shall include the sole source procurement justification form prescribed by the Board, a description of the item to be procured, the intended sole source contractor, and the date, time, and location of the public hearing. A copy of the notice and all documents provided at the hearing shall be included in the subsequent Procurement Bulletin.

(d) By August 1 each year, each chief procurement officer shall file a report with the General Assembly identifying each contract the officer sought under the sole source procurement method and providing the justification given for seeking sole source as the procurement method for each of those contracts.

(Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

(30 ILCS 500/20-30)

Sec. 20-30. Emergency purchases.

(a) Conditions for use. In accordance with standards set by rule, a purchasing agency may make emergency procurements without competitive sealed bidding or prior notice when there exists a threat to public health or public safety, or when immediate expenditure is necessary for repairs to State property in order to protect against further loss of or damage to State property, to prevent or minimize serious disruption in critical State services that affect health, safety, or collection of substantial State revenues, or to ensure the integrity of State records; provided, however, that the term of the emergency purchase shall be limited to the time reasonably needed for a competitive procurement, not to exceed 90 calendar days. A contract may be extended beyond 90 calendar days if the chief procurement officer determines additional time is necessary and that the contract scope and duration are limited to the emergency. Prior

to execution of the extension, the chief procurement officer must hold a public hearing and provide written justification for all emergency contracts. Members of the public may present testimony. Emergency procurements shall be made with as much competition as is practicable under the circumstances. A written description of the basis for the emergency and reasons for the selection of the particular contractor shall be included in the contract file.

(b) Notice. Notice of all emergency procurements shall be provided to the Procurement Policy Board and published in the online electronic Bulletin no later than 5 calendar days after the contract is awarded. Notice of intent to extend an emergency contract shall be provided to the Procurement Policy Board and published in the online electronic Bulletin at least 14 calendar days before the public hearing. Notice shall include at least a description of the need for the emergency purchase, the contractor, and if applicable, the date, time, and location of the public hearing. A copy of this notice and all documents provided at the hearing shall be included in the subsequent Procurement Bulletin. Before the next appropriate volume of the Illinois Procurement Bulletin, the purchasing agency shall publish in the Illinois Procurement Bulletin a copy of each written description and reasons and the total cost of each emergency procurement made during the previous month. When only an estimate of the total cost is known at the time of publication, the estimate shall be identified as an estimate and published. When the actual total cost is determined, it shall also be published in like manner before the 10th day of the next succeeding month.

(c) Statements Affidavits. A chief procurement officer making a procurement under this Section shall file statements affidavits with the Procurement Policy Board and the Auditor General within 10 calendar days after the procurement setting forth the amount expended, the name of the contractor involved, and the conditions and circumstances requiring the emergency procurement. When only an estimate of the cost is available within 10 calendar days after the procurement, the actual cost shall be reported immediately after it is determined. At the end of each fiscal quarter, the Auditor General shall file with the Legislative Audit Commission and the Governor a complete listing of all emergency procurements reported during that fiscal quarter. The Legislative Audit Commission shall review the emergency procurements so reported and, in its annual reports, advise the General Assembly of procurements that appear to constitute an abuse of this Section.

(d) Quick purchases. The chief procurement officer may promulgate rules extending the circumstances by which a purchasing agency may make purchases under this Section, including but not limited to the procurement of items available at a discount for a limited period of time.

(e) The changes to this Section made by this amendatory Act of the 96th General Assembly apply to procurements executed on or after its effective date.

(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/20-43)

Sec. 20-43. Bidder or offeror authorized to transact business or conduct affairs ~~do business~~ in Illinois. In addition to meeting any other requirement of law or rule, a person (other than an individual acting as a sole proprietor) may qualify as a bidder or offeror under this Code only if the person is a legal entity prior to submitting the bid, offer, or proposal. The legal entity must be authorized to transact business or conduct affairs in Illinois prior to execution of the contract submitting the bid, offer, or proposal. This Section shall not apply to construction contracts that are subject to the requirements of Sections 30-20 and 33-10 of this Code. The pre-qualification requirements of Sections 30-20 and 33-10 of this Code shall include the requirement that the bidder be registered with the Secretary of State.

(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/20-80)

Sec. 20-80. Contract files.

(a) Written determinations. All written determinations required under this Article shall be placed in the contract file maintained by the chief procurement officer.

(b) Filing with Comptroller. Whenever a grant, defined pursuant to accounting standards established by the Comptroller, or a contract liability, except for: (1) contracts paid from personal services, or (2) contracts between the State and its employees to defer compensation in accordance with Article 24 of the Illinois Pension Code, exceeding \$20,000 is incurred by any State agency, a copy of the contract, purchase order, grant, or lease shall be filed with the Comptroller within 30 calendar days thereafter. Beginning January 1, 2013, the Comptroller may require that contracts and grants required to be filed with the Comptroller under this Section shall be filed electronically, unless the agency is incapable of filing the contract or grant electronically because it does not possess the necessary technology or equipment. Any State agency that is incapable of electronically filing its contracts or grants shall submit a written statement to the Governor and to the Comptroller attesting to the reasons for its inability to comply. This statement shall include a discussion of what the State agency needs in order to effectively comply with this Section. Prior to requiring electronic filing, the Comptroller shall consult with the Governor as to the feasibility of

establishing mutually agreeable technical standards for the electronic document imaging, storage, and transfer of contracts and grants, taking into consideration the technology available to that agency, best practices, and the technological capabilities of State agencies. Nothing in this amendatory Act of the 97th General Assembly shall be construed to impede the implementation of an Enterprise Resource Planning (ERP) system. For each State contract for ~~goods~~, ~~supplies~~, or services awarded on or after July 1, 2010, the contracting agency shall provide the applicable rate and unit of measurement of the ~~goods~~, ~~supplies~~, or services on the contract obligation document as required by the Comptroller. If the contract obligation document that is submitted to the Comptroller contains the rate and unit of measurement of the ~~goods~~, ~~supplies~~, or services, the Comptroller shall provide that information on his or her official website. Any cancellation or modification to any such contract liability shall be filed with the Comptroller within 30 calendar days of its execution.

(c) Late filing affidavit. When a contract, purchase order, grant, or lease required to be filed by this Section has not been filed within 30 calendar days of execution, the Comptroller shall refuse to issue a warrant for payment thereunder until the agency files with the Comptroller the contract, purchase order, grant, or lease and an affidavit, signed by the chief executive officer of the agency or his or her designee, setting forth an explanation of why the contract liability was not filed within 30 calendar days of execution. A copy of this affidavit shall be filed with the Auditor General.

(d) Timely execution of contracts. Except as set forth in subsection (b) of this Section, no ~~No~~ voucher shall be submitted to the Comptroller for a warrant to be drawn for the payment of money from the State treasury or from other funds held by the State Treasurer on account of any contract unless the contract is reduced to writing before the services are performed and filed with the Comptroller. Contractors ~~Vendors~~ shall not be paid for any ~~supplies~~ ~~goods~~ that were received or services that were rendered before the contract was reduced to writing and signed by all necessary parties. A chief procurement officer may request an exception to this subsection by submitting a written statement to the Comptroller and Treasurer setting forth the circumstances and reasons why the contract could not be reduced to writing before the supplies were received or services were performed. A waiver of this subsection must be approved by the Comptroller and Treasurer. This Section shall not apply to emergency purchases if notice of the emergency purchase is filed with the Procurement Policy Board and published in the Bulletin as required by this Code.

(e) Method of source selection. When a contract is filed with the Comptroller under this Section, the Comptroller's file shall identify the method of source selection used in obtaining the contract.
(Source: P.A. 97-932, eff. 8-10-12; 98-1076, eff. 1-1-15.)

(30 ILCS 500/20-160)

Sec. 20-160. Business entities; certification; registration with the State Board of Elections.

(a) For purposes of this Section, the terms "business entity", "contract", "State contract", "contract with a State agency", "State agency", "affiliated entity", and "affiliated person" have the meanings ascribed to those terms in Section 50-37.

(b) Every bid and offer submitted to and every contract executed by the State on or after January 1, 2009 (the effective date of Public Act 95-971) and every submission to a vendor portal shall contain (1) a certification by the bidder, offeror, vendor, or contractor that either (i) the bidder, offeror, vendor, or contractor is not required to register as a business entity with the State Board of Elections pursuant to this Section or (ii) the bidder, offeror, vendor, or contractor has registered as a business entity with the State Board of Elections and acknowledges a continuing duty to update the registration and (2) a statement that the contract is voidable under Section 50-60 for the bidder's, offeror's, vendor's, or contractor's failure to comply with this Section.

(c) Each business entity (i) whose aggregate bids and proposals on State contracts annually total more than \$50,000, (ii) whose aggregate bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed \$50,000, or (iii) whose contracts with State agencies, in the aggregate, annually total more than \$50,000 shall register with the State Board of Elections in accordance with Section 9-35 of the Election Code. A business entity required to register under this subsection due to item (i) or (ii) has a continuing duty to ensure that the registration is accurate during the period beginning on the date of registration and ending on the day after the date the contract is awarded; any change in information must be reported to the State Board of Elections 5 business days following such change or no later than a day before the contract is awarded, whichever date is earlier. A business entity required to register under this subsection due to item (iii) has a continuing duty to ensure that the registration is accurate in accordance with subsection (e).

(d) Any business entity, not required under subsection (c) to register, whose aggregate bids and proposals on State contracts annually total more than \$50,000, or whose aggregate bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed \$50,000, shall register with the State Board of Elections in accordance with Section 9-35 of the Election

Code prior to submitting to a State agency the bid or proposal whose value causes the business entity to fall within the monetary description of this subsection. A business entity required to register under this subsection has a continuing duty to ensure that the registration is accurate during the period beginning on the date of registration and ending on the day after the date the contract is awarded. Any change in information must be reported to the State Board of Elections within 5 business days following such change or no later than a day before the contract is awarded, whichever date is earlier.

(e) A business entity whose contracts with State agencies, in the aggregate, annually total more than \$50,000 must maintain its registration under this Section and has a continuing duty to ensure that the registration is accurate for the duration of the term of office of the incumbent officeholder awarding the contracts or for a period of 2 years following the expiration or termination of the contracts, whichever is longer. A business entity, required to register under this subsection, has a continuing duty to report any changes on a quarterly basis to the State Board of Elections within 14 calendar days following the last day of January, April, July, and October of each year. Any update pursuant to this paragraph that is received beyond that date is presumed late and the civil penalty authorized by subsection (e) of Section 9-35 of the Election Code (10 ILCS 5/9-35) may be assessed.

Also, if a business entity required to register under this subsection has a pending bid or offer, any change in information shall be reported to the State Board of Elections within 7 calendar days following such change or no later than a day before the contract is awarded, whichever date is earlier.

(f) A business entity's continuing duty under this Section to ensure the accuracy of its registration includes the requirement that the business entity notify the State Board of Elections of any change in information, including but not limited to changes of affiliated entities or affiliated persons.

(g) For any bid or offer for a contract with a State agency by a business entity required to register under this Section, the chief procurement officer shall verify that the business entity is required to register under this Section and is in compliance with the registration requirements on the date the bid or offer is due. A chief procurement officer shall not accept a bid or offer if the business entity is not in compliance with the registration requirements as of the date bids or offers are due. Upon discovery of noncompliance with this Section, if the bidder or offeror made a good faith effort to comply with registration efforts prior to the date the bid or offer is due, a chief procurement officer may provide the bidder or offeror 5 business days to achieve compliance. A chief procurement officer may extend the time to prove compliance by as long as necessary in the event that there is a failure within the State Board of Election's registration system.

(h) A registration, and any changes to a registration, must include the business entity's verification of accuracy and subjects the business entity to the penalties of the laws of this State for perjury.

In addition to any penalty under Section 9-35 of the Election Code, intentional, willful, or material failure to disclose information required for registration shall render the contract, bid, offer, or other procurement relationship voidable by the chief procurement officer if he or she deems it to be in the best interest of the State of Illinois.

(i) This Section applies regardless of the method of source selection used in awarding the contract.

(Source: P.A. 97-333, eff. 8-12-11; 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

(30 ILCS 500/25-35)

Sec. 25-35. Purchase of coal and postage stamps.

(a) Delivery of necessary supplies. To avoid interruption or impediment of delivery of necessary supplies, commodities, and coal, State purchasing officers may approve a State agency's make purchases of or contracts for supplies and commodities after April 30 of a fiscal year when delivery of the supplies and commodities is to be made after June 30 of that fiscal year and payment for which is to be made from appropriations for the next fiscal year.

(b) Postage. All postage stamps purchased from State funds must be perforated for identification purposes. A General Assembly member may furnish the U.S. Post Office with a warrant so as to allow for the creation or continuation of a bulk rate mailing fund in the name of the General Assembly member or may furnish a postage meter company or post office with a warrant so as to facilitate the purchase of a postage meter and its stamps. Any postage meter so purchased must also contain a stamp that shall state "Official State Mail".

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

(30 ILCS 500/25-85 new)

Sec. 25-85. Best value procurement.

(a) This Section shall apply only to purchases of heavy mobile fleet vehicles and off-road construction equipment procured by or on behalf of:

(1) institutions of higher education;

(2) the Department of Agriculture;

(3) the Department of Transportation; and

(4) the Department of Natural Resources.

(b) As used in this Section, "best value procurement" means a contract award determined by objective criteria related to price, features, functions, and life-cycle costs that may include the following:

(1) total cost of ownership, including warranty, under which all repair costs are borne solely by the warranty provider; repair costs; maintenance costs; fuel consumption; and salvage value;

(2) product performance, productivity, and safety standards;

(3) the supplier's ability to perform to the contract requirements; and

(4) environmental benefits, including reduction of greenhouse gas emissions, reduction of air pollutant emissions, or reduction of toxic or hazardous materials.

(c) The department or institution may enter into a contract for heavy mobile fleet vehicles and off-road construction equipment for use by the department or institution by means of best value procurement, using specifications and criteria developed in consultation with the Chief Procurement Officer of each designated department or institution and conducted in accordance with Section 20-15 of this Code.

(c) The department or institution may enter into a contract for heavy mobile fleet vehicles and off-road construction equipment for use by the department or institution by means of best value procurement, using specifications and criteria developed in consultation with the Chief Procurement Officer of each designated department or institution and conducted in accordance with Section 20-15 of this Code.

(d) In addition to disclosure of the minimum requirements for qualification, the solicitation document shall specify which business performance measures, in addition to price, shall be given a weighted value. The solicitation shall include a scoring method based on those factors and price in determining the successful offeror. Any evaluation and scoring method shall ensure substantial weight is given to the contract price.

(e) Upon written request of any person who has submitted an offer, notice of the award shall be posted in a public place in the offices of the department or institution at least 24 hours before executing the contract or purchase order. If, before making an award, any offeror who has submitted a bid files a protest with the department or institution against the awarding of the contract or purchase order on the ground that his or her offer should have been selected in accordance with the selection criteria in the solicitation document, the contract or purchase order shall not be awarded until either the protest has been withdrawn or the appropriate Chief Procurement Officer has made a final decision as to the action to be taken relative to the protest. Within 10 days after filing a protest, the protesting offeror shall file with the Chief Procurement Officer a full and complete written statement specifying in detail the ground of the protest and the facts in support thereof.

(f) The total annual value of vehicles and equipment purchased through best value procurement pursuant to this Section shall be limited to \$20,000,000 per each department or institution.

(g) Best value procurement shall only be used on procurements first solicited on or before June 30, 2020.

(h) On or before January 1, 2021, the Chief Procurement Officer of each designated department or institution shall prepare an evaluation of the best value procurement pilot program authorized by this Section, including a recommendation on whether or not the process should be continued. The evaluation shall be posted in the applicable volume or volumes of the Illinois Procurement Bulletin on or before January 1, 2021.

(i) This Section is repealed on January 1, 2021.

(30 ILCS 500/35-15)

Sec. 35-15. Prequalification.

(a) The chief procurement officer for matters other than construction and the higher education chief procurement officer shall each develop appropriate and reasonable prequalification standards and categories of professional and artistic services.

(b) The prequalifications and categorizations shall be submitted to the Procurement Policy Board and published for public comment prior to their submission to the Joint Committee on Administrative Rules for approval.

(c) The chief procurement officer for matters other than construction and the higher education chief procurement officer shall each also assemble and maintain a comprehensive list of prequalified and categorized businesses and persons.

(d) Prequalification shall not be used to bar or prevent any qualified business or person from ~~for~~ bidding or responding to invitations for bid or requests for proposal.

(Source: P.A. 95-481, eff. 8-28-07; 96-920, eff. 7-1-10.)

(30 ILCS 500/35-30)

Sec. 35-30. Awards.

(a) All State contracts for professional and artistic services, except as provided in this Section, shall be awarded using the competitive request for proposal process outlined in this Section.

(b) For each contract offered, the chief procurement officer, State purchasing officer, or his or her designee shall use the appropriate standard solicitation forms available from the chief procurement officer for matters other than construction or the higher education chief procurement officer.

(c) Prepared forms shall be submitted to the chief procurement officer for matters other than construction or the higher education chief procurement officer, whichever is appropriate, for publication in its Illinois Procurement Bulletin and circulation to the chief procurement officer for matters other than construction or the higher education chief procurement officer's list of prequalified vendors. Notice of the offer or request for proposal shall appear at least 14 calendar days before the response to the offer is due.

(d) All interested respondents shall return their responses to the chief procurement officer for matters other than construction or the higher education chief procurement officer, whichever is appropriate, which shall open and record them. The chief procurement officer for matters other than construction or higher education chief procurement officer then shall forward the responses, together with any information it has available about the qualifications and other State work of the respondents.

(e) After evaluation, ranking, and selection, the responsible chief procurement officer, State purchasing officer, or his or her designee shall notify the chief procurement officer for matters other than construction or the higher education chief procurement officer, whichever is appropriate, of the successful respondent and shall forward a copy of the signed contract for the chief procurement officer for matters other than construction or higher education chief procurement officer's file. The chief procurement officer for matters other than construction or higher education chief procurement officer shall publish the names of the responsible procurement decision-maker, the agency letting the contract, the successful respondent, a contract reference, and value of the let contract in the next appropriate volume of the Illinois Procurement Bulletin.

(f) For all professional and artistic contracts with annualized value that exceeds ~~\$100,000~~ \$25,000, evaluation and ranking by price are required. Any chief procurement officer or State purchasing officer, but not their designees, may select a respondent other than the lowest respondent by price. In any case, when the contract exceeds the ~~\$100,000~~ \$25,000 threshold and the lowest respondent is not selected, the chief procurement officer or the State purchasing officer shall forward together with the contract notice of who the low respondent by price was and a written decision as to why another was selected to the chief procurement officer for matters other than construction or the higher education chief procurement officer, whichever is appropriate. The chief procurement officer for matters other than construction or higher education chief procurement officer shall publish as provided in subsection (e) of Section 35-30, but shall include notice of the chief procurement officer's or State purchasing officer's written decision.

(g) The chief procurement officer for matters other than construction and higher education chief procurement officer may each refine, but not contradict, this Section by promulgating rules for submission to the Procurement Policy Board and then to the Joint Committee on Administrative Rules. Any refinement shall be based on the principles and procedures of the federal Architect-Engineer Selection Law, Public Law 92-582 Brooks Act, and the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act; except that pricing shall be an integral part of the selection process.

(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/35-35)

Sec. 35-35. Exceptions.

(a) Exceptions to Section 35-30 are allowed for sole source procurements, emergency procurements, and at the discretion of the chief procurement officer or the State purchasing officer, but not their designees, for professional and artistic contracts that are nonrenewable, one year or less in duration, and have a value of less than ~~\$100,000~~ \$20,000.

(b) All exceptions granted under this Article must still be submitted to the chief procurement officer for matters other than construction or the higher education chief procurement officer, whichever is appropriate, and published as provided in subsection (f) of Section 35-30, shall name the authorizing chief procurement officer or State purchasing officer, and shall include a brief explanation of the reason for the exception.

(Source: P.A. 95-481, eff. 8-28-07; 96-920, eff. 7-1-10.)

(30 ILCS 500/40-30)

Sec. 40-30. Purchase option. ~~Leases~~ ~~Initial leases~~ of all space in entire, free-standing buildings shall include an option to purchase ~~exercisable~~ ~~exercisable~~ by the State, unless the purchasing officer determines that inclusion of such purchase option is not in the State's best interest and makes that determination in writing along with the reasons for making that determination and publishes the written

determination in the appropriate volume of the Illinois Procurement Bulletin. Leases from governmental units and not-for-profit entities are exempt from the requirements of this Section.

(Source: P.A. 90-572, eff. date - See Sec. 99-5; revised 9-9-16.)

(30 ILCS 500/45-15)

Sec. 45-15. Soybean oil-based ink and vegetable oil-based ink.

(a) As used in this Section:

"Digital printing" means a printing method which includes, but is not limited to, the electrostatic process of transferring ink or toner to a substrate. This process may involve the use of photo imaging plates, photoreceptor drums, or belts which hold an electrostatic charge. "Digital printing" is also defined as a process of transferring ink through a print head directly to a substrate, as is done with ink-jet printers.

"Offset printing" means lithography, flexography, gravure, or letterpress. "Offset printing" involves the process of transferring ink through static or fixed image plates using an impact method of pressing ink into a substrate.

(b) Contracts requiring the procurement of offset printing services shall specify the use of soybean oil-based ink or vegetable oil-based ink unless a State purchasing officer determines that another type of ink is required to assure high quality and reasonable pricing of the printed product.

This Section does not apply to digital printing services.

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

(30 ILCS 500/45-30)

Sec. 45-30. Illinois Correctional Industries. Notwithstanding anything to the contrary in other law, each the chief procurement officer appointed pursuant to paragraph (4) of subsection (a) of Section 10-20 shall, in consultation with Illinois Correctional Industries, a division of the Illinois Department of Corrections (referred to as the "Illinois Correctional Industries" or "ICI") determine for all State agencies under their respective jurisdictions which articles, materials, industry related services, food stuffs, and finished goods that are produced or manufactured by persons confined in institutions and facilities of the Department of Corrections who are participating in Illinois Correctional Industries programs shall be purchased from Illinois Correctional Industries. Each ~~The~~ chief procurement officer appointed pursuant to paragraph (4) of subsection (a) of Section 10-20 shall develop and distribute to the appropriate various purchasing and using agencies a listing of all Illinois Correctional Industries products and procedures for implementing this Section.

(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/45-45)

Sec. 45-45. Small businesses.

(a) Set-asides. Each chief procurement officer has authority to designate as small business set-asides a fair proportion of construction, supply, and service contracts for award to small businesses in Illinois. Advertisements for bids or offers for those contracts shall specify designation as small business set-asides. In awarding the contracts, only bids or offers from qualified small businesses shall be considered.

(b) Small business. "Small business" means a business that is independently owned and operated and that is not dominant in its field of operation. The chief procurement officer shall establish a detailed definition by rule, using in addition to the foregoing criteria other criteria, including the number of employees and the dollar volume of business. When computing the size status of a potential contractor, annual sales and receipts of the potential contractor and all of its affiliates shall be included. The maximum number of employees and the maximum dollar volume that a small business may have under the rules promulgated by the chief procurement officer may vary from industry to industry to the extent necessary to reflect differing characteristics of those industries, subject to the following limitations:

(1) No wholesale business is a small business if its annual sales for its most recently completed fiscal year exceed \$13,000,000.

(2) No retail business or business selling services is a small business if its annual sales and receipts exceed \$8,000,000.

(3) No manufacturing business is a small business if it employs more than 250 persons.

(4) No construction business is a small business if its annual sales and receipts exceed \$14,000,000.

(c) Fair proportion. For the purpose of subsection (a), for State agencies of the executive branch, a fair proportion of construction contracts shall be no less than 25% nor more than 40% of the annual total contracts for construction.

(d) Withdrawal of designation. A small business set-aside designation may be withdrawn by the purchasing agency when deemed in the best interests of the State. Upon withdrawal, all bids or offers shall be rejected, and the bidders or offerors shall be notified of the reason for rejection. The contract shall then be awarded in accordance with this Code without the designation of small business set-aside.

[May 29, 2017]

(e) Small business specialist. ~~Each~~ The chief procurement officer shall designate one or more individuals a State purchasing officer who will be responsible for engaging an experienced contract negotiator to serve as its small business specialist. The small business specialists shall collectively work together to accomplish the following duties , whose duties shall include:

(1) Compiling and maintaining a comprehensive list of potential small contractors. In this duty, he or she shall cooperate with the Federal Small Business Administration in locating potential sources for various products and services.

(2) Assisting small businesses in complying with the procedures for bidding on State contracts.

(3) Examining requests from State agencies for the purchase of property or services to help determine which invitations to bid are to be designated small business set-asides.

(4) Making recommendations to the chief procurement officer for the simplification of specifications and terms in order to increase the opportunities for small business participation.

(5) Assisting in investigations by purchasing agencies to determine the responsibility of bidders or offerors on small business set-asides.

(f) Small business annual report. ~~Each small business specialist~~ The State purchasing officer designated under subsection (e) shall annually before ~~November~~ December 1 report in writing to the General Assembly concerning the awarding of contracts to small businesses. The report shall include the total value of awards made in the preceding fiscal year under the designation of small business set-aside. The report shall also include the total value of awards made to businesses owned by minorities, females, and persons with disabilities, as defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, in the preceding fiscal year under the designation of small business set-aside.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report as required by Section 3.1 of the General Assembly Organization Act.

(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/45-57)

Sec. 45-57. Veterans.

(a) Set-aside goal. It is the goal of the State to promote and encourage the continued economic development of small businesses owned and controlled by qualified veterans and that qualified service-disabled veteran-owned small businesses (referred to as SDVOSB) and veteran-owned small businesses (referred to as VOSB) participate in the State's procurement process as both prime contractors and subcontractors. Not less than 3% of the total dollar amount of State contracts, as defined by the Director of Central Management Services, shall be established as a goal to be awarded to SDVOSB and VOSB. That portion of a contract under which the contractor subcontracts with a SDVOSB or VOSB may be counted toward the goal of this subsection. The Department of Central Management Services shall adopt rules to implement compliance with this subsection by all State agencies.

(b) Fiscal year reports. By each ~~November~~ September 1, each chief procurement officer shall report to the Department of Central Management Services on all of the following for the immediately preceding fiscal year, and by each March 1 the Department of Central Management Services shall compile and report that information to the General Assembly:

(1) The total number of VOSB, and the number of SDVOSB, who submitted bids for contracts under this Code.

(2) The total number of VOSB, and the number of SDVOSB, who entered into contracts with the State under this Code and the total value of those contracts.

(c) Yearly review and recommendations. Each year, each chief procurement officer shall review the progress of all State agencies under its jurisdiction in meeting the goal described in subsection (a), with input from statewide veterans' service organizations and from the business community, including businesses owned by qualified veterans, and shall make recommendations to be included in the Department of Central Management Services' report to the General Assembly regarding continuation, increases, or decreases of the percentage goal. The recommendations shall be based upon the number of businesses that are owned by qualified veterans and on the continued need to encourage and promote businesses owned by qualified veterans.

(d) Governor's recommendations. To assist the State in reaching the goal described in subsection (a), the Governor shall recommend to the General Assembly changes in programs to assist businesses owned by qualified veterans.

(e) Definitions. As used in this Section:

"Armed forces of the United States" means the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or service in active duty as defined under 38 U.S.C. Section 101. Service in the Merchant

Marine that constitutes active duty under Section 401 of federal Public Act 95-202 shall also be considered service in the armed forces for purposes of this Section.

"Certification" means a determination made by the Illinois Department of Veterans' Affairs and the Department of Central Management Services that a business entity is a qualified service-disabled veteran-owned small business or a qualified veteran-owned small business for whatever purpose. A SDVOSB or VOSB owned and controlled by females, minorities, or persons with disabilities, as those terms are defined in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, may also select and designate whether that business is to be certified as a "female-owned business", "minority-owned business", or "business owned by a person with a disability", as defined in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

"Control" means the exclusive, ultimate, majority, or sole control of the business, including but not limited to capital investment and all other financial matters, property, acquisitions, contract negotiations, legal matters, officer-director-employee selection and comprehensive hiring, operation responsibilities, cost-control matters, income and dividend matters, financial transactions, and rights of other shareholders or joint partners. Control shall be real, substantial, and continuing, not pro forma. Control shall include the power to direct or cause the direction of the management and policies of the business and to make the day-to-day as well as major decisions in matters of policy, management, and operations. Control shall be exemplified by possessing the requisite knowledge and expertise to run the particular business, and control shall not include simple majority or absentee ownership.

"Qualified service-disabled veteran" means a veteran who has been found to have 10% or more service-connected disability by the United States Department of Veterans Affairs or the United States Department of Defense.

"Qualified service-disabled veteran-owned small business" or "SDVOSB" means a small business (i) that is at least 51% owned by one or more qualified service-disabled veterans living in Illinois or, in the case of a corporation, at least 51% of the stock of which is owned by one or more qualified service-disabled veterans living in Illinois; (ii) that has its home office in Illinois; and (iii) for which items (i) and (ii) are factually verified annually by the Department of Central Management Services.

"Qualified veteran-owned small business" or "VOSB" means a small business (i) that is at least 51% owned by one or more qualified veterans living in Illinois or, in the case of a corporation, at least 51% of the stock of which is owned by one or more qualified veterans living in Illinois; (ii) that has its home office in Illinois; and (iii) for which items (i) and (ii) are factually verified annually by the Department of Central Management Services.

"Service-connected disability" means a disability incurred in the line of duty in the active military, naval, or air service as described in 38 U.S.C. 101(16).

"Small business" means a business that has annual gross sales of less than \$75,000,000 as evidenced by the federal income tax return of the business. A firm with gross sales in excess of this cap may apply to the Department of Central Management Services for certification for a particular contract if the firm can demonstrate that the contract would have significant impact on SDVOSB or VOSB as suppliers or subcontractors or in employment of veterans or service-disabled veterans.

"State agency" has the meaning provided in Section 1-15.100 of this Code ~~same meaning as in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.~~

"Time of hostilities with a foreign country" means any period of time in the past, present, or future during which a declaration of war by the United States Congress has been or is in effect or during which an emergency condition has been or is in effect that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.

"Veteran" means a person who (i) has been a member of the armed forces of the United States or, while a citizen of the United States, was a member of the armed forces of allies of the United States in time of hostilities with a foreign country and (ii) has served under one or more of the following conditions: (a) the veteran served a total of at least 6 months; (b) the veteran served for the duration of hostilities regardless of the length of the engagement; (c) the veteran was discharged on the basis of hardship; or (d) the veteran was released from active duty because of a service connected disability and was discharged under honorable conditions.

(f) Certification program. The Illinois Department of Veterans' Affairs and the Department of Central Management Services shall work together to devise a certification procedure to assure that businesses taking advantage of this Section are legitimately classified as qualified service-disabled veteran-owned small businesses or qualified veteran-owned small businesses.

(g) Penalties.

(1) Administrative penalties. The chief procurement officers appointed pursuant to

Section 10-20 shall suspend any person who commits a violation of Section 17-10.3 or subsection (d) of Section 33E-6 of the Criminal Code of 2012 relating to this Section from bidding on, or participating as a contractor, subcontractor, or supplier in, any State contract or project for a period of not less than 3 years, and, if the person is certified as a service-disabled veteran-owned small business or a veteran-owned small business, then the Department shall revoke the business's certification for a period of not less than 3 years. An additional or subsequent violation shall extend the periods of suspension and revocation for a period of not less than 5 years. The suspension and revocation shall apply to the principals of the business and any subsequent business formed or financed by, or affiliated with, those principals.

(2) Reports of violations. Each State agency shall report any alleged violation of Section 17-10.3 or subsection (d) of Section 33E-6 of the Criminal Code of 2012 relating to this Section to the chief procurement officers appointed pursuant to Section 10-20. The chief procurement officers appointed pursuant to Section 10-20 shall subsequently report all such alleged violations to the Attorney General, who shall determine whether to bring a civil action against any person for the violation.

(3) List of suspended persons. The chief procurement officers appointed pursuant to Section 10-20 shall monitor the status of all reported violations of Section 17-10.3 or subsection (d) of Section 33E-6 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to this Section and shall maintain and make available to all State agencies a central listing of all persons that committed violations resulting in suspension.

(4) Use of suspended persons. During the period of a person's suspension under paragraph (1) of this subsection, a State agency shall not enter into any contract with that person or with any contractor using the services of that person as a subcontractor.

(5) Duty to check list. Each State agency shall check the central listing provided by the chief procurement officers appointed pursuant to Section 10-20 under paragraph (3) of this subsection to verify that a person being awarded a contract by that State agency, or to be used as a subcontractor or supplier on a contract being awarded by that State agency, is not under suspension pursuant to paragraph (1) of this subsection.

(Source: P.A. 97-260, eff. 8-5-11; 97-1150, eff. 1-25-13; 98-307, eff. 8-12-13; 98-1076, eff. 1-1-15.)

(30 ILCS 500/45-90 new)

Sec. 45-90. Small business contracts.

(a) Not less than 10% of the total dollar amount of State contracts shall be established as a goal to be awarded as a contract or subcontract to small businesses.

(b) The percentage in subsection (a) relates to the total dollar amount of State contracts during each State fiscal year, calculated by examining independently each type of contract for each State official or agency which lets such contracts.

(c) Each State agency shall file with its chief procurement officer an annual compliance plan which shall outline the goals for contracting with small businesses for the then-current fiscal year, the manner in which the agency intends to reach these goals, and a timetable for reaching these goals. The chief procurement officer shall review and approve the plan of the agency and may reject any plan that does not comply with this Section.

(d) Each State agency shall file with its chief procurement officer an annual report of its utilization of small businesses during the preceding fiscal year, including lapse period spending and a mid-fiscal year report of its utilization to date for the then-current fiscal year. The reports shall include a self-evaluation of the efforts of the State official or agency to meet its goals.

(e) The chief procurement officers shall make public presentations, at least once a year, directed at providing information to small businesses about the contracting process and how to apply for contracts or subcontracts.

(f) Each chief procurement officer shall file, no later than November 1 of each year, an annual report with the Governor and the General Assembly that shall include, but need not be limited to, the following:

(1) a summary of the number of contracts awarded and the average contract amount by each State official or agency; and

(2) an analysis of the level of overall goal achievement concerning purchases from small businesses.

(g) Each chief procurement officer may adopt rules to implement and administer this Section.

(30 ILCS 500/50-2)

Sec. 50-2. Continuing disclosure; false certification. Every person that has entered into a ~~multi-year~~ contract for more than one year in duration for the initial term or for any renewal term ~~and every subcontractor with a multi-year subcontract~~ shall certify, by ~~January~~ July 1 of each fiscal year covered by the contract after the initial fiscal year, to the ~~responsible~~ chief procurement officer or, if the procurement is under the authority of a chief procurement officer, the applicable procurement officer of any changes

that affect its ability whether it continues to satisfy the requirements of this Article pertaining to eligibility for a contract award. If a contractor or subcontractor continues to meet all requirements of this Article, it shall not be required to submit any certification or if the work under the contract has been substantially completed before contract expiration but the contract has not yet expired. If a contractor or subcontractor is not able to truthfully certify that it continues to meet all requirements, it shall provide with its certification a detailed explanation of the circumstances leading to the change in certification status. A contractor or subcontractor that makes a false statement material to any given certification required under this Article is, in addition to any other penalties or consequences prescribed by law, subject to liability under the Illinois False Claims Act for submission of a false claim.

(Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of P.A. 96-795); 96-1304, eff. 7-27-10.)

(30 ILCS 500/50-10)

Sec. 50-10. Felons.

(a) Unless otherwise provided, no person or business convicted of a felony shall do business with the State of Illinois or any State agency, or enter into a subcontract, from the date of conviction until 5 years after the date of completion of the sentence for that felony, unless no person held responsible by a prosecutorial office for the facts upon which the conviction was based continues to have any involvement with the business.

For purposes of this subsection (a), "completion of sentence" means completion of all sentencing related to the felony conviction or admission and includes, but is not limited to, the following: incarceration, mandatory supervised release, probation, work release, house arrest, or commitment to a mental facility.

(b) Every bid or offer submitted to the State, every contract executed by the State, every subcontract subject to Section 20-120 of this Code, and every vendor's submission to a vendor portal shall contain a certification by the bidder, offeror, potential contractor, contractor, or subcontractor, respectively, that the bidder, offeror, potential contractor, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer may declare the related contract void if any of the certifications required by this Section are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.

(Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

(30 ILCS 500/50-10.5)

Sec. 50-10.5. Prohibited bidders, offerors, potential contractors, and contractors.

(a) Unless otherwise provided, no business shall bid, offer, enter into a contract or subcontract under this Code, or make a submission to a vendor portal if the business or any officer, director, partner, or other managerial agent of the business has been convicted of a felony under the Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953 for a period of 5 years from the date of conviction.

(b) Every bid and offer submitted to the State, every contract executed by the State, every vendor's submission to a vendor portal, and every subcontract subject to Section 20-120 of this Code shall contain a certification by the bidder, offeror, potential contractor, contractor, or subcontractor, respectively, that the bidder, offeror, potential contractor, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer shall declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.

(c) If a business is not a natural person, the prohibition in subsection (a) applies only if:

(1) the business itself is convicted of a felony referenced in subsection (a); or

(2) the business is ordered to pay punitive damages based on the conduct of any officer, director, partner, or other managerial agent who has been convicted of a felony referenced in subsection (a).

(d) A natural person who is convicted of a felony referenced in subsection (a) remains subject to Section 50-10.

(e) No person or business shall bid, offer, make a submission to a vendor portal, or enter into a contract under this Code if the person or business assisted an employee of the State of Illinois, who, by the nature of his or her duties, has the authority to participate personally and substantially in the decision to award a State contract, by reviewing, drafting, directing, or preparing any invitation for bids, a request for proposal,

or request for information or provided similar assistance except as part of a publicly issued opportunity to review drafts of all or part of these documents.

This subsection does not prohibit a person or business from submitting a bid or offer or entering into a contract if the person or business: (i) initiates a communication with an employee to provide general information about products, services, or industry best practices, ~~and, if applicable, that communication is documented in accordance with Section 50-39 or~~ (ii) responds to a communication initiated by an employee of the State for the purposes of providing information to evaluate new products, trends, services, or technologies, or (iii) asks for clarification regarding a solicitation, so long as there is no competitive advantage to the person or business and the question and answer, if material, are posted to the Illinois Procurement Bulletin as an addendum to the solicitation.

Nothing in this Section prohibits a vendor developing technology, goods, or services from bidding or offering to supply that technology or those goods or services if the subject demonstrated to the State represents industry trends and innovation and is not specifically designed to meet the State's needs.

Nothing in this Section prohibits a person performing construction-related services from initiating contact with a business that performs construction for the purpose of obtaining market costs or production time to determine the estimated costs to complete the construction project.

For purposes of this subsection (e), "business" includes all individuals with whom a business is affiliated, including, but not limited to, any officer, agent, employee, consultant, independent contractor, director, partner, or manager of a business.

No person or business shall submit specifications to a State agency unless requested to do so by an employee of the State. No person or business who contracts with a State agency to write specifications for a particular procurement need shall submit a bid or proposal or receive a contract for that procurement need.

(Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

(30 ILCS 500/50-39)

Sec. 50-39. Procurement communications reporting requirement.

(a) Any written or oral communication received by a State employee who, by the nature of his or her duties, has the authority to participate personally and substantially in the decision to award a State contract and that imparts or requests material information or makes a material argument regarding potential action concerning an active procurement matter, including, but not limited to, an application, a contract, or a project, shall be reported to the Procurement Policy Board, and, with respect to the Illinois Power Agency, by the initiator of the communication, and may be reported also by the recipient.

Any person communicating orally, in writing, electronically, or otherwise with the Director or any person employed by, or associated with, the Illinois Power Agency to impart, solicit, or transfer any information related to the content of any power procurement plan, the manner of conducting any power procurement process, the procurement of any power supply, or the method or structure of contracting with power suppliers must disclose to the Procurement Policy Board the full nature, content, and extent of any such communication in writing by submitting a report with the following information:

- (1) The names of any party to the communication.
- (2) The date on which the communication occurred.
- (3) The time at which the communication occurred.
- (4) The duration of the communication.
- (5) The method (written, oral, etc.) of the communication.
- (6) A summary of the substantive content of the communication.

These communications do not include the following: (i) statements by a person publicly made in a public forum; (ii) statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter; (iii) statements made by a State employee of the agency to the agency head or other employees of that agency, to the employees of the Executive Ethics Commission, or to an employee of another State agency who, through the communication, is either (a) exercising his or her experience or expertise in the subject matter of the particular procurement in the normal course of business, for official purposes, and at the initiation of the purchasing agency or the appropriate State purchasing officer, or (b) exercising oversight, supervisory, or management authority over the procurement in the normal course of business and as part of official responsibilities; (iv) unsolicited communications providing general information about products, services, or industry best practices before those products or services become involved in a procurement matter; (v) communications received in response to procurement solicitations, including, but not limited to, vendor responses to a request for information, request for proposal, request for qualifications, invitation for bid, or a small purchase, sole source, or emergency solicitation, or questions and answers posted to the Illinois Procurement Bulletin to supplement the procurement action, provided that the communications are made

in accordance with the instructions contained in the procurement solicitation, procedures, or guidelines; (vi) communications that are privileged, protected, or confidential under law; and (vii) communications that are part of a formal procurement process as set out by statute, rule, or the solicitation, guidelines, or procedures, including, but not limited to, the posting of procurement opportunities, the process for approving a procurement business case or its equivalent, fiscal approval, submission of bids, the finalizing of contract terms and conditions with an awardee or apparent awardee, and similar formal procurement processes. The provisions of this Section shall not apply to communications regarding the administration and implementation of an existing contract, except communications regarding change orders or the renewal or extension of a contract.

The reporting requirement does not apply to any communication asking for clarification regarding a contract solicitation so long as there is no competitive advantage to the person or business and the question and answer, if material, are posted to the Illinois Procurement Bulletin as an addendum to the contract solicitation.

(b) The report required by subsection (a) shall be submitted monthly and include at least the following: (i) the date and time of each communication; (ii) the identity of each person from whom the written or oral communication was received, the individual or entity represented by that person, and any action the person requested or recommended; (iii) the identity and job title of the person to whom each communication was made; (iv) if a response is made, the identity and job title of the person making each response; (v) a detailed summary of the points made by each person involved in the communication; (vi) the duration of the communication; (vii) the location or locations of all persons involved in the communication and, if the communication occurred by telephone, the telephone numbers for the callers and recipients of the communication; and (viii) any other pertinent information. No trade secrets or other proprietary or confidential information shall be included in any communication reported to the Procurement Policy Board.

(c) Additionally, when an oral communication made by a person required to register under the Lobbyist Registration Act is received by a State employee that is covered under this Section, all individuals who initiate or participate in the oral communication shall submit a written report to that State employee that memorializes the communication and includes, but is not limited to, the items listed in subsection (b).

(d) The Procurement Policy Board shall make each report submitted pursuant to this Section available on its website within 7 calendar days after its receipt of the report. The Procurement Policy Board may promulgate rules to ensure compliance with this Section.

(e) The reporting requirements shall also be conveyed through ethics training under the State Officials and Employees Ethics Act. An employee who knowingly and intentionally violates this Section shall be subject to suspension or discharge. The Executive Ethics Commission shall promulgate rules, including emergency rules, to implement this Section.

(f) This Section becomes operative on January 1, 2011.

(g) For purposes of this Section:

"Active procurement matter" means a procurement process beginning with requisition or determination of need by an agency and continuing through the publication of an award notice or other completion of a final procurement action, the resolution of any protests, and the expiration of any protest or Procurement Policy Board review period, if applicable. "Active procurement matter" also includes communications relating to change orders, renewals, or extensions.

"Material information" means information that a reasonable person would deem important in determining his or her course of action and pertains to significant issues, including, but not limited to, price, quantity, and terms of payment or performance.

"Material argument" means a communication that a reasonable person would believe was made for the purpose of influencing a decision relating to a procurement matter. "Material argument" does not include general information about products, services, or industry best practices or a response to a communication initiated by an employee of the State for the purposes of providing information to evaluate new products, trends, services, or technologies.

(Source: P.A. 97-333, eff. 8-12-11; 97-618, eff. 10-26-11; 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

(30 ILCS 500/50-40)

Sec. 50-40. Reporting and anticompetitive practices. When, for any reason, any vendor, bidder, offeror, potential contractor, contractor, chief procurement officer, State purchasing officer, designee, elected official, or State employee suspects collusion or other anticompetitive practice among any bidders, offerors, potential contractors, contractors, or employees of the State, a notice of the relevant facts shall be transmitted to the appropriate Inspector General, the Attorney General, and the chief procurement officer.

(Source: P.A. 98-1076, eff. 1-1-15.)

[May 29, 2017]

(30 ILCS 500/50-45)

Sec. 50-45. Confidentiality. Any chief procurement officer, State purchasing officer, designee, or executive officer, or State employee who willfully uses or allows the use of specifications, competitive solicitation documents, proprietary competitive information, contracts, or selection information to compromise the fairness or integrity of the procurement or contract process shall be subject to immediate dismissal, regardless of the Personnel Code, any contract, or any collective bargaining agreement, and may in addition be subject to criminal prosecution.

(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/53-10)

Sec. 53-10. Concessions and leases of State property and no-cost contracts.

(a) Except for property under the jurisdiction of a public institution of higher education, concessions, including the assignment, license, sale, or transfer of interests in or rights to discoveries, inventions, patents, or copyrightable works, may be entered into by the State agency with jurisdiction over the property, whether tangible or intangible.

(b) Except for property under the jurisdiction of a public institution of higher education, all leases of State property and concessions shall be reduced to writing and shall be awarded under the provisions of Article 20, except that the contract shall be awarded to the highest bidder or best bidder or offeror when the State receives a lease payment, a percentage of sales from the lessee, or in-kind support from the lessee based on the return to the State.

(c) Except for property under the jurisdiction of a public institution of higher education, all no-cost procurements shall be reduced to writing and shall be awarded under the provisions of Article 20 of this Code. All awards of no-cost procurements shall identify the estimated business value to the lessee and the value to the State.

(Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of changes made by P.A. 96-795).)

(30 ILCS 503/Act rep.)

Section 20. The Small Business Contracts Act is repealed.

Section 25. The Governmental Joint Purchasing Act is amended by changing Sections 1, 2, 3, 4, and 4.2 and by adding Sections 1.1, 4.05, and 4.3 as follows:

(30 ILCS 525/1) (from Ch. 85, par. 1601)

Sec. 1. Definitions. For the purposes of this Act,

"Governmental governmental unit" means State of Illinois, any State agency as defined in Section 1-15.100 of the Illinois Procurement Code, officers of the State of Illinois, any public authority which has the power to tax, or any other public entity created by statute.

"Master contract" means a definite quantity or indefinite quantity contract awarded pursuant to this Act against which subsequent orders may be placed to meet the needs of a governmental unit or qualified not-for-profit agency.

"Multiple award" means an award that is made to 2 or more bidders or offerors for similar supplies or services.

(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 525/1.1 new)

Sec. 1.1. Joint purchasing programs. Each chief procurement officer may establish a joint purchasing program and a cooperative purchasing program.

(30 ILCS 525/2) (from Ch. 85, par. 1602)

Sec. 2. Joint purchasing authority.

(a) Any governmental unit, except a governmental unit subject to the jurisdiction of a chief procurement officer established in Section 10-20 of the Illinois Procurement Code, may purchase personal property, supplies and services jointly with one or more other governmental units. All such joint purchases shall be by competitive solicitation as provided in Section 4 of this Act, except as otherwise provided in this Act. The provisions of any other acts under which a governmental unit operates which refer to purchases and procedures in connection therewith shall be superseded by the provisions of this Act when the governmental units are exercising the joint powers created by this Act.

(a-5) For purchases made by a governmental unit subject to the jurisdiction of a chief procurement officer established in Section 10-20 of the Illinois Procurement Code, the applicable A chief procurement officer established in Section 10-20 of the Illinois Procurement Code may authorize the purchase of personal property, supplies, and services jointly with a governmental unit entity of this State, governmental entity of or another state, or with a consortium of governmental entities of one or more other states, except as otherwise provided in this Act. Subject to provisions of the joint purchasing solicitation, the appropriate

chief procurement officer may designate the resulting contract as available to governmental units in Illinois.

(a-10) Each chief procurement officer appointed pursuant to Section 10-20 of the Illinois Procurement Code may authorize the purchase or lease of supplies and services which have been procured through a competitive process by a federal agency; a consortium of governmental, educational, medical, research, or similar entities; or group purchasing organizations of which the chief procurement officer or State agency is a member or affiliate, including, without limitation, any purchasing entity operating under the federal General Services Administration, the Higher Education Cooperation Act, and the Midwestern Higher Education Compact Act. Each applicable chief procurement officer may authorize purchases and contracts which have been procured through other methods of procurement if the chief procurement officer determines it is in the best interests of the State. Each chief procurement officer may establish detailed rules, policies, and procedures for use of these cooperative contracts. Notices of award shall be published by the chief procurement officer in the Illinois Procurement Bulletin at least 14 days prior to use of the contract. Each chief procurement officer shall submit to the General Assembly by November 1 of each year a report of procurements made under this subsection (a-10).

(b) Any not-for-profit agency that qualifies under Section 45-35 of the Illinois Procurement Code and that either (1) acts pursuant to a board established by or controlled by a unit of local government or (2) receives grant funds from the State or from a unit of local government, shall be eligible to participate in contracts established by the State.

(c) For governmental units subject to the jurisdiction of a chief procurement officer established in Section 10-20 of the Illinois Procurement Code, if any contract or amendment to a contract is entered into or purchase or expenditure of funds is made at any time in violation of this Act or any other law, the contract or amendment may be declared void by the chief procurement officer or may be ratified and affirmed, if the chief procurement officer determines that ratification is in the best interests of the governmental unit. If the contract or amendment is ratified and affirmed, it shall be without prejudice to the governmental unit's rights to any appropriate damages.

(d) This Section does not apply to construction-related professional services contracts awarded in accordance with the provisions of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(Source: P.A. 96-584, eff. 1-1-10; 97-895, eff. 8-3-12.)

(30 ILCS 525/3) (from Ch. 85, par. 1603)

Sec. 3. Conduct of competitive procurement. Under any agreement of governmental units that desire to make joint purchases pursuant to subsection (a) of Section 2, one of the governmental units shall conduct the competitive procurement process. Where the State of Illinois is a party to the joint purchase agreement, the appropriate chief procurement officer shall conduct or authorize the competitive procurement process. Expenses of such competitive procurement process may be shared by the participating governmental units in proportion to the amount of personal property, supplies or services each unit purchases.

When the State of Illinois is a party to the joint purchase agreement pursuant to subsection (a) of Section 2, the acceptance of responses to the competitive procurement process shall be in accordance with the Illinois Procurement Code and rules promulgated under that Code. When the State of Illinois is not a party to the joint purchase agreement, the acceptance of responses to the competitive procurement process shall be governed by the agreement.

When the State of Illinois is a party to a joint purchase agreement pursuant to subsection (a-5) of Section 2, the State may act as the lead state or as a participant state. When the State of Illinois is the lead state, all such joint purchases shall be conducted in accordance with the Illinois Procurement Code. When the State of Illinois is the lead state, a multiple award is allowed. When Illinois is a participant state, all such joint purchases shall be conducted in accordance with the procurement laws of the lead state; provided that all such joint procurements must be by competitive solicitation process. All resulting awards shall be published in the appropriate volume of the Illinois Procurement Bulletin as may be required by Illinois law governing ~~publication of the solicitation, protest, and award of Illinois State contracts.~~ Contracts resulting from a joint purchase shall contain all provisions required by Illinois law and rule.

The ~~personal property,~~ supplies or services involved shall be distributed or rendered directly to each governmental unit taking part in the purchase. The person selling the personal property, supplies or services may bill each governmental unit separately for its proportionate share of the cost of the personal property, supplies or services purchased.

The credit or liability of each governmental unit shall remain separate and distinct. Disputes between contractors bidders and governmental units or qualified not-for-profit agencies shall be resolved between the immediate parties.

(Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

[May 29, 2017]

(30 ILCS 525/4) (from Ch. 85, par. 1604)

Sec. 4. Bids, offers, and small purchases. The purchases of all personal property, supplies and services under this Act, except for small purchases, shall be based on competitive solicitations unless, for purchases made pursuant to subsection (a) of Section 2 of this Act, it is the determination of the applicable chief procurement officer that it is impractical to obtain competition. Purchases pursuant to this Section and shall follow the same procedures used for competitive solicitations made pursuant to the Illinois Procurement Code when the State is a party to the joint purchase. For purchases made pursuant to subsection (a) of Section 2 of this Act where the applicable chief procurement officer makes the determination that it is impractical to obtain competition, purchases shall either follow the same procedure used for sole source procurements in Section 20-25 of the Illinois Procurement Code or the same procedure used for emergency purchases in Section 20-30 of the Illinois Procurement Code. For purchases pursuant to subsection (a) of Section 2, bids and offers shall be solicited by public notice inserted at least once in a newspaper of general circulation in one of the counties where the materials are to be used and at least 5 calendar days before the final date of submitting bids or offers, except as otherwise provided in this Section. Where the State of Illinois is a party to the joint purchase agreement, public notice soliciting the bids or offers shall be published in the appropriate volume of the Illinois Procurement Bulletin. Such notice shall include a general description of the ~~personal property~~, supplies or services to be purchased and shall state where ~~all blanks and~~ specifications may be obtained and the time and place for the opening of bids and offers. The governmental unit conducting the competitive procurement process may also solicit sealed bids or offers by sending requests by mail to potential contractors and by posting notices on a public bulletin board in its office. Small purchases pursuant to this Section shall follow the same procedure used for small purchases in Section 20-20 of the Illinois Procurement Code.

All purchases, orders or contracts shall be awarded to the lowest responsible bidder or highest-ranked offeror, taking into consideration the qualities of the articles or services supplied, their conformity with the specifications, their suitability to the requirements of the participating governmental units and the delivery terms.

Where the State of Illinois is not a party, all bids or offers may be rejected and new bids or offers solicited if one or more of the participating governmental units believes the public interest may be served thereby. Each bid or offer, with the name of the bidder or offeror, shall be entered on a record, which record with the successful bid or offer, indicated thereon shall, after the award of the purchase or order or contract, be open to public inspection. A copy of all contracts shall be filed with the purchasing office or clerk or secretary of each participating governmental unit.

(Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

(30 ILCS 525/4.05 new)

Sec. 4.05. Other methods of joint purchases.

(a) It may be determined that it is impractical to obtain competition because either (i) there is only one economically-feasible source for the item or (ii) there is a threat to public health or public safety, or when immediate expenditure is necessary to prevent or minimize serious disruption in critical State services that affect health, safety, or collection of substantial State revenues, or to ensure the integrity of State records.

(b) When the State of Illinois is a party to the joint purchase agreement, the applicable chief procurement officer shall make a determination whether (i) there is only one economically feasible source for the item or (ii) that there exists a threat to public health or public safety or that immediate expenditure is necessary to prevent or minimize serious disruption in critical State services.

(c) When there is only one economically feasible source for the item, the chief procurement officer may authorize a sole economically-feasible source contract. When there exists a threat to public health or public safety or when immediate expenditure is necessary to prevent or minimize serious disruption in critical State services, the chief procurement officer may authorize an emergency procurement without competitive sealed bidding or competitive sealed proposals or prior notice.

(d) All joint purchases made pursuant to this Section shall follow the same procedures for sole source contracts in the Illinois Procurement Code when the chief procurement officer determines there is only one economically-feasible source for the item. All joint purchases made pursuant to this Section shall follow the same procedures for emergency purchases in the Illinois Procurement Code when the chief procurement officer determines immediate expenditure is necessary to prevent or minimize serious disruption in critical State services that affect health, safety, or collection of substantial State revenues, or to ensure the integrity of State records.

(e) Each chief procurement officer shall submit to the General Assembly by November 1 of each year a report of procurements made under this Section.

(30 ILCS 525/4.2) (from Ch. 85, par. 1604.2)

Sec. 4.2. Any governmental unit may, without violating any bidding requirement otherwise applicable to it, procure ~~personal property~~, supplies and services under any contract let by the State pursuant to lawful procurement procedures. Purchases made by the State of Illinois must be approved or authorized by the appropriate chief procurement officer.

(Source: P.A. 97-895, eff. 8-3-12.)

(30 ILCS 525/4.3 new)

Sec. 4.3. Suspension or debarment. Any contractor or subcontractor may be suspended for violation of this Act or for failure to conform to specifications or terms of delivery. Suspension shall be for cause and may be for a period of up to 10 years at the discretion of the appropriate chief procurement officer. Contractors or subcontractors may be debarred in accordance with rules adopted by the chief procurement officer or as otherwise provided by law.

Section 26. The State Prompt Payment Act is amended by changing Section 7 as follows:

(30 ILCS 540/7) (from Ch. 127, par. 132.407)

Sec. 7. Payments to subcontractors and material suppliers.

(a) When a State official or agency responsible for administering a contract submits a voucher to the Comptroller for payment to a contractor, that State official or agency shall promptly make available electronically the voucher number, the date of the voucher, and the amount of the voucher. The State official or agency responsible for administering the contract shall provide subcontractors and material suppliers, known to the State official or agency, with instructions on how to access the electronic information.

(a-5) When a contractor receives any payment, the contractor shall pay each subcontractor and material supplier in proportion to the work completed by each subcontractor and material supplier ~~its their~~ application ~~or pay estimate~~, plus interest received under this Act ~~less any retention~~. ~~When a contractor receives any payment, the contractor shall pay each lower-tiered subcontractor and material supplier and each subcontractor and material supplier shall make payment to its own respective subcontractors and material suppliers.~~ If the contractor receives less than the full payment due under the public construction contract, the contractor shall be obligated to disburse on a pro rata basis those funds received, plus interest received under this Act, with the contractor, subcontractors and material suppliers each receiving a prorated portion based on the amount of payment ~~each has earned~~. When, however, the ~~State official or agency public owner~~ does not release the full payment due under the contract because there are specific areas of work or materials the ~~State agency or official has determined~~ ~~contractor is rejecting or because the contractor has otherwise determined~~ such areas are not suitable for payment, then those specific subcontractors or ~~material~~ suppliers involved shall not be paid for that portion of work rejected or deemed not suitable for payment and all other subcontractors and suppliers shall be paid based upon the amount of payment each has earned in full, plus interest received under this Act.

(a-10) For construction contracts with the Department of Transportation, the contractor, subcontractor, or material supplier, regardless of tier, shall not offset, decrease, or diminish payment or payments that are due to its subcontractors or material suppliers without reasonable cause.

A contractor, who refuses to make prompt payment, in whole or in part, shall provide to the subcontractor or material supplier and the public owner or its agent, a written notice of that refusal. The written notice shall be made by a contractor no later than 5 calendar days after payment is received by the contractor. The written notice shall identify the Department of Transportation's contract, any subcontract or material purchase agreement, a detailed reason for refusal, the value of the payment to be withheld, and the specific remedial actions required of the subcontractor or material supplier so that payment may be made. Written notice of refusal may be given in a form and method which is acceptable to the parties and public owner.

(b) If the contractor, without reasonable cause, fails to make full payment of amounts due under subsection (a) to ~~its his~~ subcontractors and material suppliers within 15 calendar days after receipt of payment ~~from the State official or agency under the public construction contract~~, the contractor shall pay to ~~its his~~ subcontractors and material suppliers, in addition to the payment due them, interest in the amount of 2% per month, calculated from the expiration of the 15-day period until fully paid. This subsection shall ~~further also~~ apply to any payments made by subcontractors and material suppliers to their subcontractors and material suppliers and to all payments made to lower tier subcontractors and material suppliers throughout the contracting chain.

(1) If a contractor, without reasonable cause, fails to make payment in full as provided in subsection ~~(a-5)~~ ~~(a)~~ within 15 calendar days after receipt of payment under the public construction contract, any subcontractor or material supplier to whom payments are owed may file a written notice and request for administrative hearing with the State official or agency setting forth the amount owed

by the contractor and the contractor's failure to timely pay the amount owed. The written notice and request for administrative hearing shall identify the public construction contract, the contractor, and the amount owed, and shall contain a sworn statement or attestation to verify the accuracy of the notice. The notice and request for administrative hearing shall be filed with the State official for the public construction contract, with a copy of the notice concurrently provided to the contractor. Notice to the State official may be made by certified or registered mail, messenger service, or personal service, and must include proof of delivery to the State official.

(2) The State official or agency, within 15 calendar days after receipt of a subcontractor's or material supplier's written notice and request for administrative hearing of the failure to receive payment from the contractor, shall hold a hearing convened by an administrative law judge to determine whether the contractor withheld payment, without reasonable cause, from the subcontractors or and material suppliers and what amount, if any, is due to the subcontractors or and material suppliers, and the reasonable cause or causes asserted by the contractor. The State official or agency shall provide appropriate notice to the parties of the date, time, and location of the hearing. Each contractor, subcontractor, or and material supplier has the right to be represented by counsel at a the hearing and to cross-examine witnesses and challenge documents. Upon the request of the subcontractor or material supplier and a showing of good cause, reasonable continuances may be granted by the administrative law judge.

(3) Upon If there is a finding by the administrative law judge that the contractor failed to make payment in full, without reasonable cause, as provided in subsection (a-10) (a), then the administrative law judge shall, in writing, order direct the contractor to pay the amount owed to the subcontractors or and material suppliers plus interest within 15 calendar days after the order finding.

(4) If a contractor fails to make full payment as ordered under paragraph (3) of this subsection (b) within 15 days after the administrative law judge's order finding, then the contractor shall be barred from entering into a State public construction contract for a period of one year beginning on the date of the administrative law judge's order finding.

(5) If, on 2 or more occasions within a 3-calendar-year period, there is a finding by an administrative law judge that the contractor failed to make payment in full, without reasonable cause, and a written order was issued to a contractor under paragraph (3) of this subsection (b), then the contractor shall be barred from entering into a State public construction contract for a period of 6 months beginning on the date of the administrative law judge's second written order, even if the payments required under the orders were made in full.

(6) If a contractor fails to make full payment as ordered under paragraph (4) of this subsection (b), the subcontractor or material supplier may, within 30 days of the date of that order, petition the State agency for an order for reasonable attorney's fees and costs incurred in the prosecution of the action under this subsection (b). Upon that petition and taking of additional evidence, as may be required, the administrative law judge may issue a supplemental order directing the contractor to pay those reasonable attorney's fees and costs.

(7) The written order of the administrative law judge shall be final and appealable under the Administrative Review Law.

(c) This Section shall not be construed to in any manner diminish, negate, or interfere with the contractor-subcontractor or contractor-material supplier relationship or commercially useful function.

(d) This Section shall not preclude, bar, or stay the rights, remedies, and defenses available to the parties by way of the operation of their contract, purchase agreement, the Mechanics Lien Act, or the Public Construction Bond Act.

(e) State officials and agencies may adopt rules as may be deemed necessary in order to establish the formal procedures required under this Section.

(f) As used in this Section,

"Payment" means the discharge of an obligation in money or other valuable consideration or thing delivered in full or partial satisfaction of an obligation to pay. "Payment" shall include interest paid pursuant to this Act.

"Reasonable cause" may include, but is not limited to, unsatisfactory workmanship or materials; failure to provide documentation required by the contract, subcontract, or material purchase agreement; claims made against the Department of Transportation or the subcontractor pursuant to subsection (c) of Section 23 of the Mechanics Lien Act or the Public Construction Bond Act; judgments, levies, garnishments, or other court-ordered assessments or offsets in favor of the Department of Transportation or other State agency entered against a subcontractor or material supplier. "Reasonable cause" does not include payments issued to the contractor that create a negative or reduced valuation pay application or pay estimate due to

a reduction of contract quantities or work not performed or provided by the subcontractor or material supplier; the interception or withholding of funds for reasons not related to the subcontractor's or material supplier's work on the contract; anticipated claims or assessments of third parties that are not authorized by court order, administrative tribunal, or statute. "Reasonable cause" further does not include the withholding, offset, or reduction of payment, in whole or in part, due to the assessment of liquidated damages or penalties assessed by the Department of Transportation against the contractor, unless the subcontractor's performance or supplied materials were the sole and proximate cause of the liquidated damage or penalty. (Source: P.A. 94-672, eff. 1-1-06; 94-972, eff. 7-1-07.)

Section 27. The Business Enterprise for Minorities, Females, and Persons with Disabilities Act is amended by adding Section 8g as follows:

(30 ILCS 575/8g new)

Sec. 8g. Special Committee on Minority, Female, Persons with Disabilities, and Veterans Contracting.

(a) There is created a Special Committee on Minority, Female, Persons with Disabilities, and Veterans Contracting under the Council. The Special Committee shall review Illinois' procurement laws regarding contracting with minority-owned businesses, female-owned businesses, businesses owned by persons with disabilities, and veteran-owned businesses to determine what changes should be made to increase participation of these businesses in State procurements.

(b) The Special Committee shall consist of the following members:

(1) 3 persons each to be appointed by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate; only one Special Committee member of each appointee under this paragraph may be a current member of the General Assembly;

(2) the Director of Central Management Services, or his or her designee;

(3) the chairperson of the Council, or his or her designee; and

(4) each chief procurement officer.

(c) The Special Committee shall conduct at least 3 hearings, with at least one hearing in Springfield and one in Chicago. Each hearing shall be open to the public and notice of the hearings shall be posted on the websites of the Procurement Policy Board, the Department of Central Management Services, and the General Assembly at least 6 days prior to the hearing.

Section 30. The Illinois Human Rights Act is amended by changing Section 2-101 as follows:

(775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

Sec. 2-101. Definitions. The following definitions are applicable strictly in the context of this Article.

(A) Employee.

(1) "Employee" includes:

(a) Any individual performing services for remuneration within this State for an employer;

(b) An apprentice;

(c) An applicant for any apprenticeship.

For purposes of subsection (D) of Section 2-102 of this Act, "employee" also includes an unpaid intern. An unpaid intern is a person who performs work for an employer under the following circumstances:

(i) the employer is not committed to hiring the person performing the work at the conclusion of the intern's tenure;

(ii) the employer and the person performing the work agree that the person is not entitled to wages for the work performed; and

(iii) the work performed:

(I) supplements training given in an educational environment that may enhance the employability of the intern;

(II) provides experience for the benefit of the person performing the work;

(III) does not displace regular employees;

(IV) is performed under the close supervision of existing staff; and

(V) provides no immediate advantage to the employer providing the training and may occasionally impede the operations of the employer.

(2) "Employee" does not include:

(a) (Blank);

(b) Individuals employed by persons who are not "employers" as defined by this Act;

- (c) Elected public officials or the members of their immediate personal staffs;
- (d) Principal administrative officers of the State or of any political subdivision, municipal corporation or other governmental unit or agency;
- (e) A person in a vocational rehabilitation facility certified under federal law who has been designated an evaluatee, trainee, or work activity client.

(B) Employer.

(1) "Employer" includes:

- (a) Any person employing 15 or more employees within Illinois during 20 or more calendar weeks within the calendar year of or preceding the alleged violation;
- (b) Any person employing one or more employees when a complainant alleges civil rights violation due to unlawful discrimination based upon his or her physical or mental disability unrelated to ability, pregnancy, or sexual harassment;
- (c) The State and any political subdivision, municipal corporation or other governmental unit or agency, without regard to the number of employees;
- (d) Any party to a public contract without regard to the number of employees;
- (e) A joint apprenticeship or training committee without regard to the number of employees.

(2) "Employer" does not include any religious corporation, association, educational institution, society, or non-profit nursing institution conducted by and for those who rely upon treatment by prayer through spiritual means in accordance with the tenets of a recognized church or religious denomination with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, society or non-profit nursing institution of its activities.

(C) Employment Agency. "Employment Agency" includes both public and private employment agencies and any person, labor organization, or labor union having a hiring hall or hiring office regularly undertaking, with or without compensation, to procure opportunities to work, or to procure, recruit, refer or place employees.

(D) Labor Organization. "Labor Organization" includes any organization, labor union, craft union, or any voluntary unincorporated association designed to further the cause of the rights of union labor which is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or apprenticeships or applications for apprenticeships, or of other mutual aid or protection in connection with employment, including apprenticeships or applications for apprenticeships.

(E) Sexual Harassment. "Sexual harassment" means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(F) Religion. "Religion" with respect to employers includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

(G) Public Employer. "Public employer" means the State, an agency or department thereof, unit of local government, school district, instrumentality or political subdivision.

(H) Public Employee. "Public employee" means an employee of the State, agency or department thereof, unit of local government, school district, instrumentality or political subdivision. "Public employee" does not include public officers or employees of the General Assembly or agencies thereof.

(I) Public Officer. "Public officer" means a person who is elected to office pursuant to the Constitution or a statute or ordinance, or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by the Constitution or a statute or ordinance, to discharge a public duty for the State, agency or department thereof, unit of local government, school district, instrumentality or political subdivision.

(J) Eligible Bidder. "Eligible bidder" means a person who, prior to contract award or prior to bid opening for State contracts for construction or construction-related services ~~a bid opening~~, has filed with the Department a properly completed, sworn and currently valid employer report form, pursuant to the Department's regulations. The provisions of this Article relating to eligible bidders apply only to bids on contracts with the State and its departments, agencies, boards, and commissions, and the provisions do not apply to bids on contracts with units of local government or school districts.

(K) Citizenship Status. "Citizenship status" means the status of being:

- (1) a born U.S. citizen;
- (2) a naturalized U.S. citizen;
- (3) a U.S. national; or
- (4) a person born outside the United States and not a U.S. citizen who is not an

unauthorized alien and who is protected from discrimination under the provisions of Section 1324b of Title 8 of the United States Code, as now or hereafter amended.

(Source: P.A. 98-1037, eff. 1-1-15; 98-1050, eff. 1-1-15; 99-78, eff. 7-20-15; 99-758, eff. 1-1-17.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

AMENDMENT NO. 3 TO SENATE BILL 8

AMENDMENT NO. 3. Amend Senate Bill 8, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, as follows:

on page 9, line 3, after "1-10," by inserting "1-15.20,"; and

by replacing line 26 on page 13 through line 20 on page 14 with the following:

~~"Notwithstanding any other provision of law, for contracts entered into on or after October 1, 2017 under an exemption provided in any paragraph item (12) of this subsection (b), except paragraph (1), (2), or (5), each State agency shall be published in the Procurement Bulletin within 14 calendar days after contract execution. The chief procurement officer shall prescribe the form and content of the notice. The Illinois Finance Authority shall provide the chief procurement officer, on a monthly basis, in the form and content prescribed by the chief procurement officer, a report of contracts that are related to the procurement of goods and services identified in item (12) of this subsection (b). At a minimum, this report shall post to the appropriate procurement bulletin include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. A copy of each of these contracts shall be made available to the chief procurement officer immediately upon request. The chief procurement officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the chief procurement officer.";~~ and

on page 27, immediately below line 13, by inserting the following:

"(30 ILCS 500/1-15.20)

Sec. 1-15.20. Construction, and construction-related, and construction support services. "Construction" means building, altering, repairing, improving, or demolishing any public structure or building, or making improvements of any kind to public real property. Construction does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.

"Construction-related services" means those services including construction design, layout, inspection, support, feasibility or location study, research, development, planning, or other investigative study undertaken by a construction agency concerning construction or potential construction.

"Construction support" means all equipment, supplies, and services that are necessary to the operation of a construction agency's construction program. "Construction support" does not include construction-related services.

(Source: P.A. 90-572, eff. 2-6-98.); and

on page 114, by replacing line 22 with "Sections 1.1 and 4.05 as follows:"; and

by replacing line 21 on page 116 through line 16 on page 117 with the following:

"(a-10) Each chief procurement officer appointed pursuant to Section 10-20 of the Illinois Procurement Code, with joint agreement of the respective agency or institution, may authorize the purchase or lease of supplies and services which have been procured through a competitive process by a federal agency; a consortium of governmental, educational, medical, research, or similar entities; or a group purchasing organization of which the chief procurement officer or State agency is a member or affiliate, including,

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without limitation, any purchasing entity operating under the federal General Services Administration, the Higher Education Cooperation Act, and the Midwestern Higher Education Compact Act. Each applicable chief procurement officer may authorize purchases and contracts which have been procured through other methods of procurement if each chief procurement officer determines it is in the best interests of the State, considering a recommendation by their respective agencies or institutions. The chief procurement officer may establish detailed rules, policies, and procedures for use of these cooperative contracts. Notice of award shall be published by the chief procurement officer in the Illinois Procurement Bulletin at least prior to use of the contract. Each chief procurement officer shall submit to the General Assembly by November 1 of each year a report of procurements made under this subsection (a-10)."; and

on page 124, by deleting lines 11 through 19.

Under the rules, the foregoing **Senate Bill No. 8**, with House Amendments numbered 1 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 31

A bill for AN ACT concerning government.

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

House Amendment No. 3 to SENATE BILL NO. 31

Passed the House, as amended, May 29, 2017.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 3 TO SENATE BILL 31

AMENDMENT NO. 3. Amend Senate Bill 31 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois TRUST Act.

Section 5. Legislative Purpose. Recognizing that State law does not currently grant State or local law enforcement the authority to enforce federal civil immigration laws, it is the intent of the General Assembly that nothing in this Act shall be construed to authorize any law enforcement agency or law enforcement official to enforce federal civil immigration law. This Act shall not be construed to prohibit or restrict any entity from sending to, or receiving from, the United States Department of Homeland Security or other federal, State, or local government entity information regarding the citizenship or immigration status of any individual under Sections 1373 and 1644 of Title 8 of the United States Code. Further, nothing in this Act shall prevent a law enforcement officer from contacting another law enforcement agency for the purposes of clarifying or confirming the nature and status of possible offenses in a record provided by the National Crime information Center, or detaining someone based on a notification in the Law Enforcement Agencies Data Administrative System unless it is clear that request is based on a non-judicial immigration warrant.

Section 10. Definitions. In this Act:

"Immigration detainer" means a document issued by an immigration agent that is not approved or ordered by a judge and requests a law enforcement agency or law enforcement official to provide notice of release or maintain custody of a person, including a detainer issued under Section 1226 or 1357 of Title 8 of the United States Code or Section 236.1 or 287.7 of Title 8 of the Code of Federal Regulations.

"Law enforcement agency" means an agency of the State or of a unit of local government charged with enforcement of State, county, or municipal laws or with managing custody of detained persons in the State.

"Law enforcement official" means any individual with the power to arrest or detain individuals, including law enforcement officers, county corrections officer, and others employed or designated by a law enforcement agency.

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"Non-judicial immigration warrant" means a Form I-200 or I-205 administrative warrant or any other immigration warrant or request that is not approved or ordered by a judge, including administrative warrants entered into the Federal Bureau of Investigation's National Crime Information Center database.

Section 15. Prohibition on enforcing federal civil immigration laws.

(a) A law enforcement agency or law enforcement official shall not detain or continue to detain any individual solely on the basis of any immigration detainer or non-judicial immigration warrant or otherwise comply with an immigration detainer or non-judicial immigration warrant.

(b) A law enforcement agency or law enforcement official shall not stop, arrest, search, detain, or continue to detain a person solely based on an individual's citizenship or immigration status.

(c) This Section 15 does not apply if a law enforcement agency or law enforcement official is presented with a valid, enforceable federal warrant. Nothing in this Section 15 prohibits communication between federal agencies or officials and law enforcement agencies or officials.

(d) A law enforcement agency or law-enforcement official acting in good faith in compliance with this Section who releases a person subject to an immigration detainer or non-judicial immigration warrant shall have immunity from any civil or criminal liability that might otherwise occur as a result of making the release, with the exception of willful or wanton misconduct.

Section 20. Law enforcement training. By January 1, 2018, every law enforcement agency shall provide guidance to its law enforcement officials on compliance with Section 15 of this Act.

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

Under the rules, the foregoing **Senate Bill No. 31**, with House Amendment No. 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 675

A bill for AN ACT concerning transportation.

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

House Amendment No. 2 to SENATE BILL NO. 675

House Amendment No. 3 to SENATE BILL NO. 675

Passed the House, as amended, May 29, 2017.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 675

AMENDMENT NO. 2. Amend Senate Bill 675 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 1-118, 5-301, 5-503, 6-201, and 6-401 and by adding Section 5-501.5 as follows:

(625 ILCS 5/1-118) (from Ch. 95 1/2, par. 1-118)

Sec. 1-118. Essential parts. All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation. "Essential parts" includes the following: vehicle hulks, shells, chassis, frames, front end assemblies (which may consist of headlight, grill, fenders and hood), front clip (front end assembly with cowl attached), rear clip (which may consist of quarter panels, fenders, floor and top), doors, hatchbacks, fenders, cabs, cab clips, cowls, hoods, trunk lids, deck lids, ~~bed, front bumper, rear bumper, T-tops, sunroofs, moon roofs, astro roofs,~~ transmissions of ~~vehicles of the second division,~~ seats, ~~aluminum wheels,~~ engines and similar parts. Essential parts also includes fairings, fuel tanks, and forks of motorcycles. Essential parts shall also include stereo radios ~~;~~ ~~cassette radios, compact disc radios, cassette/compact disc radios and compact disc players and compact disc changers which are either installed in dash or trunk-mounted.~~

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An essential part which does not have affixed to it an identification number as defined in Section 1-129 adopts the identification number of the vehicle to which such part is affixed, installed or mounted.

An "essential part" does not include an engine, transmission, or a rear axle that is used in a glider kit. (Source: P.A. 99-748, eff. 8-5-16.)

(625 ILCS 5/5-301) (from Ch. 95 1/2, par. 5-301)

Sec. 5-301. Automotive parts recyclers, scrap processors, repairers and rebuilders must be licensed.

(a) No person in this State shall, except as an incident to the servicing of vehicles, carry on or conduct the business of an automotive parts recycler, a scrap processor, a repairer, or a rebuilder, unless licensed to do so in writing by the Secretary of State under this Section. No person shall rebuild a salvage vehicle unless such person is licensed as a rebuilder by the Secretary of State under this Section. No person shall engage in the business of acquiring 5 or more previously owned vehicles in one calendar year for the primary purpose of disposing of those vehicles in the manner described in the definition of a "scrap processor" in this Code unless the person is licensed as an automotive parts recycler by the Secretary of State under this Section. Each license shall be applied for and issued separately, except that a license issued to a new vehicle dealer under Section 5-101 of this Code shall also be deemed to be a repairer license.

(b) Any application filed with the Secretary of State, shall be duly verified by oath, in such form as the Secretary of State may by rule or regulation prescribe and shall contain:

1. The name and type of business organization of the applicant and his principal or additional places of business, if any, in this State.

2. The kind or kinds of business enumerated in subsection (a) of this Section to be conducted at each location.

3. If the applicant is a corporation, a list of its officers, directors, and shareholders having a ten percent or greater ownership interest in the corporation, setting forth the residence address of each; if the applicant is a sole proprietorship, a partnership, an unincorporated association, a trust, or any similar form of business organization, the names and residence address of the proprietor or of each partner, member, officer, director, trustee or manager.

4. A statement that the applicant's officers, directors, shareholders having a ten percent or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager, or other principals in the business have not committed in the past three years any one violation as determined in any civil or criminal or administrative proceedings of any one of the following Acts:

(a) The Anti-Theft Laws of the Illinois Vehicle Code;

(b) The "Certificate of Title Laws" of the Illinois Vehicle Code;

(c) The "Offenses against Registration and Certificates of Title Laws" of the Illinois Vehicle Code;

(d) The "Dealers, Transporters, Wreckers and Rebuilders Laws" of the Illinois Vehicle Code;

(e) Section 21-2 of the Criminal Code of 1961 or the Criminal Code of 2012, Criminal Trespass to Vehicles; or

(f) The Retailers Occupation Tax Act.

5. A statement that the applicant's officers, directors, shareholders having a ten percent or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in any calendar year 3 or more violations, as determined in any civil or criminal or administrative proceedings, of any one or more of the following Acts:

(a) The Consumer Finance Act;

(b) The Consumer Installment Loan Act;

(c) The Retail Installment Sales Act;

(d) The Motor Vehicle Retail Installment Sales Act;

(e) The Interest Act;

(f) The Illinois Wage Assignment Act;

(g) Part 8 of Article XII of the Code of Civil Procedure; or

(h) The Consumer Fraud Act.

6. An application for a license shall be accompanied by the following fees: \$50 for applicant's established place of business; \$25 for each additional place of business, if any, to which the application pertains; provided, however, that if such an application is made after June 15 of any year, the license fee shall be \$25 for applicant's established place of business plus \$12.50 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that such application shall be denied by the Secretary of State.

7. A statement that the applicant understands Chapter 1 through Chapter 5 of this Code.

8. A statement that the applicant shall comply with subsection (e) of this Section.

9. A statement indicating if the applicant, including any of the applicant's affiliates or predecessor corporations, has been subject to the revocation or nonrenewal of a business license by a municipality under Section 5-501.5 of this Code.

(c) Any change which renders no longer accurate any information contained in any application for a license filed with the Secretary of State shall be amended within 30 days after the occurrence of such change on such form as the Secretary of State may prescribe by rule or regulation, accompanied by an amendatory fee of \$2.

(d) Anything in this chapter to the contrary, notwithstanding, no person shall be licensed under this Section unless such person shall maintain an established place of business as defined in this Chapter.

(e) The Secretary of State shall within a reasonable time after receipt thereof, examine an application submitted to him under this Section and unless he makes a determination that the application submitted to him does not conform with the requirements of this Section or that grounds exist for a denial of the application, as prescribed in Section 5-501 of this Chapter, grant the applicant an original license as applied for in writing for his established place of business and a supplemental license in writing for each additional place of business in such form as he may prescribe by rule or regulation which shall include the following:

1. The name of the person licensed;

2. If a corporation, the name and address of its officers or if a sole proprietorship, a partnership, an unincorporated association or any similar form of business organization, the name and address of the proprietor or of each partner, member, officer, director, trustee or manager;

3. A designation of the kind or kinds of business enumerated in subsection (a) of this Section to be conducted at each location;

4. In the case of an original license, the established place of business of the licensee;

5. In the case of a supplemental license, the established place of business of the licensee and the additional place of business to which such supplemental license pertains.

(f) The appropriate instrument evidencing the license or a certified copy thereof, provided by the Secretary of State shall be kept, posted, conspicuously in the established place of business of the licensee and in each additional place of business, if any, maintained by such licensee. The licensee also shall post conspicuously in the established place of business and in each additional place of business a notice which states that such business is required to be licensed by the Secretary of State under Section 5-301, and which provides the license number of the business and the license expiration date. This notice also shall advise the consumer that any complaints as to the quality of service may be brought to the attention of the Attorney General. The information required on this notice also shall be printed conspicuously on all estimates and receipts for work by the licensee subject to this Section. The Secretary of State shall prescribe the specific format of this notice.

(g) Except as provided in subsection (h) hereof, licenses granted under this Section shall expire by operation of law on December 31 of the calendar year for which they are granted unless sooner revoked, nonrenewed, or cancelled under the provisions of Section 5-501 or 5-501.5 of this Chapter.

(h) Any license granted under this Section may be renewed upon application and payment of the fee required herein as in the case of an original license, provided, however, that in case an application for the renewal of an effective license is made during the month of December, such effective license shall remain in force until such application is granted or denied by the Secretary of State.

(i) All automotive repairers and rebuilders shall, in addition to the requirements of subsections (a) through (h) of this Section, meet the following licensing requirements:

1. Provide proof that the property on which first time applicants plan to do business is in compliance with local zoning laws and regulations, and a listing of zoning classification;

2. Provide proof that the applicant for a repairer's license complies with the proper workers' compensation rate code or classification, and listing the code of classification for that industry;

3. Provide proof that the applicant for a rebuilder's license complies with the proper workers' compensation rate code or classification for the repair industry or the auto parts recycling industry and listing the code of classification;

4. Provide proof that the applicant has obtained or applied for a hazardous waste generator number, and listing the actual number if available or certificate of exemption;

5. Provide proof that applicant has proper liability insurance, and listing the name of the insurer and the policy number; and

6. Provide proof that the applicant has obtained or applied for the proper State sales tax classification and federal identification tax number, and listing the actual numbers if available.

(i-1) All automotive repairers shall provide proof that they comply with all requirements of the Automotive Collision Repair Act.

(j) All automotive parts recyclers shall, in addition to the requirements of subsections (a) through (h) of this Section, meet the following licensing requirements:

1. Provide a statement that the applicant purchases 5 vehicles per year or has 5 hulks or chassis in stock;
2. Provide proof that the property on which all first time applicants will do business does comply to the proper local zoning laws in existence, and a listing of zoning classifications;
3. Provide proof that applicant complies with the proper workers' compensation rate code or classification, and listing the code of classification; and
4. Provide proof that applicant has obtained or applied for the proper State sales tax classification and federal identification tax number, and listing the actual numbers if available.

(Source: P.A. 97-832, eff. 7-20-12; 97-1150, eff. 1-25-13; 98-756, eff. 7-16-14.)

(625 ILCS 5/5-501.5 new)

Sec. 5-501.5. License eligibility: fraud.

(a) For purposes of this Section, an "automotive parts recycler, scrap processor, repairer, or rebuilder" includes any owners, operators, principals, shareholders, partners, or directors that have ownership interest or managerial authority in the business at the time the fraud or misconduct occurred.

(b) Notwithstanding any other provision of law to the contrary, an automotive parts recycler, scrap processor, repairer, or rebuilder with a business license issued by a municipality that has been revoked or nonrenewed due to fraud or misconduct committed against the municipality within 3 years preceding the effective date of this amendatory Act of the 100th General Assembly or on or after the effective date of this amendatory Act of the 100th General Assembly shall not be eligible for a license or license renewal under Section 5-301 of this Code.

(c) No later than 30 days after the effective date of this amendatory Act of the 100th General Assembly, a municipality that has revoked or nonrenewed a business license under subsection (b) of this Section shall:

(1) notify the Secretary of State of the revocation or nonrenewal; and

(2) notify any other municipality in which the former licensee is known to conduct business that the former licensee's business license has been revoked or nonrenewed due to fraud or misconduct committed against the municipality.

(d) No later than 30 days after receiving a notice required under paragraph (2) of subsection (c) of this Section, a municipality shall take all actions necessary to revoke or, if the business license is set to expire within a 30-day period of the notice, prohibit renewal of the licensee's business license.

(d-5) No later than 30 days after receiving notice under paragraph (1) of subsection (c) of this Section, the Secretary shall notify the former licensee that it is not eligible to conduct business in this State as an automotive parts recycler, scrap processor, repairer, or rebuilder.

(e) An automotive parts recycler, scrap processor, repairer, or rebuilder shall be fined \$10,000 for each day it conducts business in this State in violation of this Section.

(f) No unit of local government, including a home rule unit, may regulate business licenses in a manner inconsistent with this Section. This subsection (f) is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(g) This Section shall not apply to a municipality with 1,000,000 or more inhabitants.

(625 ILCS 5/5-503) (from Ch. 95 1/2, par. 5-503)

Sec. 5-503. Failure to obtain dealer's license, operation of a business with a suspended or revoked license. (a) Any person operating a business for which he is required to be licensed under Section 5-101, 5-102, 5-201 or 5-301 who fails to apply for such a license or licenses within 15 days after being informed in writing by the Secretary of State that he must obtain such a license or licenses is subject to a civil action brought by the Secretary of State for operating a business without a license in the circuit court in the county in which the business is located. If the person is found to be in violation of Section 5-101, 5-102, 5-201 or 5-301 by carrying on a business without being properly licensed, that person shall be fined \$300 for each business day he conducted his business without such a license after the expiration of the 15 day period specified in this subsection (a).

(b) Any person who, having had his license or licenses issued under Section 5-101, 5-102, 5-201 or 5-301 suspended, revoked, nonrenewed, cancelled, or denied by the Secretary of State under Section 5-501 or 5-501.5 of this Code, continues to operate business after the effective date of such revocation, nonrenewal, suspension, cancellation, or denial may be sued in a civil action by the Secretary of State in the county in which the established or additional place of such business is located. Except as provided in

subsection (e) of Section 5-501.5 of this Code, if such person is found by the court to have operated such a business after the license or licenses required for conducting such business have been suspended, revoked, nonrenewed, cancelled, or denied, that person shall be fined \$500 for each day he conducted business thereafter.

(Source: P.A. 86-444.)

(625 ILCS 5/6-201)

Sec. 6-201. Authority to cancel licenses and permits.

(a) The Secretary of State is authorized to cancel any license or permit upon determining that the holder thereof:

1. was not entitled to the issuance thereof hereunder; or
 2. failed to give the required or correct information in his application; or
 3. failed to pay any fees, civil penalties owed to the Illinois Commerce Commission, or taxes due under this Act and upon reasonable notice and demand; or
 4. committed any fraud in the making of such application; or
 5. is ineligible therefor under the provisions of Section 6-103 of this Act, as amended;
- or
6. has refused or neglected to submit an alcohol, drug, and intoxicating compound evaluation or to submit to examination or re-examination as required under this Act; or
 7. has been convicted of violating the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Use of Intoxicating Compounds Act while that individual was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. After the cancellation, the Secretary of State shall not issue a new license or permit for a period of one year after the date of cancellation. However, upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety, or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow transportation for the petitioner or a household member of the petitioner's family for the receipt of necessary medical care, or provide transportation for the petitioner to and from alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or for the petitioner to attend classes, as a student, in an accredited educational institution. The petitioner must demonstrate that no alternative means of transportation is reasonably available; provided that the Secretary's discretion shall be limited to cases where undue hardship, as defined by the rules of the Secretary of State, would result from a failure to issue such restricted driving permit. In each case the Secretary of State may issue such restricted driving permit for such period as he deems appropriate, except that such permit shall expire within one year from the date of issuance. A restricted driving permit issued hereunder shall be subject to cancellation, revocation and suspension by the Secretary of State in like manner and for like cause as a driver's license issued hereunder may be cancelled, revoked or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a driver remedial or rehabilitative program. In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been revoked, suspended, cancelled, or disqualified under this Code; or
 8. failed to submit a report as required by Section 6-116.5 of this Code; or
 9. has been convicted of a sex offense as defined in the Sex Offender Registration Act. The driver's license shall remain cancelled until the driver registers as a sex offender as required by the Sex Offender Registration Act, proof of the registration is furnished to the Secretary of State and the sex offender provides proof of current address to the Secretary; or
 10. is ineligible for a license or permit under Section 6-107, 6-107.1, or 6-108 of this Code; or
 11. refused or neglected to appear at a Driver Services facility to have the license or

permit corrected and a new license or permit issued or to present documentation for verification of identity; or

12. failed to submit a medical examiner's certificate or medical variance as required by 49 C.F.R. 383.71 or submitted a fraudulent medical examiner's certificate or medical variance; or

13. has had his or her medical examiner's certificate, medical variance, or both removed or rescinded by the Federal Motor Carrier Safety Administration; or

14. failed to self-certify as to the type of driving in which the CDL driver engages or expects to engage; or

15. has submitted acceptable documentation indicating out-of-state residency to the Secretary of State to be released from the requirement of showing proof of financial responsibility in this State; or

16. was convicted of fraud relating to the testing or issuance of a CDL or CLP, in which case only the CDL or CLP shall be cancelled. After cancellation, the Secretary shall not issue a CLP or CDL for a period of one year from the date of cancellation; or

17. has a special restricted license under subsection (g) of Section 6-113 of this Code and failed to submit the required annual vision specialist report that the special restricted license holder's vision has not changed; or

18. has a special restricted license under subsection (g) of Section 6-113 of this Code and was convicted or received court supervision for a violation of this Code that occurred during nighttime hours or was involved in a motor vehicle accident during nighttime hours in which the restricted license holder was at fault; or -

19. has assisted an out-of-state resident in acquiring an Illinois driver's license or identification card by providing or allowing the out-of-state resident to use his or her Illinois address of residence and is complicit in distributing and forwarding the Illinois driver's license or identification card to the out-of-state resident.

(b) Upon such cancellation the licensee or permittee must surrender the license or permit so cancelled to the Secretary of State.

(c) Except as provided in Sections 6-206.1 and 7-702.1, the Secretary of State shall have exclusive authority to grant, issue, deny, cancel, suspend and revoke driving privileges, drivers' licenses and restricted driving permits.

(d) The Secretary of State may adopt rules to implement this Section.

(Source: P.A. 97-208, eff. 1-1-12; 97-229, eff. 7-28-11; 97-813, eff. 7-13-12; 97-835, eff. 7-20-12; 98-176 (see Section 10 of P.A. 98-722 and Section 10 of P.A. 99-414 for the effective date of changes made by P.A. 98-176); 98-178, eff. 1-1-14; 98-747, eff. 1-1-15; 98-756, eff. 7-16-14.)

(625 ILCS 5/6-401) (from Ch. 95 1/2, par. 6-401)

Sec. 6-401. Driver training schools-license required.

(a) No person, firm, association, partnership or corporation shall operate a driver training school or engage in the business of giving instruction for hire or for a fee in (1) the driving of motor vehicles; or (2) the preparation of an applicant for examination given by the Secretary of State for a drivers license or permit, unless a license therefor has been issued by the Secretary. No public schools or educational institutions shall contract with entities engaged in the business of giving instruction for hire or for a fee in the driving of motor vehicles for the preparation of an applicant for examination given by the Secretary of State for a driver's license or permit, unless a license therefor has been issued by the Secretary.

This subsection (a) Section shall not apply to (i) public schools or to educational institutions in which driving instruction is part of the curriculum, (ii) employers giving instruction to their employees, or (iii) schools that teach enhanced driving skills to licensed drivers as set forth in Article X of Chapter 6 of this Code.

(b) Any person, firm, association, partnership, or corporation that violates subsection (a) of this Section shall be guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

(Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10; 97-229, eff. 7-28-11.)

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

AMENDMENT NO. 3 TO SENATE BILL 675

AMENDMENT NO. 3. Amend Senate Bill 675, AS AMENDED, with reference to the page and line numbers of House Amendment No. 2, as follows:

on page 12, line 9, by replacing "\$10,000" with "\$1,000"; and

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on page 12, by deleting lines 17 and 18.

Under the rules, the foregoing **Senate Bill No. 675**, with House Amendments numbered 2 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 910

A bill for AN ACT concerning local government.

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

House Amendment No. 1 to SENATE BILL NO. 910

Passed the House, as amended, May 29, 2017.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 910

AMENDMENT NO. 1. Amend Senate Bill 910 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Voting Rights Act of 2011 is amended by adding Section 5-15 as follows:
(10 ILCS 120/5-15 new)

Sec. 5-15. County apportionment.

(a) An apportionment plan pursuant to Section 2-3003 of the Counties Code shall provide racial minorities or language minorities with equal opportunity to participate in the political process and elect candidates of their choice.

(b) An apportionment plan pursuant to Section 2-3003 of the Counties Code shall provide racial minorities or language minorities who constitute less than a voting-age majority of a district with an opportunity to substantially influence the outcome of an election.

(c) To the extent practicable, districts shall be drawn to create crossover districts, coalition districts, or influence districts.

(d) The requirements imposed by this Section are in addition and subordinate to any requirements or obligations imposed by the United States Constitution; any federal law, including, but not limited to, the federal Voting Rights Act; and the Illinois Constitution.

Section 10. The Counties Code is amended by changing Section 2-3003 as follows:
(55 ILCS 5/2-3003) (from Ch. 34, par. 2-3003)

Sec. 2-3003. Apportionment plan.

(1) If the county board determines that members shall be elected by districts, it shall develop an apportionment plan and specify the number of districts and the number of county board members to be elected from each district and whether voters will have cumulative voting rights in multi-member districts. Each such district:

a. Shall be substantially equal in population to each other district;

b. Shall be comprised of contiguous territory, as nearly compact as practicable; ~~and~~

c. May divide townships or municipalities only when necessary to conform to the population requirement of paragraph a. of this Section; ~~-~~

d. Shall be created in such a manner so that no precinct shall be divided between 2 or more districts, insofar as is practicable; ~~and -~~

e. Shall comply with Section 5-15 of the Illinois Voting Rights Act of 2011.

(2) The county board of each county having a population of less than 3,000,000 inhabitants may, if it should-so decide, provide within that county for single member districts outside the corporate limits and multi-member districts within the corporate limits of any municipality with a population in excess of 75,000. Paragraphs a, b, c, ~~and~~ d, ~~and~~ e of subsection (1) of this Section shall apply to the apportionment of both single and multi-member districts within a county to the extent that compliance with paragraphs a, b, c, ~~and~~ d, ~~and~~ e still permit the establishment of such districts, except that the population of any multi-

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member district shall be equal to the population of any single member district, times the number of members found within that multi-member district.

(3) In a county where the Chairman of the County Board is elected by the voters of the county as provided in Section 2-3007, the Chairman of the County Board may develop and present to the Board by the third Wednesday in May in the year after a federal decennial census year an apportionment plan in accordance with the provisions of subsection (1) of this Section. If the Chairman presents a plan to the Board by the third Wednesday in May, the Board shall conduct at least one public hearing to receive comments and to discuss the apportionment plan, the hearing shall be held at least 6 days but not more than 21 days after the Chairman's plan was presented to the Board, and the public shall be given notice of the hearing at least 6 days in advance. If the Chairman presents a plan by the third Wednesday in May, the Board is prohibited from enacting an apportionment plan until after a hearing on the plan presented by the Chairman. The Chairman shall have access to the federal decennial census available to the Board.

(4) In a county where a County Executive is elected by the voters of the county as provided in Section 2-5007 of the Counties Code, the County Executive may develop and present to the Board by the third Wednesday in May in the year after a federal decennial census year an apportionment plan in accordance with the provisions of subsection (1) of this Section. If the Executive presents a plan to the Board by the third Wednesday in May, the Board shall conduct at least one public hearing to receive comments and to discuss the apportionment plan, the hearing shall be held at least 6 days but not more than 21 days after the Executive's plan was presented to the Board, and the public shall be given notice of the hearing at least 6 days in advance. If the Executive presents a plan by the third Wednesday in May, the Board is prohibited from enacting an apportionment plan until after a hearing on the plan presented by the Executive. The Executive shall have access to the federal decennial census available to the Board. (Source: P.A. 96-1540, eff. 3-7-11; 97-986, eff. 8-17-12.)".

Under the rules, the foregoing **Senate Bill No. 910**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 1688

A bill for AN ACT concerning State government.

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

House Amendment No. 1 to SENATE BILL NO. 1688

Passed the House, as amended, May 29, 2017.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1688

AMENDMENT NO. 1. Amend Senate Bill 1688 on page 35, line 22, after "determine if", by inserting "a license may be denied because"; and

on page 39, by replacing lines 6 through 9 with the following:

"(2) is sufficiently rehabilitated in cases in which the applicant has not committed any act that is a ground for denial, suspension, or revocation set forth in Section 500-70, other than convictions set forth in paragraph (6) of subsection (a) of Section 500-70; with respect to applicants with convictions set forth in paragraph (6) of subsection (a) of Section 500-70, the Director shall determine in accordance with Section 500-76 that the conviction will not impair the ability of the applicant to engage in the position for which a license is sought;" and

on page 41, line 17, by deleting "for licensees"; and

on page 41, line 19, after "trust";, by inserting "consideration of such conviction of an applicant shall be in accordance with Section 500-76"; and

on page 45, line 21, after "determine if", by inserting "a license may be denied because"; and

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on page 48, by replacing line 12 with "in Section 1555, other than convictions set forth in paragraph (6) of subsection (a) of Section 1555; with respect to applicants with convictions set forth in paragraph (6) of subsection (a) of Section 1555, the Director shall determine in accordance with Section 1550 that the conviction will not impair the ability of the applicant to engage in the position for which a license is sought;"; and

on page 50, by replacing lines 13 through 15 with "license under this Act was previously convicted of a felony or misdemeanor involving dishonesty or fraud, shall consider any mitigating factors and evidence;" and

on page 50, line 18, after "determine if", by inserting "a license may be denied because"; and

on page 53, line 16, by deleting "for licensees,"; and

on page 53, line 19, after "public trust;" by inserting "consideration of such conviction of an applicant shall be in accordance with Section 1550;"; and

on page 67, line 16, by deleting "of registration"; and

on page 67, by replacing line 20 with "applicant, consideration of such conviction shall be in accordance with Section 1005-1;"; and

on page 69, line 3, after "determine if", by inserting "a certificate may be denied because"; and

on page 73, by replacing line 6 with "the Department may deny a license based on a conviction of any felony or a misdemeanor directly related to the practice of the profession if the Department determines in accordance with Section 15.1 that such conviction will impair the ability of the applicant to engage in the position for which a license is sought;" and

on page 77, line 22, after "the Commission", by inserting "in accordance with Section 85"; and

on page 79, line 19, after "Commission determines", by inserting "in accordance with Section 85"; and

on page 85, by replacing line 20 with "applicants, the Commission may refuse to issue a license or permit based on restrictions set forth in paragraph (2) of subsection (a) of Section 40 and subparagraph (B) of paragraph (1) of subsection (a) of Section 45, respectively, if the Commission determines in accordance with Section 85 that such conviction will impair the ability of the applicant to engage in the position for which a license or permit is sought;" and

on page 87, by replacing line 20 with "crime, including those set forth in paragraph (2) of subsection (a) of Section 40 and subparagraph (B) of paragraph (1) of subsection (a) of Section 45, respectively, the Commission, in evaluating whether the conviction"; and

on page 94, line 10, after "determine if", by inserting "a license may be denied because"; and

on page 98, by replacing lines 3 and 4 with "practice of interpreting. For applicants, consideration of such convictions shall be in accordance with Section 47."; and

on page 108, by replacing lines 3 and 4 with "trust; for applicants, the Department may refuse to issue a license based on a conviction of any felony or a misdemeanor directly related to the practice of the profession if the Department determines in accordance with Section 4 that such conviction will impair the ability of the applicant to engage in the position for which a license is sought;" and

on page 110, by replacing lines 12 and 13 with "rehabilitated to warrant the public trust; for applicants, the Department may refuse to issue a license based on a conviction of any felony or a misdemeanor directly related to the practice of the profession if the Department determines in accordance with Section 9.3 that such conviction will impair the ability of the applicant to engage in the position for which a license is sought;" and

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on page 121, by replacing lines 1 and 2 with "warrant the public trust; for applicants, the Department may refuse to issue a license based on a conviction of a felony if the Department determines in accordance with Section 9.4 that such conviction will impair the ability of the applicant to engage in the position for which a license is sought"; and

on page 121, by replacing lines 5 and 6 with "dishonesty; for applicants, the Department may refuse to issue a license based on a conviction of a misdemeanor directly related to the practice of the profession if the Department determines in accordance with Section 9.4 that such conviction will impair the ability of the applicant to engage in the position for which a license is sought"; and

on page 126, by replacing lines 20 and 21 with "applicant for a certificate of registration, the Department may refuse to issue a certificate of registration based on a conviction of a felony if the Department determines in accordance with Section 7.1 that such conviction will impair the ability of the applicant to engage in the position for which a certificate of registration is sought"; and

on page 127, by replacing lines 1 and 2 with "for a certificate of registration, the Department may refuse to issue a certificate of registration based on conviction of a misdemeanor directly related to the practice of the profession if the Department determines in accordance with Section 7.1 that such conviction will impair the ability of the applicant to engage in the position for which a certificate of registration is sought"; and

on page 170, by replacing line 1 with the following:

"(b) Conviction of a crime"; and

on page 170, by replacing lines 5 and 6 with "radon progeny. Consideration of such conviction of an applicant shall be in accordance with Section 46.".

Under the rules, the foregoing **Senate Bill No. 1688**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 1933

A bill for AN ACT concerning elections.

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

House Amendment No. 2 to SENATE BILL NO. 1933

Passed the House, as amended, May 29, 2017.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 1933

AMENDMENT NO. 2. Amend Senate Bill 1933 by replacing everything after the enacting clause with the following:

"Section 5. The Freedom of Information Act is amended by changing Section 7.5 as follows:
(5 ILCS 140/7.5)

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

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

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

(c) Applications, related documents, and medical records received by the Experimental

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Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Authority due to its administration of the Illinois Health Information Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

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

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the

Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

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

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

~~(ee)~~ Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

~~(ff)~~ Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14; 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff. 8-19-16; revised 9-1-16.)

Section 10. The Election Code is amended by changing Sections 1A-16.6 and 1A-16.8 and by adding Sections 1-16, 1A-16.1, 1A-16.2, 1A-16.7, and 1A-16.9 as follows:

(10 ILCS 5/1-16 new)

Sec. 1-16. Election authorities; notices by electronic mail. If an election authority is required by law to send an election-related notice to an individual, that election authority may send that notice solely by electronic mail if the individual provides a current e-mail address to the election authority and authorizes the election authority to send notices by electronic mail. For the purposes of this Section, the term "notice" does not include a ballot or any notice required under Sections 1A-16.5 or 1A-16.7 of this Code.

(10 ILCS 5/1A-16.1 new)

Sec. 1A-16.1. Automatic voter registration; Secretary of State.

(a) The Office of the Secretary of State and the State Board of Elections, pursuant to an interagency contract and jointly-adopted rules, shall establish an automatic voter registration program that satisfies the requirements of this Section and other applicable law.

(b) If an application, an application for renewal, a change of address form, or a recertification form for a driver's license, other than a temporary visitor's driver's license, or a State identification card issued by the Office of the Secretary of State meets the requirements of the federal REAL ID Act of 2005, then that application shall serve as a dual-purpose application. The dual-purpose application shall:

(1) also serve as an application to register to vote in Illinois;

(2) allow an applicant to change his or her registered residence address or name as it appears on the voter registration rolls;

(3) provide the applicant with an opportunity to affirmatively decline to register to vote or to change his or her registered residence address or name by providing a check box on the application form without requiring the applicant to state the reason; and

(4) unless the applicant declines to register to vote or change his or her registered residence address or name, require the applicant to attest, by signature under penalty of perjury as described in subsection (e) of this Section, to meeting the qualifications to register to vote in Illinois at his or her residence address as indicated on his or her driver's license or identification card dual-purpose application.

(b-5) If an application, an application for renewal, a change of address form, or a recertification form for a driver's license, other than a temporary visitor's driver's license, or a State identification card issued by the Office of the Secretary of State does not meet the requirements of the federal REAL ID Act of 2005, then that application shall serve as a dual-purpose application. The dual-purpose application shall:

(1) also serve as an application to register to vote in Illinois;

(2) allow an applicant to change his or her registered residence address or name as it appears on the voter registration rolls; and

(3) if the applicant chooses to register to vote or to change his or her registered residence address or name, then require the applicant to attest, by a separate signature under penalty of perjury, to meeting the qualifications to register to vote in Illinois at his or her residence address as indicated on his or her dual-purpose application.

(b-10) The Office of the Secretary of State shall clearly and conspicuously inform each applicant in writing: (i) of the qualifications to register to vote in Illinois, (ii) of the penalties provided by law for submission of a false voter registration application, (iii) that, unless the applicant declines to register to vote or update his or her voter registration, his or her dual-purpose application shall also serve as both an application to register to vote and his or her attestation that he or she meets the eligibility requirements for voter registration, and that his or her application to register to vote or update his or her registration will be transmitted to the State Board of Elections for the purpose of registering the person to vote at the residence address to be indicated on his or her driver's license or identification card, and (iv) that declining to register to vote is confidential and will not affect any services the person may be seeking from the Office of the Secretary of State.

(c) The Office of the Secretary of State shall review information provided to the Office of the Secretary of State by the State Board of Elections to inform each applicant for a driver's license or permit, other than a temporary visitor's driver's license, or a State identification card issued by the Office of the Secretary of State whether the applicant is currently registered to vote in Illinois and, if registered, at what address.

(d) The Office of the Secretary of State shall not require an applicant for a driver's license or State identification card to provide duplicate identification or information in order to complete an application to register to vote or change his or her registered residence address or name. Before transmitting any personal information about an applicant to the State Board of Elections, the Office of the Secretary of State shall review its records of the identification documents the applicant provided in order to complete the application for a driver's license or State identification card, to confirm that nothing in those documents indicates that the applicant does not satisfy the qualifications to register to vote in Illinois at his or her residence address.

(e) A completed, signed application for (i) a driver's license or permit, other than a temporary visitor's driver's license, or a State identification card issued by the Office of the Secretary of State, that meets the requirements of the federal REAL ID Act of 2005; or (ii) a completed application under subsection (b-5) of this Section with a separate signature attesting the applicant meets the qualifications to register to vote in Illinois at his or her residence address as indicated on his or her application shall constitute a signed application to register to vote in Illinois at the residence address indicated in the application unless the person affirmatively declined in the application to register to vote or to change his or her registered residence address or name. If the identification documents provided to complete the dual-purpose application indicate that he or she does not satisfy the qualifications to register to vote in Illinois at his or her residence address, the application shall be marked as incomplete.

(f) For each completed and signed application that constitutes an application to register to vote in Illinois or provides for a change in the applicant's registered residence address or name, the Office of the Secretary of State shall electronically transmit to the State Board of Elections personal information needed to complete the person's registration to vote in Illinois at his or her residence address. The application to register to vote shall be processed in accordance with Section 1A-16.7.

(g) If the federal REAL ID Act of 2005 is repealed, abrogated, superseded, or otherwise no longer in effect, then the State Board of Elections shall establish criteria for determining reliable personal information indicating citizenship status and shall adopt rules as necessary for the Secretary of State to continue processing dual-purpose applications under this Section.

(h) As used in this Section, "dual-purpose application" means an application, an application for renewal, a change of address form, or a recertification form for driver's license or permit, other than a temporary visitor's driver's license, or a State identification card offered by the Secretary of State that also serves as an application to register to vote in Illinois. "Dual-purpose application" does not mean an application under subsection (c) of Section 6-109 of the Illinois Vehicle Code.

(10 ILCS 5/1A-16.2 new)

Sec. 1A-16.2. Automatic voter registration; designated automatic voter registration agencies.

(a) Each designated automatic voter registration agency shall, pursuant to an interagency contract and jointly-adopted rules with the State Board of Elections, agree to participate in an automatic voter registration program established by the State Board of Elections that satisfies the requirements of this Section and other applicable law. If the designated automatic voter registration agency provides

applications, applications for renewal, change of address forms, or recertification forms to individuals for services offered by another agency, then the State Board of Elections and the designated automatic voter agency shall consult with the other agency. The State Board of Elections shall consider the current technological capabilities of the designated voter registration agency when drafting interagency contracts and jointly-adopted rules. The State Board of Elections and the designated automatic voter registration agency shall amend these contracts and rules as the technological capabilities of the designated voter registration agencies improve.

(b) As provided in subsection (a) of this Section, each designated automatic voter registration agency that collects or cross-references reliable personal information indicating citizenship status may provide that an application for a license, permit, program, or service shall serve as a dual-purpose application. The dual-purpose application shall:

(1) also serve as an application to register to vote in Illinois;

(2) allow an applicant to change his or her registered residence address or name as it appears on the voter registration rolls;

(3) provide the applicant with an opportunity to affirmatively decline to register to vote or change his or her registered residence address or name by providing a check box on the application form without requiring the applicant to state the reason; and

(4) unless the applicant declines to register to vote or to change his or her registered residence address or name, require the applicant to attest, by signature under penalty of perjury, to meeting the qualifications to register to vote in Illinois at his or her residence address as indicated on his or her dual-purpose application.

(c) As provided in subsection (a) of this Section, each designated automatic voter registration agency that does not collect or cross-reference records containing reliable personal information indicating citizenship status may provide that an application, an application for renewal, a change of address form, or a recertification form for a license, permit, program, or service shall serve as a dual-purpose application. The dual-purpose application shall:

(1) also serve as an application to register to vote in Illinois;

(2) allow an applicant to change his or her registered residence address or name as it appears on the voter registration rolls; and

(3) if the applicant chooses to register to vote or to change his or her registered residence address or name, then require the applicant to attest, by a separate signature under penalty of perjury, to meeting the qualifications to register to vote in Illinois at his or her residence address as indicated on his or her dual-purpose application.

(c-5) The designated automatic voter registration agency shall clearly and conspicuously inform each applicant in writing: (i) of the qualifications to register to vote in Illinois, (ii) of the penalties provided by law for submission of a false voter registration application, (iii) that, unless the applicant declines to register to vote or update his or her voter registration, his or her application shall also serve as both an application to register to vote and his or her attestation that he or she meets the eligibility requirements for voter registration, and that his or her application to register to vote or update his or her registration will be transmitted to the State Board of Elections for the purpose of registering the person to vote at the residence address to be indicated on the dual-purpose application, (iv) that information identifying the agency at which he or she applied to register to vote is confidential, (v) that declining to register to vote is confidential and will not affect any services the person may be seeking from the agency, and (vi) any additional information needed in order to comply with Section 7 of the federal National Voter Registration Act of 1993.

(d) The designated automatic voter registration agency shall review information provided to the agency by the State Board of Elections to inform each applicant whether the applicant is currently registered to vote in Illinois and, if registered, at what address.

(e) The designated automatic voter registration agency shall not require an applicant for a dual-purpose application to provide duplicate identification or information in order to complete an application to register to vote or change his or her registered residence address or name. Before transmitting any personal information about an applicant to the State Board of Elections, the agency shall review its records of the identification documents the applicant provided or that the agency cross-references in order to complete the dual-purpose application, to confirm that nothing in those documents indicates that the applicant does not satisfy the qualifications to register to vote in Illinois at his or her residence address. A completed and signed dual-purpose application, including a completed application under subsection (c) of this Section with a separate signature attesting that the applicant meets the qualifications to register to vote in Illinois at his or her residence address as indicated on his or her application, shall constitute an application to register to vote in Illinois at the residence address indicated in the application unless the person

affirmatively declined in the application to register to vote or to change his or her registered residence address or name. If the identification documents provided to complete the dual-purpose application, or that the agency cross-references, indicate that he or she does not satisfy the qualifications to register to vote in Illinois at his or her residence address, the application shall be marked as incomplete.

(f) For each completed and signed dual-purpose application that constitutes an application to register to vote in Illinois or provides for a change in the applicant's registered residence address or name, the designated automatic voter registration agency shall electronically transmit to the State Board of Elections personal information needed to complete the person's registration to vote in Illinois at his or her residence address. The application to register to vote shall be processed in accordance with Section 1A-16.7.

(g) As used in this Section:

"Designated automatic voter registration agency" or "agency" means the divisions of Family and Community Services and Rehabilitation Services of the Department of Human Services, the Department of Employment Security, the Department of Financial and Professional Regulation, the Department of Natural Resources, or an agency of the State or federal government that has been determined by the State Board of Elections to have access to reliable personal information and has entered into an interagency contract with the State Board of Elections to participate in the automatic voter registration program under this Section.

"Dual-purpose application" means an application, an application for renewal, a change of address form, or a recertification form for a license, permit, program, or service offered by a designated automatic voter registration agency that also serves as an application to register to vote in Illinois.

"Reliable personal information" means information about individuals obtained from government sources that may be used to verify whether an individual is eligible to register to vote.

(h) This Section shall be implemented no later than July, 1, 2019.

(10 ILCS 5/1A-16.6)

Sec. 1A-16.6. Government agency voter registration.

(a) By April 1, 2016, the State Board of Elections shall establish and maintain a portal for government agency registration that permits an eligible person to electronically apply to register to vote or to update his or her existing voter registration whenever he or she conducts business, either online or in person, with a designated government agency. The portal shall interface with the online voter registration system established in Section 1A-16.5 of this Code and shall be capable of receiving and processing voter registration application information, including electronic signatures, from a designated government agency. The State Board of Elections shall modify the online voter registration system as necessary to implement this Section.

Voter registration data received from a designated government agency through the online registration system shall be processed as provided for in Section 1A-16.5 of this Code.

Whenever the registration interface is accessible to the general public, including, but not limited to, online transactions, the interface shall allow the applicant to complete the process as provided for in Section 1A-16.5 of this Code. The online interface shall be capable of providing the applicant with the applicant's voter registration status with the State Board of Elections and, if registered, the applicant's current registration address. The applicant shall not be required to re-enter any registration data, such as name, address, and birth date, if the designated government agency already has that information on file. The applicant shall be informed that by choosing to register to vote or to update his or her existing voter registration, the applicant consents to the transfer of the applicant's personal information to the State Board of Elections.

Whenever a government employee is accessing the registration system while servicing the applicant, the government employee shall notify the applicant of the applicant's registration status with the State Board of Elections and, if registered, the applicant's current registration address. If the applicant elects to register to vote or to update his or her existing voter registration, the government employee shall collect the needed information and assist the applicant with his or her registration. The applicant shall be informed that by choosing to register to vote or to update his or her existing voter registration, the applicant consents to the transfer of the applicant's personal information to the State Board of Elections.

In accordance with technical specifications provided by the State Board of Elections, each designated government agency shall maintain a data transfer mechanism capable of transmitting voter registration application information, including electronic signatures where available, to the online voter registration system established in Section 1A-16.5 of this Code. Each designated government agency shall establish and operate a voter registration system capable of transmitting voter registration application information to the portal as described in this Section by July 1, 2016.

(b) Whenever an applicant's data is transferred from a designated government agency, the agency must transmit a signature image if available. If no signature image was provided by the agency or if no signature

image is available in the Secretary of State's database or the statewide voter registration database, the applicant must be notified that their registration will remain in a pending status and the applicant will be required to provide identification and a signature to the election authority on Election Day in the polling place or during early voting.

(c) The State Board of Elections shall track registration data received through the online registration system that originated from a designated government agency for the purposes of maintaining statistics required by the federal National Voter Registration Act of 1993, as amended.

(d) The State Board of Elections shall submit a report to the General Assembly and the Governor by December 1, 2015 detailing the progress made to implement the government agency voter registration portal described in this Section.

(e) The Board shall adopt rules, in consultation with the impacted agencies.

(f) As used in this Section, a "designated government agency" means the Secretary of State's Driver Services and Vehicle Services Departments, the Department of Human Services, the Department of Healthcare and Family Services, the Department of Employment Security, and the Department on Aging; however, if the designated government agency becomes a designated automatic voter registration agency under Section 1A-16.1 or Section 1A-16.2 of this Code, that agency shall cease to be a designated government agency under this Section.

(Source: P.A. 98-1171, eff. 6-1-15.)

(10 ILCS 5/1A-16.7 new)

Sec. 1A-16.7. Automatic voter registration.

(a) The State Board of Elections shall establish and maintain a portal for automatic government agency voter registration that permits an eligible person to electronically apply to register to vote or to update his or her existing voter registration as provided in Section 1A-16.1 or Section 1A-16.2. The portal shall interface with the online voter registration system established in Section 1A-16.5 of this Code and shall be capable of receiving and processing voter registration application information, including electronic signatures, from the Office of the Secretary of State and each designated automatic voter registration agency, as defined in Section 1A-16.2. The State Board of Elections may cross-reference voter registration information from any designated automatic voter registration agency, as defined under Section 1A-16.2 of this Code, with information contained in the database of the Secretary of State as provided under subsection (c) of Section 1A-16.5 of this Code. The State Board of Elections shall modify the online voter registration system as necessary to implement this Section.

(b) Voter registration data received from the Office of the Secretary of State or a designated automatic voter registration agency through the online registration application system shall be processed as provided in Section 1A-16.5 of this Code.

(c) The State Board of Elections shall establish technical specifications applicable to each automatic government registration program, including data format and transmission specifications. The Office of the Secretary of State and each designated automatic voter registration agency shall maintain a data transfer mechanism capable of transmitting voter registration application information, including electronic signatures where available, to the online voter registration system established in Section 1A-16.5 of this Code.

(d) The State Board of Elections shall, by rule, establish criteria and procedures for determining whether an agency of the State or federal government seeking to become a designated automatic voter registration agency has access to reliable personal information, as defined under this subsection (d) and subsection (f) of Section 1A-16.2 of this Code, and otherwise meets the requirements to enter into an interagency contract and to operate as a designated automatic voter registration agency. The State Board of Elections shall approve each interagency contract upon affirmative vote of a majority of its members.

As used in this subsection (d), "reliable personal information" means information about individuals obtained from government sources that may be used to verify whether an individual is eligible to register to vote.

(e) Whenever an applicant's data is transferred from the Office of the Secretary of State or a designated automatic voter registration agency, the agency must transmit a signature image if available. If no signature image was provided by the agency, or if no signature image is available in the Office of the Secretary of State's database or the statewide voter registration database, the applicant must be notified that his or her registration will remain in a pending status, and the applicant will be required to provide identification that complies with the federal Help America Vote Act of 2002 and a signature to the election authority on election day in the polling place or during early voting.

(f) Upon receipt of personal information collected and transferred by the Office of the Secretary of State or a designated automatic voter registration agency, the State Board of Elections shall check the information against the statewide voter registration database. The State Board of Elections shall create and

electronically transmit to the appropriate election authority a voter registration application for any individual who is not registered to vote in Illinois and is not disqualified as provided in this Section or whose information reliably indicates a more recent update to the name or address of a person already included in the statewide voter database. The election authority shall process the application accordingly.

(g) The appropriate election authority shall ensure that any applicant who is registered to vote or whose existing voter registration is updated under this Section is promptly sent written notice of the change. The notice required by this subsection (g) may be sent or combined with other notices required or permitted by law, including, but not limited to, any notices sent pursuant to Section 1A-16.5 of this Code. Any notice required by this subsection (g) shall contain, at a minimum: (i) the applicant's name and residential address as reflected on the voter registration list; (ii) a statement notifying the applicant to contact the appropriate election authority if his or her voter registration has been updated in error; (iii) the qualifications to register to vote in Illinois; (iv) a statement notifying the applicant that he or she may opt out of voter registration or request a change to his or her registration information at any time by contacting an election official; and (v) contact information for the appropriate election authority, including a phone number, address, electronic mail address, and website address.

(h) The appropriate election authority shall ensure that any applicant whose voter registration application is not accepted or deemed incomplete is promptly sent written notice of the application's status. The notice required by this subsection may be sent or combined with other notices required or permitted by law, including, but not limited to, any notices sent pursuant to Section 1A-16.5 of this Code. Any notice required by this subsection (h) shall contain, at a minimum, the reason the application was not accepted or deemed incomplete and contact information for the appropriate election authority, including a phone number, address, electronic mail address, and website address.

(i) If the Office of the Secretary of State or a designated automatic voter registration agency transfers information, or if the State Board of Elections creates and transmits a voter registration application, for a person who does not qualify as an eligible voter, then it shall not constitute a completed voter registration form, and the person shall not be considered to have registered to vote.

(j) If the registration is processed by any election authority, then it shall be presumed to have been effected and officially authorized by the State, and that person shall not be found on that basis to have made a false claim to citizenship or to have committed an act of moral turpitude, nor shall that person be subject to penalty under any relevant laws, including, but not limited to, Sections 29-10 and 29-19 of this Code. This subsection (j) does not apply to a person who knows that he or she is not entitled to register to vote and who willfully votes, registers to vote, or attests under penalty of perjury that he or she is eligible to register to vote or willfully attempts to vote or to register to vote.

(k) The State Board of Elections, the Office of the Secretary of State, and each designated automatic voter registration agency shall implement policies and procedures to protect the privacy and security of voter information as it is acquired, stored, and transmitted among agencies, including policies for the retention and preservation of voter information. Information designated as confidential under this Section may be recorded and shared among the State Board of Elections, election authorities, the Office of the Secretary of State, and designated automatic voter registration agencies, but shall be used only for voter registration purposes, shall not be disclosed to the public except in the aggregate as required by subsection (m) of this Section, and shall not be subject to the Freedom of Information Act. The following information shall be designated as confidential:

- (1) any portion of an applicant's Social Security number;
- (2) any portion of an applicant's driver's license number or State identification number;
- (3) an applicant's decision to decline voter registration;
- (4) the identity of the person providing information relating to a specific applicant; and
- (5) the personal residence and contact information of any applicant for whom notice has been given by an appropriate legal authority.

This subsection (k) shall not apply to information the State Board of Elections is required to share with the Electronic Registration Information Center.

(l) The voter registration procedures implemented under this Section shall comport with the federal National Voter Registration Act of 1993, as amended, and shall specifically require that the State Board of Elections track registration data received through the online registration system that originated from a designated automatic voter registration agency for the purposes of maintaining statistics.

Nothing in this Code shall require designated voter registration agencies to transmit information that is confidential client information under State or federal law without the consent of the applicant.

(m) The State Board of Elections, each election authority that maintains a website, the Office of the Secretary of State, and each designated automatic voter registration agency that maintains a website shall provide information on their websites informing the public about the new registration procedures described

in this Section. The Office of the Secretary of State and each designated automatic voter registration agency shall display signage or provide literature for the public containing information about the new registration procedures described in this Section.

(n) No later than 6 months after the effective date of this amendatory Act of the 100th General Assembly, the State Board of Elections shall hold at least one public hearing on implementing this amendatory Act of the 100th General Assembly at which the public may provide input.

(o) The State Board of Elections shall submit an annual public report to the General Assembly and the Governor detailing the progress made to implement this Section. The report shall include all of the following: the number of records transferred under this Section by agency, the number of voters newly added to the statewide voter registration list because of records transferred under this Section by agency, the number of updated registrations under this Section by agency, the number of persons who opted out of voter registration, and the number of voters who submitted voter registration forms using the online procedure described in Section 1A-16.5 of this Code. The 2018 and 2019 annual reports may include less detail if election authorities are not equipped to provide complete information to the State Board of Elections. Any report produced under this subsection (o) shall exclude any information that identifies any individual personally.

(p) The State Board of Elections, in consultation with election authorities, the Office of the Secretary of State, designated automatic voter registration agencies, and community organizations, shall adopt rules as necessary to implement the provisions of this Section.

(10 ILCS 5/1A-16.8)

Sec. 1A-16.8. Automatic transfer of registration based upon information from the National Change of Address database and designated automatic voter registration agencies.

(a) The State Board of Elections shall cross-reference the statewide voter registration database against the United States Postal Service's National Change of Address database twice each calendar year, April 15 and October 1 in odd-numbered years and April 15 and December 1 in even-numbered years or with the same frequency as in subsection (b) of this Section, and shall share the findings with the election authorities.

(b) In addition, beginning no later than September 1, 2017, the State Board of Elections shall utilize data provided as part of its membership in the Electronic Registration Information Center in order to cross-reference the statewide voter registration database against databases of relevant personal information kept by designated automatic voter registration agencies, including, but not limited to, driver's license information kept by the Secretary of State, at least 6 times each calendar year and shall share the findings with election authorities.

This subsection (b) shall no longer apply once Sections 1A-16.1 and 1A-16.2 of this Code are fully implemented as determined by the State Board of Elections. Upon a determination by the State Board of Elections of full implementation of Sections 1A-16.1 and 1A-16.2 of this Code, the State Board of Elections shall file notice of full implementation and the inapplicability of this subsection (b) with the Index Department of the Office of the Secretary of State, the Governor, the General Assembly, and the Legislative Reference Bureau.

(b-5) The State Board of Elections shall not be required to share any data on any voter attained using the National Change of Address database under subsection (a) of this Section if that voter has a more recent government transaction indicated using the cross-reference under subsection (b) of this Section. If there is contradictory or unclear data between data obtained under subsections (a) and (b) of this Section, then data obtained under subsection (b) of this Section shall take priority.

(c) An election authority shall automatically register any voter who has moved into its jurisdiction from another jurisdiction in Illinois or has moved within its jurisdiction provided that:

(1) the election authority whose jurisdiction includes the new registration address provides the voter an opportunity to reject the change in registration address through a mailing, sent by non-forwardable mail, to the new registration address, and

(2) when the election authority whose jurisdiction includes the previous registration address is a different election authority, then that election authority provides the same opportunity through a mailing, sent by forwardable mail, to the previous registration address.

This change in registration shall trigger the same inter-jurisdictional or intra-jurisdictional workflows as if the voter completed a new registration card, including the cancellation of the voter's previous registration. Should the registration of a voter be changed from one address to another within the State and should the voter appear at the polls and offer to vote from the prior registration address, attesting that the prior registration address is the true current address, the voter, if confirmed by the election authority as having been registered at the prior registration address and canceled only by the process authorized by this Section, shall be issued a regular ballot, and the change of registration address shall be canceled. If the

election authority is unable to immediately confirm the registration, the voter shall be permitted to register and vote a regular ballot, provided that he or she meets the documentary requirements for same-day registration. If the election authority is unable to confirm the registration and the voter does not meet the requirements for same-day registration, the voter shall be issued a provisional ballot.

(d) No voter shall be disqualified from voting due to an error relating to an update of registration under this Section.

(Source: P.A. 98-1171, eff. 6-1-15; 99-522, eff. 6-30-16.)

(10 ILCS 5/1A-16.9 new)

Sec. 1A-16.9. Implementation. The changes made by this amendatory Act of the 100th General Assembly shall be implemented no later than July 1, 2018, except for the changes made to Section 1A-16.2 of this Code.

Section 15. The Illinois Vehicle Code is amended by changing Section 2-105 as follows:

(625 ILCS 5/2-105) (from Ch. 95 1/2, par. 2-105)

Sec. 2-105. Offices of Secretary of State.

(a) The Secretary of State shall maintain offices in the State capital and in such other places in the State as he may deem necessary to properly carry out the powers and duties vested in him.

(b) The Secretary of State may construct and equip one or more buildings in the State of Illinois outside of the County of Sangamon as he deems necessary to properly carry out the powers and duties vested in him. The Secretary of State may, on behalf of the State of Illinois, acquire public or private property needed therefor by lease, purchase or eminent domain. The care, custody and control of such sites and buildings constructed thereon shall be vested in the Secretary of State. Expenditures for the construction and equipping of any of such buildings upon premises owned by another public entity shall not be subject to the provisions of any State law requiring that the State be vested with absolute fee title to the premises. The exercise of the authority vested in the Secretary of State by this Section is subject to the appropriation of the necessary funds.

(c) Pursuant to Sections 1A-16.1, 1A-16.7, and Section 1A-25 of the Election Code, the Secretary of State shall make driver services facilities available for use as places of accepting applications for voter registration.

(d) (Blank).

(e) Each person applying at a driver services facility for a driver's license or permit, a corrected driver's license or permit, an Illinois identification card or a corrected Illinois identification card shall be notified, under the procedures set forth in Sections 1A-16.1 and 1A-16.7 of the Election Code, that unless he or she affirmatively declines, his or her personal information shall be transferred to the State Board of Elections for the purpose of creating an electronic voter registration application that the person may apply to register to vote at such station and may also apply to transfer his or her voter registration at such station to a different address in the State. Such notification may be made in writing or verbally issued by an employee or the Secretary of State.

The Secretary of State shall promulgate such rules as may be necessary for the efficient execution of his duties and the duties of his employees under this Section.

(f) Any person applying at a driver services facility for issuance or renewal of a driver's license or Illinois Identification Card shall be provided, without charge, with a brochure warning the person of the dangers of financial identity theft. The Department of Financial and Professional Regulation shall prepare these brochures and provide them to the Secretary of State for distribution. The brochures shall (i) identify signs warning the reader that he or she might be an intended victim of the crime of financial identity theft, (ii) instruct the reader in how to proceed if the reader believes that he or she is the victim of the crime of identity theft, and (iii) provide the reader with names and telephone numbers of law enforcement and other governmental agencies that provide assistance to victims of financial identity theft.

(g) The changes made by this amendatory Act of the 100th General Assembly shall be implemented no later than July 1, 2018.

(Source: P.A. 97-81, eff. 7-5-11.)

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

Under the rules, the foregoing **Senate Bill No. 1933**, with House Amendment No. 2, was referred to the Secretary's Desk.

JOINT ACTION MOTIONS FILED

[May 29, 2017]

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

Motion to Concur in House Amendment 1 to Senate Bill 8
 Motion to Concur in House Amendment 3 to Senate Bill 8
 Motion to Concur in House Amendment 2 to Senate Bill 675
 Motion to Concur in House Amendment 3 to Senate Bill 675
 Motion to Concur in House Amendment 1 to Senate Bill 898
 Motion to Concur in House Amendment 1 to Senate Bill 899
 Motion to Concur in House Amendment 1 to Senate Bill 910
 Motion to Concur in House Amendment 1 to Senate Bill 1029
 Motion to Concur in House Amendment 1 to Senate Bill 1223
 Motion to Concur in House Amendment 1 to Senate Bill 1688
 Motion to Concur in House Amendment 2 to Senate Bill 1933

LEGISLATIVE MEASURES FILED

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

Amendment No. 1 to House Bill 386
 Amendment No. 2 to House Bill 2665

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

Amendment No. 2 to House Bill 434

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

Amendment No. 2 to Senate Bill 208
 Amendment No. 3 to Senate Bill 208
 Amendment No. 1 to Senate Bill 1021
 Amendment No. 1 to Senate Bill 1035
 Amendment No. 2 to Senate Bill 2073

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2017 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Education: **HOUSE BILL 3784.**

Judiciary: **Floor Amendment No. 2 to Senate Bill 1038.**

Revenue: **Floor Amendment No. 1 to Senate Bill 990; HOUSE BILL 156.**

State Government: **Floor Amendment No. 1 to Senate Bill 400.**

Transportation: **Floor Amendment No. 2 to House Bill 2802.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2017 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Executive: **Motion to Concur in House Amendment 1 to Senate Bill 100**

Licensed Activities and Pensions: **Motion to Concur in House Amendment 1 to Senate Bill 701**

State Government: **Motion to Concur in House Amendment 1 to Senate Bill 1029**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2017 meeting, to which was referred **Senate Bill No. 209** on April 25, 2017, reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **Senate Bill No. 209** was returned to the order of third reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2017 meeting, reported that the following Legislative Measure has been approved for consideration:

Floor Amendment No. 2 to House Bill 434

The foregoing floor amendment was placed on the Secretary's Desk.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2017 meeting, reported that the following Legislative Measure has been approved for consideration:

Motion to Concur in House Amendment 1 to Senate Bill 1730

The foregoing concurrence was placed on the Secretary's Desk.

LEGISLATIVE MEASURE FILED

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

Floor Amendment No. 1 to Senate Bill 209

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2017 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Gaming: **Floor Amendment No. 1 to Senate Bill 209.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2017 meeting, reported that **House Bill No. 2665** has been re-referred from the Committee on Executive to the Committee on Assignments and has been approved for consideration by the Committee on Assignments and referred to the Senate floor for consideration.

And **House Bill No. 2665** was placed on the order of second reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

[May 29, 2017]

On motion of Senator Manar, **House Bill No. 3376** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **House Bill No. 2953** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **House Bill No. 3004** was taken up, read by title a second time and ordered to a third reading.

At the hour of 5:14 o'clock p.m., the Senate stood at ease.

AT EASE

At the hour of 5:27 o'clock p.m., the Senate resumed consideration of business.
Senator Link, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2017 meeting, to which was referred **House Bill No. 270**, reported the same back with the recommendation that the bill be placed on the order of second reading without recommendation to committee.

LEGISLATIVE MEASURES FILED

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

Amendment No. 1 to House Bill 270
Amendment No. 3 to House Bill 2665

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2017 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Criminal Law: **Floor Amendment No. 1 to House Bill 270.**

COMMITTEE MEETING ANNOUNCEMENT FOR MAY 30, 2017

The Chair announced the following committee to meet at 8:30 o'clock a.m.:

Gaming in Room 212

MESSAGES FROM THE PRESIDENT

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

[May 29, 2017]

May 29, 2017

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby extend the committee deadline to May 31, 2017, for the following House bills:

3784

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

May 29, 2017

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby extend the 3rd Reading deadline to May 31, 2017, for the following Senate bills:

209

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

At the hour of 5:28 o'clock p.m., the Chair announced the Senate stand adjourned until Tuesday, May 30, 2017, at 9:30 o'clock a.m.

[May 29, 2017]