SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDRED FIRST GENERAL ASSEMBLY

31ST LEGISLATIVE DAY

TUESDAY, APRIL 9, 2019

12:03 O'CLOCK P.M.

SENATE
Daily Journal Index
31st Legislative Day

Action	Page(s)
Appointment Message(s)	12
Committee Meeting Announcement(s)	70, 71
Introduction of Senate Bills No'd. 2247-2249	11
Joint Action Motion(s) Filed	7
Legislative Measure(s) Filed	5, 66
Message from the Governor	8
Message from the House	11
Message from the President	7, 110, 111
Presentation of Senate Joint Resolution No. 39	10
Presentation of Senate Resolution No. 306	9
Presentation of Senate Resolution No. 307	10
Presentation of Senate Resolution No. 311	69
Presentation of Senate Resolution No. 333	116
Presentation of Senate Resolution No. 334	116
Presentation of Senate Resolutions No'd. 308-310	8
Presentation of Senate Resolutions No'd. 312-332	114
Report from Assignments Committee	67, 68, 69
Report from Standing Committee(s)	112
Report(s) Received	5

Bill Number	Legislative Action	Page(s)
SB 0007	Second Reading	16
SB 0009	Second Reading	16
SB 0029	Second Reading	117
SB 0037	Second Reading	31
SB 0042	Second Reading	31
SB 0054	Second Reading	32
SB 0104	Second Reading	100
SB 0119	Second Reading	32
SB 0171	Second Reading	118
SB 0182	Second Reading	33
SB 0218	Second Reading	103
SB 1124	Second Reading	83
SB 1134	Second Reading	44
SB 1135	Second Reading	45
SB 1139	Second Reading	95
SB 1233	Second Reading	89
SB 1235	Second Reading	89
SB 1240	Second Reading	83
SB 1256	Second Reading	89
SB 1264	Second Reading	96
SB 1296	Second Reading	45
SB 1317	Second Reading	46
SB 1343	Second Reading	103
SB 1371	Second Reading	118
SB 1449	Second Reading	59
SB 1507	Second Reading	60
SB 1510	Second Reading	60
SB 1522	Second Reading	66
SB 1532	Second Reading	66
SB 1538	Second Reading	83

SB 1588 Second Reading 66
SB 1624 Second Reading 71
SB 1639 Second Reading 120
SB 1660 Second Reading 71
SB 1665 Second Reading 91
SB 1671 Second Reading 71
SB 1719 Second Reading 71
SB 1726 Second Reading 72
SB 1780 Second Reading 74
SB 1798 Second Reading 121
SB 1829 Second Reading 121
SB 1852 Second Reading 74
SB 1854 Second Reading 74
SB 1862 Second Reading 84
SB 1864 Second Reading 84
SB 1899 Second Reading 85
SB 1909 Second Reading 74
SB 1929 Second Reading 96
SB 1939 Second Reading 77
SB 1988 Second Reading 77
SB 1993 Second Reading 77
SB 1995 Second Reading 77
SB 1996 Second Reading 77
SB 2006 Second Reading 77
SB 2016 Second Reading 77
SB 2027 Second Reading 78
SB 2052 Second Reading 78
SB 2060 Second Reading 78
SB 2062 Second Reading 78
SB 2080 Second Reading 95
SB 2085 Second Reading 142
SB 2093 Second Reading 85
SB 2097 Second Reading 78
SB 2124 Second Reading 142
SB 2128 Second Reading 103
SB 2135 Second Reading 85
SB 2137 Second Reading 79
SB 2144 Second Reading 81
SB 2146 Second Reading 81
SJR 0039 Committee on Assignments 10
SJRCA-1 Posting Notice Waived 69
SR 0265 Posting Notice Waived 70
SR 0306 Committee on Assignments 9
SR 0307 Committee on Assignments 10
SR 0333 Committee on Assignments 116

HB 0271 First Reading 117
HB 1653 First Reading 117
HB 2087 First Reading 15
HB 2126 First Reading 15
HB 2146 First Reading 15
HB 2276 First Reading 15
HB 2293 First Reading 15
HB 2408 First Reading 15
HB 2499 First Reading 15
HB 2577 First Reading 15
HB 2720 First Reading 15
HB 2852 First Reading 15
HB 2894 First Reading 117

HB 2992 First Reading....15
HB 3129 First Reading....15
HB 3237 First Reading....117
HB 3249 First Reading....15
HB 3426 First Reading....15
HB 3498 First Reading....15
HB 3501 First Reading....15
HB 3575 First Reading....15
HB 3623 First Reading....117
HB 3652 First Reading....16
HB 3667 First Reading....16
HB 3668 First Reading....16

The Senate met pursuant to adjournment.
Senator Terry Link, Vernon Hills, Illinois, presiding.
Prayer by Pastor Curt Fleck, Civil Servant Ministries, Springfield, Illinois.
Senator Cunningham led the Senate in the Pledge of Allegiance.

The Journal of Thursday, April 4, 2019, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

FY 18 Annual Report, submitted by the Illinois Board of Higher Education.

Professional Review Panel Recommendations pursuant to 105 ILCS 5/18-8, submitted by the State Board of Education.

Waiver Request Dalzell Grade School District #98, submitted by the State Board of Education.

Personal Information Protection Act Report, submitted by the Lutheran Social Services of Illinois.

Reporting Requirement of Public Act 98-1142 (Eavesdropping), submitted by the Kendall County State's Attorney.

The foregoing reports were ordered received and placed on file with the Secretary's office.

LEGISLATIVE MEASURES FILED

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

Amendment No. 1 to Senate Bill 10
Amendment No. 1 to Senate Bill 25
Amendment No. 3 to Senate Bill 135
Amendment No. 1 to Senate Bill 147
Amendment No. 2 to Senate Bill 218
Amendment No. 1 to Senate Bill 413
Amendment No. 1 to Senate Bill 416
Amendment No. 2 to Senate Bill 447
Amendment No. 1 to Senate Bill 455
Amendment No. 1 to Senate Bill 456
Amendment No. 1 to Senate Bill 457
Amendment No. 1 to Senate Bill 458
Amendment No. 1 to Senate Bill 471
Amendment No. 1 to Senate Bill 516
Amendment No. 1 to Senate Bill 528
Amendment No. 1 to Senate Bill 530
Amendment No. 1 to Senate Bill 531
Amendment No. 1 to Senate Bill 532
Amendment No. 2 to Senate Bill 650
Amendment No. 2 to Senate Bill 653
Amendment No. 2 to Senate Bill 654
Amendment No. 2 to Senate Bill 657
Amendment No. 2 to Senate Bill 658
Amendment No. 2 to Senate Bill 661

Amendment No. 2 to Senate Bill 683
Amendment No. 1 to Senate Bill 685
Amendment No. 2 to Senate Bill 685
Amendment No. 1 to Senate Bill 766
Amendment No. 1 to Senate Bill 885
Amendment No. 1 to Senate Bill 899
Amendment No. 1 to Senate Bill 901
Amendment No. 1 to Senate Bill 902
Amendment No. 1 to Senate Bill 903
Amendment No. 1 to Senate Bill 904
Amendment No. 1 to Senate Bill 905
Amendment No. 1 to Senate Bill 928
Amendment No. 1 to Senate Bill 929
Amendment No. 1 to Senate Bill 996
Amendment No. 1 to Senate Bill 1035
Amendment No. 1 to Senate Bill 1050
Amendment No. 1 to Senate Bill 1080
Amendment No. 1 to Senate Bill 1090
Amendment No. 1 to Senate Bill 1105
Amendment No. 1 to Senate Bill 1135
Amendment No. 1 to Senate Bill 1189
Amendment No. 3 to Senate Bill 1223
Amendment No. 2 to Senate Bill 1236
Amendment No. 1 to Senate Bill 1240
Amendment No. 2 to Senate Bill 1240
Amendment No. 1 to Senate Bill 1264
Amendment No. 2 to Senate Bill 1287
Amendment No. 2 to Senate Bill 1317
Amendment No. 2 to Senate Bill 1371
Amendment No. 3 to Senate Bill 1371
Amendment No. 3 to Senate Bill 1449
Amendment No. 4 to Senate Bill 1449
Amendment No. 2 to Senate Bill 1467
Amendment No. 2 to Senate Bill 1510
Amendment No. 1 to Senate Bill 1552
Amendment No. 1 to Senate Bill 1568
Amendment No. 1 to Senate Bill 1580
Amendment No. 1 to Senate Bill 1583
Amendment No. 1 to Senate Bill 1588
Amendment No. 1 to Senate Bill 1591
Amendment No. 2 to Senate Bill 1591
Amendment No. 3 to Senate Bill 1599
Amendment No. 1 to Senate Bill 1626
Amendment No. 1 to Senate Bill 1671
Amendment No. 1 to Senate Bill 1731
Amendment No. 2 to Senate Bill 1778
Amendment No. 1 to Senate Bill 1780
Amendment No. 2 to Senate Bill 1793
Amendment No. 1 to Senate Bill 1828
Amendment No. 1 to Senate Bill 1831
Amendment No. 1 to Senate Bill 1838
Amendment No. 2 to Senate Bill 1838
Amendment No. 3 to Senate Bill 1838
Amendment No. 2 to Senate Bill 1852
Amendment No. 1 to Senate Bill 1854
Amendment No. 1 to Senate Bill 1864
Amendment No. 4 to Senate Bill 1909
Amendment No. 2 to Senate Bill 1929
Amendment No. 2 to Senate Bill 1934

Amendment No. 1 to Senate Bill 1941
Amendment No. 1 to Senate Bill 1952
Amendment No. 1 to Senate Bill 2046
Amendment No. 2 to Senate Bill 2052
Amendment No. 1 to Senate Bill 2060
Amendment No. 1 to Senate Bill 2069
Amendment No. 1 to Senate Bill 2075
Amendment No. 4 to Senate Bill 2080
Amendment No. 1 to Senate Bill 2085
Amendment No. 2 to Senate Bill 2091
Amendment No. 2 to Senate Bill 2097
Amendment No. 1 to Senate Bill 2104
Amendment No. 2 to Senate Bill 2123
Amendment No. 1 to Senate Bill 2128
Amendment No. 2 to Senate Bill 2135
Amendment No. 2 to Senate Bill 2137

JOINT ACTION MOTIONS FILED

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

Motion to Concur in House Amendment 1 to Senate Bill 196
Motion to Concur in House Amendment 1 to Senate Bill 1474

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

April 5, 2019

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

Dear Mr. Secretary,

Pursuant to Rule 2-10, I am scheduling a regular session of the Senate to convene at 11:30 AM on Tuesday, April 9, 2019.

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

cc: Senate Republican Leader William Brady

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON

327 STATE CAPITOL

SENATE PRESIDENT SPRINGFIELD, IL 62706
217-782-2728

April 9, 2019

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Linda Holmes to temporarily replace Senator Kimberly A. Lightford as a member on the Senate Committee on Assignments. This appointment will expire upon adjournment of the Senate Committee on Assignments on April 9, 2019.

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

cc: Senate Republican Leader Bill Brady

MESSAGE FROM THE GOVERNOR

OFFICE OF THE GOVERNOR
207 STATE HOUSE
SPRINGFIELD, ILLINOIS 62706

JB PRITZKER
GOVERNOR

April 5, 2019

To the Honorable
Members of the Senate
One-Hundred and First General Assembly

Mr. President:

On January 9, 2019, appointment message 1000424 nominating Jason Barclay as Member of the Illinois Racing Board was delivered to your Honorable Body. As of the date of this letter, it is my understanding that the Senate has not taken action on this nomination.

Please be advised that, the Appointment Message, for which concurrence in and confirmation of your Honorable Body was sought, is hereby withdrawn, effective immediately on April 5, 2019.

Sincerely,
s/JB Pritzker
Governor

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 308
Offered by Senator Murphy and all Senators:
Mourns the death of Charles B. “Chuck” “Chief” Henrici of Elk Grove Village.

SENATE RESOLUTION NO. 309

Offered by Senator Brady and all Senators:
Mourns the death of Janice Goben of Petersburg, formerly of Kilbourne.

SENATE RESOLUTION NO. 310

Offered by Senator Mulroe and all Senators:
Mourns the death of Louise R. (Klosinski) Peters of Edison Park.

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

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

SENATE RESOLUTION NO. 306

WHEREAS, Hazard mitigation is the effort to reduce loss of life and property by lessening the impact of disasters; it is most effective when implemented under a comprehensive, long-term mitigation plan; and

WHEREAS, The Pre-Disaster Mitigation Grant Program, administered by the Federal Emergency Management Agency (FEMA), is designed to assist states and local communities in implementing a sustained pre-disaster natural hazard mitigation program; and

WHEREAS, Recently enacted federal legislation, the Disaster Recovery Reform Act, makes available new dollars for states and communities to undertake pre-disaster mitigation measures and creates new incentives for states to build resiliently; and

WHEREAS, Since 1908, natural disasters have cost the country over $1 trillion dollars; and

WHEREAS, Disasters affect the local and state economies in lost payrolls, lost sales and income tax, and increased disaster recovery times; and

WHEREAS, According to a FEMA commissioned study conducted by the National Institute of Building Sciences, every $1 spent on hazard mitigation provides the nation with $6 in future benefits; and

WHEREAS, Twenty-five percent of small businesses that are impacted by a natural disaster never reopen their doors; and

WHEREAS, September is National Preparedness Month in recognition of the need for all Americans to prepare and plan for recovery after a disaster; and

WHEREAS, Mitigation planning is a key process used to break the cycle of disaster damage, reconstruction, and repeated damage; and

WHEREAS, Effective pre-disaster mitigation reduces the demand for relief services on volunteer organizations such as disaster rescue and recovery teams, along with food banks and homeless shelters who serve our communities by changing their operations to provide additional services to those affected by disaster; and

WHEREAS, The brave men and women who, as first responders, selflessly provide aid in a disaster to safeguard citizens should be commended and recognized; and

WHEREAS, Communities should be encouraged to build resiliently and develop long-range mitigation strategies for protecting people and property from future hazard events; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we declare the week of September 1- 7, 2019 as "Resiliency Week" to raise

public awareness about the continuing need to plan for future disasters by instituting a predisaster mitigation strategy.

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

SENATE RESOLUTION NO. 307

WHEREAS, President Ronald Reagan declared May as National Foster Care Month to recognize the important contributions that foster parents make to society and to the most vulnerable among us by opening their homes to abused and abandoned children; and

WHEREAS, The number of children in foster care in Illinois has been increasing at an alarming pace; thousands of Illinois children, through no fault of their own, have been separated from their families and are living in foster care; and

WHEREAS, The number of foster children in Illinois has reached more than 18,000 and has increased by more than 1,000 over the past four years; and

WHEREAS, Children in foster care are of all ages and backgrounds; many of them are accompanied by younger brothers and sisters; they need the comfort, support, and security that only a family can provide; and

WHEREAS, Many foster children will never be re-united with their biological families; approximately half of foster children will not be returned to their birth families; and

WHEREAS, Most of the children under care of the State live in temporary situations with either relatives or foster families; some live in professionally-staffed group settings; and

WHEREAS, Children deserve the love and security of a home and a 'forever' family; adoption offers stability and better outcomes for children in foster care, allowing them to flourish in a safe, welcoming, and stable environment; and

WHEREAS, Illinois lags the nation, ranking last among the 50 states, in the permanent placement and adoption of children in its foster care system; and

WHEREAS, Illinois is committed to ensuring that children grow up in healthy, safe, and loving homes; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we declare May of 2019 as Foster Care Month in Illinois and urge the Department of Children and Family Services to facilitate and encourage the adoption of children in foster care throughout the State; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Director of Children and Family Services.

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

SENATE JOINT RESOLUTION NO. 39

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to those individuals who have given their lives in service to their communities; and

WHEREAS, On March 30, 2019, Illinois State Police Trooper Gerald "Jerry" Wayne Ellis was on duty in his squad car traveling home on Interstate 94 westbound near milepost 16.75 in Green Oaks when a wrong-way driver, who was traveling eastbound in the westbound lanes, struck him head on; and

WHEREAS, Trooper Ellis was an 11-year veteran of Illinois State Police District 15 in Downers Grove; and

WHEREAS, Trooper Ellis was born in Macomb on January 10, 1983; he served in the U.S. Army and lived in Antioch with his family; and

WHEREAS, Trooper Ellis was preceded in death by his grandparents and Louis and Keith Ellis and Harry Irvin Nicholson and Geraldine Tournear Kindhart; and

WHEREAS, Trooper Ellis is survived by his wife of nine years, Stacy Ann Voight Ellis; his daughters, Kaylee Ann, and Zoe Olivia Ellis; his parents, Debra Ann Nicholson and Terry (Cindy) Ellis; his brother, Keith Ellis; and his in-laws, Rick and Julie Voight; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we designate the section of road on Interstate 94 from mile marker 16.50 to mile marker 17 as the "Trooper Gerald W. Ellis Memorial Highway"; and be it further

RESOLVED, That the Illinois State Toll Highway Authority is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name "Trooper Gerald W. Ellis Memorial Highway"; and be it further

RESOLVED, That suitable copies of this resolution be presented to the family of Trooper Ellis and the Chairman of the Illinois State Toll Highway Authority.

INTRODUCTION OF BILLS

SENATE BILL NO. 2247. Introduced by Senator Link, a bill for AN ACT concerning appropriations.

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

SENATE BILL NO. 2248. Introduced by Senator Rezin, a bill for AN ACT concerning appropriations.

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

SENATE BILL NO. 2249. Introduced by Senator Lightford, a bill for AN ACT concerning State government.

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

MESSAGE FROM THE HOUSE

A message from the House by
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 15

WHEREAS, In the late 1950s and early 1960s, United States military personnel began serving as military advisors to the South Vietnamese military in their conflict with North Vietnam; and

WHEREAS, As the Vietnam War escalated over the subsequent decade; Americans, including many Illinoisans, were called to join the war as the United States implemented a military draft; and

WHEREAS, As the war continued, over 58,000 members of the United States Armed Forces would lose their lives and more than 300,000 were wounded; and

WHEREAS, Nearly 3,000 Illinoisans were killed or listed as missing in action during the Vietnam War; and

WHEREAS, Upon returning home, those who served in Vietnam were met with a vigorous public debate about the involvement of the United States in the war; and

WHEREAS, As these veterans returned home, many of them were not given the credit and support they deserved for dutifully serving their country; many were met with vigorous protests and condemnations and received widespread insults by opponents of the Vietnam War; and

WHEREAS, While service members returning home following World War II and the Korean War were met with homecoming celebrations, veterans returning from Vietnam were met with strong opposition that was directed at them rather than the appropriate decision makers in Washington; and

WHEREAS, Many who returned home from the battlefield were spit on, called killers, and ignored by the American public at a time when they needed the support of their fellow citizens; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we stand united in our strong support of all military personnel who served and sacrificed during the Vietnam War and offer our heartfelt and sincere apology to all Vietnam veterans who were mistreated after returning home from their service; and be it further

RESOLVED, That we declare November 1, 2019 as "Vietnam Veterans Recognition Day" in the State of Illinois; and be it further

RESOLVED, That we urge all Illinoisans to show support and gratitude to all Americans who have worn the uniform of the United States and who put their lives in danger to defend our freedoms; and be it further

RESOLVED, That we urge the Governor and the Secretary of State to instruct that all flags within their purview be lowered to half-mast on November 1, 2019 as a sign of respect to all Vietnam veterans; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Director of the Illinois Department of Veteran's Affairs, the Illinois Vietnam Veterans of America, the Illinois Secretary of State, and the Governor of the State of Illinois.

Adopted by the House, March 12, 2019.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 15 was referred to the Committee on Assignments.

APPOINTMENT MESSAGES

Appointment Message No. 1010145

To the Honorable Members of the Senate, One Hundred First General Assembly:

I, JB Pritzker, 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: Trustee

Agency or Other Body: State Universities Retirement System Board of Trustees.

Start Date: April 8, 2019

End Date: June 29, 2024

Name: Jamie-Clare Flaherty

Residence: 340 E. North Water St., Unit 2905, Chicago, IL 60611

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Robert Peters

Most Recent Holder of Office: Craig McCrohon

Superseded Appointment Message: AM 1010126

Appointment Message No. 1010146

To the Honorable Members of the Senate, One Hundred First General Assembly:

I, JB Pritzker, 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: Prisoner Review Board

Start Date: April 5, 2019

End Date: January 16, 2023

Name: Daniel Brink

Residence: 2311 Saint Charles Dr., Quincy, IL 62305

Annual Compensation: $85,886

Per diem: Not Applicable

Nominee's Senator: Senator Jil Tracy

Most Recent Holder of Office: Ellen Johnson

Superseded Appointment Message: AM 1010131

Appointment Message No. 1010147

To the Honorable Members of the Senate, One Hundred First General Assembly:

I, JB Pritzker, 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: Property Tax Appeal Board

Start Date: April 5, 2019

End Date: January 20, 2025

Name: Kevin Freeman

Residence: 5712 S. Harper Ave., Chicago, IL 60637

Annual Compensation: $52,179

Per diem: Not Applicable

Nominee's Senator: Senator Robert Peters

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 1010148

To the Honorable Members of the Senate, One Hundred First General Assembly:

I, JB Pritzker, 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: Trustee

Agency or Other Body: State Universities Retirement System Board of Trustees

Start Date: April 5, 2019

End Date: June 28, 2021

Name: Richard Figueroa

Residence: 1503 E. 56th St., Chicago, IL 60637

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Robert Peters

Most Recent Holder of Office: Mark Cozzi

Superseded Appointment Message: Not Applicable

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 2087, sponsored by Senator Bertino-Tarrant, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2126, sponsored by Senator Lightford, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2134, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2146, sponsored by Senator Koehler, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2276, sponsored by Senator Villivalam, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2293, sponsored by Senator Schimpf, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2408, sponsored by Senator McClure, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2499, sponsored by Senator Sims, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2577, sponsored by Senator Sims, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2720, sponsored by Senator Sims, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2852, sponsored by Senator Sims, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2992, sponsored by Senator Sims, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3129, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3249, sponsored by Senator Sims, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3426, sponsored by Senator T. Cullerton, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3498, sponsored by Senator Bertino-Tarrant, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3501, sponsored by Senator Bertino-Tarrant, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3575, sponsored by Senator Sims, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3652, sponsored by Senator Bush, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3667, sponsored by Senator Bennett, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3668, sponsored by Senator Bennett, was taken up, read by title a first time and referred to the Committee on Assignments.

ANNOUNCEMENT

The Chair announced that tomorrow, Wednesday, April 10, 2019, will be the last day to move Senate bills from second reading to third reading.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Steans, **Senate Bill No. 7** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bennett, **Senate Bill No. 9** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 9

AMENDMENT NO. 1 . Amend Senate Bill 9 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Coal Ash Pollution Prevention Act.

Section 2. Findings and construction. The General Assembly finds that a clean environment is essential to the continuing growth and well-being of Illinois' economy and its people. This Act shall be interpreted broadly to prevent pollution from the many coal ash dumps threatening the public health and environment throughout Illinois. It is intended to be more stringent than federal requirements, which, at the time of this Act's enactment, continue to leave Illinoisans and our environment at risk.

Section 5. Definitions. In this Act:

"Agency" means the Illinois Environmental Protection Agency.

"CCR landfill" means an area of land or an excavation that receives, or has received, CCR and is not a CCR surface impoundment, underground injection well, salt dome formation, salt bed formation, underground or surface coal mine, or cave. "CCR landfill" includes CCR piles.

"CCR surface impoundment" means a natural topographic depression, man-made excavation, quarry, or diked area that (i) is designed, or has been used, to hold an accumulation of CCR and liquids, and (ii) treats, stores, or disposes of CCR, regardless of whether CCR continues to be added to the impoundment.

"CCR unit" means any CCR landfill, CCR surface impoundment, lateral expansion of a CCR unit, or combination of 2 or more of those units. "CCR unit" includes any CCR below the unit boundary of the CCR landfill or CCR surface impoundment.

"Coal combustion residuals" or "CCR" means fly ash, bottom ash, boiler slag, or flue gas desulfurization materials generated from burning coal for the purpose of generating electricity for sale by an electric utility or for use by a private corporation.

"CCR pile" means any non-containerized accumulation of solid, non-flowing CCR that is placed on the land, but does not include any CCR stored for beneficial use under subsection (c) of Section 40.

"CCR pollutants" means antimony, arsenic, barium, beryllium, boron, cadmium, chromium, cobalt, fluoride, lead, lithium, mercury, molybdenum, selenium, thallium, and radium 226 and 228 combined.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Encapsulated beneficial use" means a beneficial use of CCR that binds the CCR into a solid matrix and minimizes its mobilization into the surrounding environment.

"Lined CCR unit" means any CCR unit with a liner meeting the specifications of 40 C.F.R. 257.71(a)(1)(ii) or 257.71(a)(1)(iii).

"LEAF leach test" means the U.S. Environmental Protection Agency's Leaching Environmental Assessment Framework ("LEAF"), EPA Methods 1313 and 1314.

"Location standards" means:

For CCR surface impoundments, the location restrictions set out at 40 C.F.R. 257.60 through 257.64 as promulgated by the U.S. Environmental Protection Agency on April 17, 2015, in "Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities," 80 Fed. Reg. 21,302, 21,471-21,473, as well as a prohibition on being located, in whole or in part, in the 100-year floodplain.

For CCR landfills, the location restriction for unstable areas set out at 40 C.F.R. 257.64 as promulgated by the U.S. Environmental Protection Agency on April 17, 2015, in "Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities," 80 Fed. Reg. 21,302, 21,473, as well as a prohibition on being located, in whole or in part, in the 100-year floodplain.

"Operator" or "owner or operator" means any person that owns or operates, solely or with other persons, any CCR unit.

"Person" means any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity, or their legal representative, agent, or assigns.

"Potential environmental justice community" means a community where the low-income or minority population percentage is greater than the statewide average.

"Prevailing wage" has the meaning given for "prevailing rate of wage" in Section 2 of the Prevailing Wage Act.

"Safety factors" means the factors of safety set out at 40 C.F.R 257.74(e)(i) through (v).

"Sole Source Aquifer" means an aquifer determined by the U.S. Environmental Protection Agency to be a Sole Source Aquifer under 1424(e) of the Safe Drinking Water Act of 1974. "Sole Source Aquifer" includes, but is not limited to, the Mahomet Aquifer.

"Statistically significant increase" means:

For CCR Pollutants for which a groundwater protection standard has been set by the U.S. Environmental Protection Agency under 40 C.F.R. 257.95(h), any statistically significant increase over that groundwater protection standard as determined under 40 C.F.R. 257.95(h).

For CCR Pollutants for which no groundwater protection standard has been set by the U.S. Environmental Protection Agency under 40 C.F.R. 257.95(h), a statistically significant increase, as determined under 40 C.F.R. 257.93(f),(g),and (h)(1), in that CCR pollutant above the Class I groundwater standard for that pollutant set out in Section 620.410 of Title 35 of the Illinois Administrative Code.

"Unlined CCR unit" means any CCR unit that is not a lined CCR unit.

Section 10. Powers and duties.

(a) Except as otherwise provided, the Agency shall enforce this Act and any rules, regulations, or orders adopted in accordance with this Act.

(b) Except as otherwise provided, the Agency shall have jurisdiction and authority over all persons and property necessary to effectively enforce the provisions of this Act. In aid of this jurisdiction, the Director, or anyone designated in writing by the Director, shall have the authority to administer oaths and to issue subpoenas for the production of records or other documents and for the attendance of witnesses at any proceedings of the Agency.

(c) The Agency may authorize any employee of the Agency qualified by training and experience to perform the powers and duties set forth in this Act.

(d) For the purpose of determining compliance with the provisions of this Act and any orders or rules entered or adopted under this Act, the Agency shall have the right at all times to go upon and inspect properties where CCR is or has been generated, stored, disposed of, transported, or beneficially used.

(e) The Agency shall have the authority and it shall be the Agency's duty to make such inquiries as the Director may think proper to determine whether or not a violation of this Act or any orders or rules entered or adopted under this Act exists or is imminent. In the exercise of these powers, the Agency has the authority to:

(1) collect data;

(2) require testing and sampling;

(3) make investigation and inspection;

(4) examine properties, including records and logs;
(5) hold hearings;
(6) adopt administrative rules; and
(7) take any action reasonably necessary to enforce this Act.

(f) The Agency may specify the manner in which all information required under this Act is to be submitted.

(g) The Agency shall specify the fees to be submitted with all proposals required by this Act, including closure plans, corrective action plans, applications for CCR transport permits, applications for beneficial use permits, and evaluation of alternatives analyses for landfill disposal of CCR. The fee to accompany those proposals shall be non-refundable and in an amount adequate to cover the costs the Agency incurs in reviewing and issuing or denying the proposal, including, but not limited to, the costs of:

(1) reviewing the proposal and accompanying materials, as well as any public comments or testimony offered on the proposal;
(2) holding a public hearing on the proposal in accordance with Section 65; and
(3) drafting the permit or the denial of the proposal.

The Agency shall review and, if necessary, revise the fees for proposals under this Act on an annual basis.

Section 15. CCR units; closure by removal.

(a) An owner or operator of an unlined CCR unit, as determined under subsection (d), a CCR unit that does not meet the location standards as determined under subsection (e), a CCR surface impoundment that does not meet the safety factors as determined under subsection (f), and a CCR unit at which a statistically significant increase in any CCR pollutant has been identified, shall close the CCR unit by:

(1) halting the placement of CCR in the CCR unit;
(2) removing all CCR from the CCR unit; and
(3) either:
(A) using the CCR in encapsulated beneficial use; or
(B) disposing of the CCR in a permitted landfill on the property upon which the CCR unit is located, adjacent to the property upon which the CCR unit is located, or off of the property on which the CCR unit is located, that:
(i) meets all location standards for CCR surface impoundments;
(ii) is not located over a sole source aquifer;
(iii) has a leachate collection system that meets or exceeds the federal criteria for a municipal solid waste landfills under 40 C.F.R. Part 258; and
(iv) meets all requirements for lined CCR landfills set forth at 40 C.F.R. Part 257 except as otherwise specified herein.

(b) An owner or operator of a CCR unit required to close by removal under subsection (a) shall, within 6 months of the effective date of this Act, halt the placement of CCR in those CCR units and begin removal of the CCR in those CCR units.

An owner or operator shall complete the removal of CCR from the CCR unit no later than 15 years after initiating the closure process at that CCR unit.

(c) The Agency shall issue a confirmation of completion of closure before financial assurance under Section 75 may be released.

(d) Within 60 days after the effective date of this Act, the operator of a CCR unit shall submit to the Agency the following:

(1) a determination, prepared and certified by a professional engineer licensed in Illinois, specifying whether the CCR unit meets the definition in this Act of a lined CCR unit; and
(2) documentation supporting that determination.

The determination and supporting documentation shall be posted on the Agency's website as well as a publicly accessible website that does not require registration and is operated by the operator of the CCR unit.

(e) Within 60 days after the effective date of this Act, an operator of a CCR unit must submit to the Agency the following:

(1) a determination, prepared and certified by a professional engineer licensed in Illinois, specifying whether the CCR unit meets the location standards, which of the location standards the CCR unit meets, and which it does not meet; and
(2) documentation supporting that determination.

The determination and supporting documentation shall be posted on the Agency's website as well as a publicly accessible website that does not require registration and is operated by the operator of the CCR unit.

(f) To determine whether a CCR surface impoundment meets the safety factors, a professional engineer licensed in Illinois shall assess whether the critical cross section of the embankment of the CCR surface impoundment achieves the safety factors. The safety factor assessments must be supported by appropriate engineering calculations. All safety factor assessments and supporting calculations and documentation shall be submitted to the Agency within 60 days after the effective date of this Act. The safety factor assessment and supporting documentation shall be posted on the Agency's website as well as a publicly accessible website operated by the operator of the CCR unit that does not require registration.

In this subsection, "critical cross section" means the cross section anticipated to be the most susceptible of all cross sections to structural failure based on appropriate engineering considerations, including loading conditions.

(g) If a person has information indicating that any liner status determination, location standards determination, or safety factor assessment submitted by an operator under this Section inaccurately concludes that the CCR unit is a lined CCR unit, meets location standards, or meets the applicable safety factors, that person may submit that information to the Agency.

The Agency shall review the information submitted, provide it to the operator of the CCR unit at issue, and make a determination of whether the documentation submitted by the operator is inaccurate. If the Agency so concludes, it shall inform the operator and the person who provided the information under this Section of that decision, post the decision on its website, and direct the operator of the CCR unit at issue to comply with applicable requirements of this Act.

Section 20. Closure plan.

(a) An operator of a CCR unit required to close by removal under Section 15 must submit a closure plan to the Agency within 3 months after the effective date of this Act.

(b) The closure plan must specify measures that the operator will take to limit water pollution and air pollution from the CCR unit while removal of the CCR is ongoing. Those measures shall include, but are not limited to, the following:

(1) Measures to control CCR dust at the site during removal, including, but not limited to: covering CCR transport trucks; limiting the distance that CCR is dropped from any storage facility or equipment into trucks or other storage facilities; using water sprays or chemical suppressants to limit dust during removal; loading, unloading, or transfer operations; and suspending loading, unloading, or transfer operations during high winds.

(2) Measures to minimize risk to workers while removal is taking place, including, but not limited to: properly located, calibrated, and operated dust monitors, checked at determined intervals; provision of dust masks and suits for use during removal; enclosed areas set back from the CCR unit where workers can store and change into regular clothing; protected areas for workers to take breaks or eat meals; and training for workers before they begin removal activities about the contents and dangers of CCR dust, how to protect against those dangers, and who to contact if dust controls are not working.

(3) Measures to minimize the release of any CCR into surface waters while removal is ongoing, which may include, but are not limited to, silt dams, silt curtains, or temporary barriers between the CCR unit and the surface water.

(c) Together with any supporting materials, the closure plan shall be posted by the Agency on its website and made available for public review, comment, and public hearing, if requested, consistent with Sections 55, 60, and 65. The owner or operator that submits the closure plan shall also post the closure plan and any supporting materials on a publicly accessible website, that has no registration requirements, until the Agency has issued an approved closure plan.

(d) The Agency shall only approve a closure plan if it complies with the requirements of this Act. The Agency shall review the closure plan and make any changes it deems necessary to ensure compliance with this Act. In evaluating whether any changes to the closure plan are needed, the Agency shall consider the following:

(1) The closure plan and all supporting documentation.

(2) All written comments received during the public comment period on the closure plan.

(3) If applicable, testimony from any public hearing held under Section 65.

Within 90 days after receiving the closure plan, the Agency shall approve the plan or approve it with any modifications the Agency deems necessary to ensure compliance with this Act. The Agency shall post the approved closure plan on its website, and the owner or operator who submits the closure plan shall post the approved closure plan on a publicly accessible website that has no registration requirements.

The Agency's approval of the approved closure plan under this Section shall be considered a final administrative decision subject to judicial review under the Administrative Review Law and the rules adopted under that Law.

Section 25. Local workers.

(a) An entity conducting closure activities, including removal of CCR, transport of CCR, or corrective action to remediate CCR pollution as set forth in Sections 15, 30, and 50, shall, to the maximum extent practicable, utilize local labor and ensure that the work is performed by responsible contractors and subcontractors that pay workers, as evidenced by payroll and employee records, the prevailing wage and fair benefits, including employee health care coverage, pension or 401(k) benefits, and certified apprenticeship programs.

(b) A contractor or subcontractor shall keep a record of observing all local, State, and federal laws, including laws pertaining to withholding taxes, minimum and overtime wages, workers' compensation insurance, and occupational health and safety. A contractor working on the project shall keep an up-to-date list of its subcontractors.

Section 30. CCR transport.

(a) A CCR transport truck must carry manifests specifying, for each load of CCR transported, the following:

(1) The volume of the CCR.

(2) The location from which the CCR was loaded onto the truck and the date the loading took place.

(3) The location where the CCR is being taken and the date it will be delivered.

(4) A warning of the hazards of inhalation or ingestion of CCR, instructions on how to prevent inhalation or ingestion of CCR, and what to do if CCR is inhaled or ingested.

(b) The operator of a CCR unit from which CCR is removed and transported off-site under Section 15 shall develop a CCR transportation plan in consultation with the unit of local government in which the CCR unit is located and any unit of local government within 2 miles of the CCR units in order to minimize the impact of any transport of CCR on adjacent property owners and surrounding communities.

(c) The CCR transportation plan specified in subsection (b) shall do all of the following:

(1) Identify transportation options available in order to transport removed CCR from the CCR unit. This may include a combination of different transportation methods as necessary to meet the closure time frame established in Section 15.

(2) Specify plans for any transportation by truck, including the frequency, time of day, and route of truck travel, and measures to minimize noise, traffic, and safety concerns caused by the truck travel.

(3) Specify measures to limit fugitive dust from any transportation of CCR by truck. Measures to control fugitive dust from truck travel include, but are not limited to:

(A) regular maintenance of roads used for transport of CCR;

(B) restricting the speed of CCR transport trucks;

(C) covering CCR transport trucks;

(D) limiting the distance that CCR is dropped from any storage facilities or excavating equipment into trucks; and

(E) suspending the loading, unloading, or transfer of CCR during high winds.

(4) Specify measures to be used by CCR transport trucks to limit air pollution from trucks, which include, but are not limited to:

(A) restrictions on fuel type;

(B) minimum fuel efficiency requirements;

(C) air pollution control equipment requirements; and

(D) limits on idling.

If transportation of CCR is not by truck, the owner or operator shall specify similar measures to control fugitive CCR dust pollution when it is transported using other modes of transportation.

(d) No CCR that is removed from a CCR unit may be transported without a CCR transport permit approved by the Agency.

(1) An operator of any CCR unit from which CCR is removed that seeks to transport that CCR off-site for disposal in an off-site landfill or through beneficial use shall, within 60 days after the effective date of this Act, submit an application for a CCR transport permit to the Agency. The permit application shall be accompanied by the fee required under subsection (g) of Section 10 and shall consist of the following additional materials:

(A) the CCR transportation plan developed under subsections (b) and (c); and

(B) a certification that the operator shall only transport CCR, or contract for transport with an entity that will transport CCR, in accordance with the manifest requirements of subsection (a) as well as the CCR transportation plan.

(2) If the Agency determines that an application for a CCR transport permit satisfies the requirements of this Act, the Agency shall prepare a draft CCR transport permit within 60 days after receipt of the application for the CCR transport permit. The draft CCR transport permit shall:

(A) approve, disapprove, or approve with any conditions the Agency deems necessary the CCR transportation plan, which shall be incorporated as a condition of the CCR transport permit; and

(B) require compliance with the manifest requirements set out in subsection (a) as a condition of the CCR transport permit.

(3) Together with the permit application and any supporting materials, the draft CCR transport permit shall be posted by the Agency on its website and made available for public review, comment, and, if requested, public hearing, consistent with Sections 55, 60, and 65. The applicant shall post the permit application, supporting materials, and draft CCR transport permit on a publicly accessible website that has no registration requirements and shall keep those documents posted until the Agency has issued a final CCR transport permit or denied the permit application.

(e) Within 120 days after receipt of an application for a CCR transport permit, the Agency shall determine whether to issue a final CCR transport permit. In determining whether to issue the permit, the Agency shall consider the following:

(1) The CCR transport permit application and all supporting documentation.

(2) All written comments received during the public comment period on the draft CCR transport permit.

(3) If applicable, testimony from any public hearing held under Section 65.

(f) The Agency shall only issue a final CCR transport permit if:

(1) the applicant has submitted a complete application for a CCR transport permit under paragraph (1) of subsection (d); and

(2) the CCR transportation plan meets the requirements under subsections (b) and (c).

(g) The final CCR transport permit shall, at minimum, comply with the following:

(1) incorporate the CCR transportation plan, with any modifications the Agency deems necessary, as a permit condition or conditions;

(2) require compliance with the manifest system set out in subsection (a) as a permit condition; and

(3) any other terms or conditions the Agency deems necessary.

The Agency shall post the final CCR transport permit or notice of denial of the CCR transport permit application on its website. The applicant shall post the final CCR transport permit or notice of denial on a publicly accessible website that has no registration requirements.

The Agency's decision to issue a final CCR transport permit or deny an application for a permit under this Section shall be considered a final administrative decision subject to judicial review under the Administrative Review Law and the rules adopted under that Law.

Section 35. Off-site landfill disposal.

(a) No CCR removed from a CCR unit under this Act may be disposed of in a landfill off of the property on which the CCR unit is located without approval from the Agency.

(b) If CCR removed from a CCR unit is to be disposed of in a landfill off of the property on which the CCR unit is located, the operator of the CCR unit must, within 90 days after the effective date of this Act, submit to the Agency an evaluation of alternatives accompanied by the fee required under subsection (g) of Section 10. The evaluation must conform with all of the following:

(1) Identify any landfills meeting the requirements of subparagraph (B) of paragraph (3) of subsection (a) of Section 15 that are within 100 miles of the CCR unit from which the CCR will be removed.

(2) Include documentation demonstrating that the landfill meets the requirements of subparagraph (B) of paragraph (3) of subsection (a) of Section 15.

(3) Set forth the demographics of the municipality, if applicable, where each landfill is located, including whether the municipality is a potential environmental justice community.

(4) State the volume of CCR that could be deposited in each landfill identified in paragraph (1).

(5) Identify the landfill in which the operator proposes to dispose of CCR.

If the landfill proposed by the operator for CCR disposal is located in a potential environmental justice community, the operator must show that it is not technically feasible to dispose of the CCR in any other landfill within 100 miles of the CCR unit that meets the requirements of subparagraph (B) of paragraph (3) of subsection (a) of Section 15.

The Agency shall post the evaluation of alternatives and any supporting documentation on its website and make them available for public review, comment, and, if requested, public hearing in accordance with Sections 55, 60, and 65. The applicant shall post the evaluation of alternatives and supporting materials on a publicly accessible website that has no registration requirements.

(c) The Agency shall review the evaluation of alternatives. For the purpose of determining whether to approve the disposal site proposed in the evaluation of alternatives, the Agency shall consider the following:

(1) The evaluation of alternatives and all supporting documentation.

(2) All written comments received during the public comment period.

(3) If applicable, testimony from any public hearing held under Section 65.

Within 90 days of receipt of the evaluation of alternatives, the Agency shall approve, deny, or approve with conditions the disposal of CCR in the landfill proposed by the operator in paragraph (5) of subsection (b).

(d) The Agency may only approve the disposal site proposed in the evaluation of alternatives if:

(1) The applicant has submitted a complete evaluation of alternatives with all required supporting documentation.

(2) The applicant demonstrates that the landfill proposed for CCR disposal meets the requirements of subparagraph (B) of paragraph (3) of subsection (a) of Section 15.

(3) If the landfill proposed for CCR disposal is located in a potential environmental justice community, the operator demonstrates that it is not technically feasible to dispose of the CCR in any other landfill within 100 miles of the CCR unit that meets the requirements of subparagraph (B) of paragraph (3) of subsection (a) of Section 15.

If the Agency denies disposal in the landfill proposed by the operator of the CCR unit, the Agency shall, in the notice of denial, specify any acceptable landfills for CCR disposal that meet the requirements of subparagraph (B) of paragraph (3) of subsection (a) of Section 15. The operator may dispose of the CCR in any landfill specified by the Agency that is not within a potential environmental justice community.

The Agency shall post its notice of approval, denial, or approval with conditions, under this subsection, on its website. The applicant shall post the notice of approval, notice of denial, and notice of approval with conditions, as well as the evaluation of benefits and supporting materials on a publicly accessible website that has no registration requirements.

The Agency's decision to approve, deny, or approve with conditions the landfill proposed for disposal of CCR under this Section shall be considered a final administrative decision subject to judicial review under the Administrative Review Law as now or hereafter amended, and the rules adopted under that Law.

Section 40. Beneficial use permit.

(a) Notwithstanding any other provision of law, no CCR removed from any CCR unit under Section 15 may be beneficially used in this State unless the Agency has issued a beneficial use permit for that CCR under this Act.

(b) Every operator that seeks to dispose of CCR removed under Section 15 by means of beneficial use must submit to the Agency an application for a beneficial use permit. The application shall be accompanied by the fee required by subsection (g) of Section 10 and shall contain the following:

(1) The name and address of the operator, and any parent or subsidiary entity thereof, of the CCR unit from which the CCR will be removed.

(2) The name and address of any person proposing to beneficially use the CCR.

(3) The proposed encapsulated beneficial use for which the CCR will be used.

(4) The volume of CCR to be beneficially used.

(5) The location at which the beneficially used CCR will be used, if available.

(6) An explanation, with supporting documentation, of how the CCR proposed to be beneficially used will be stored in accordance with the requirements of subsection (c).

(7) The results of a LEAF leach test of the CCR performed in accordance with subsection (d), if applicable.

(c) CCR removed from a CCR unit that will be, but has not yet been, beneficially used in accordance with this Act must be stored and handled in the following manner:

(1) The CCR must be stored in an enclosed vessel or space, including, but not limited

to, a building or a covered silo, bin, or tank, that is located at least 40 feet from any waterway and has an impermeable floor or is set on an impermeable surface.

(2) Measures must be taken to limit CCR dust pollution during the loading, unloading, and transferring of the CCR, including:

(A) using water sprays or chemical dust suppressants to limit dust during loading, unloading, and transferring of the CCR;

(B) limiting the distance that the CCR is dropped during the loading, unloading, and transferring of the CCR to no more than 5 feet; and

(C) suspending the loading, unloading, and transferring of the CCR during high winds.

(d) Prior to submitting an application for a beneficial use permit, an operator of a CCR unit that seeks to dispose of CCR through beneficial use must conduct an independent LEAF leach test on that CCR. An independent LEAF leach test shall be performed on CCR taken from each CCR unit.

(e) If the Agency determines that the application satisfies the requirements of this Act, the Agency shall, within 60 days after receiving the application for a beneficial use permit, issue a draft beneficial use permit. The draft beneficial use permit shall propose to approve, disapprove, or approve with conditions the beneficial use permit.

(f) Together with the beneficial use permit application and any supporting materials, the draft beneficial use permit shall be posted by the Agency on its website and made available for public review, comment, and, if requested, public hearing, consistent with Sections 55, 60, and 65. The applicant shall post the draft permit, application, and supporting materials on a publicly accessible website that has no registration requirements until the Agency has issued a final beneficial use permit or denied the permit application.

(g) The Agency shall determine whether to issue a final beneficial use permit. For the purpose of determining whether to issue such permit, the Agency shall consider the following:

(1) The beneficial use permit application and all supporting documentation.

(2) All written comments received during the public comment period on the draft beneficial use permit.

(3) If applicable, testimony from any public hearing held under Section 65.

(h) The Agency shall only issue a final beneficial use permit if:

(1) The applicant submits a complete application for a beneficial use permit consistent with this Section.

(2) The applicant demonstrates that the applicant will comply with the storage requirements set forth in subsection (c).

(3) The results of the LEAF leach tests of the CCR proposed to be beneficially used, performed in accordance with subsection (d), do not show concentrations of CCR pollutants in excess of Class I groundwater standards set forth in Section 620.410 of Title 35 of the Illinois Administrative Code for any CCR pollutants. If no Class I standard has been set for a CCR pollutant, the LEAF leach tests must not show concentrations exceeding the groundwater protection standard set by the U.S. Environmental Protection Agency for that pollutant under 40 C.F.R. 257.95(h).

(4) The application satisfies all relevant requirements of this Act.

(i) The final beneficial use permit shall, at minimum, (i) incorporate proposals and representations in the application, as appropriate, as conditions in order to ensure compliance with this Act; and (ii) require compliance with CCR storage provisions set forth in subsection (c). The Agency may include other terms and conditions that it deems necessary.

(1) The Agency shall post the final beneficial use permit or notice of denial of the beneficial use permit application on its website. The applicant shall post the final beneficial use permit or notice of denial on a publicly accessible website that has no registration requirements.

(2) The Agency's decision to issue or deny a final beneficial use permit under this Section shall be considered a final administrative decision subject to judicial review under the Administrative Review Law, and the rules adopted under that Law.

Section 45. Closure progress reports.

(a) On or before October 1, 2022, and on October 1st of each even-numbered year thereafter, until closure of all of a facility's CCR units is complete, the operator of a CCR unit subject to Sections 15 and 20 shall compile the following 2 reports:

(1) A report regarding the closure plan containing the following:

(A) A description of the owner's or operator's closure plan for all CCR units.

(B) The closure progress as of the date of the report, both per unit and in total.

(C) A detailed accounting of the amounts of CCR that have been and are expected to

be beneficially used from CCR units, both per unit and in total.

(D) A detailed accounting of the amounts of CCR that have been and are expected to be landfilled from units, both per unit and in total.

(E) A detailed accounting of the CCR transportation plan as required under Section 30.

(F) The results of groundwater and surface water monitoring conducted under the closure plan and any measures taken to address the results as closure is being or has been completed.

(2) A report on any beneficial use permits or beneficial use permit applications under Section 40 summarizing the types of encapsulated beneficial use for which removed CCR has been or is being used and any obstacles to increased encapsulated beneficial use that the owner or operator encountered over the reporting period.

(b) The owner or operator shall post each report on a publicly accessible website that has no registration requirements, and shall submit each such report to the Agency, the Governor, and the General Assembly.

Section 50. Corrective action and clean drinking water.

(a) An owner or operator of a CCR unit from which CCR is required to be removed under Section 15 shall, within one year after the effective date of this Act, conduct a comprehensive evaluation of the extent of CCR pollution of groundwater, surface water, and soils at any property surrounding the property on which a CCR unit is located.

(b) As part of the evaluation of pollution required under subsection (a) and continuing through completion of corrective action under subsection (e), an owner or operator must conduct the following:

(1) Groundwater monitoring in accordance with 40 C.F.R. 257.90 through 257.95, except that:

(A) Wells designated as "background" or "upgradient wells" under 40 C.F.R. 257.91 must not be affected by leakage from any CCR, regardless of whether the CCR is in a CCR unit or not.

(B) Wells designated as "downgradient" under 40 C.F.R. 257.91 must be sufficient in number and adequate in location to detect leakage from any CCR on the property, regardless of whether the CCR is in a CCR unit or not.

(C) Pollutants monitored during assessment monitoring under 40 C.F.R. 257.95 shall be CCR pollutants.

(2) Semi-annual monitoring of discharges of CCR pollutants into any adjacent surface waters from the CCR unit, including seeps where groundwater is discharging into surface water.

(c) Within 18 months after the effective date of this Act, an owner or operator must develop and submit to the Agency a draft corrective action plan discussing how to decontaminate any groundwater, surface water, or soils affected by leakage or leachate from the CCR unit. The draft corrective action plan must:

(1) Describe the findings of the comprehensive evaluation of CCR pollution required under subsection (a).

(2) Provide for groundwater and surface water monitoring in accordance with subsection (b).

(3) Include a discussion of measures that could be used to decontaminate the site in order to complete corrective action, as specified in subsection (h).

(4) Set forth a proposal specifying which corrective action measures the owner or operator proposes to implement in order to complete corrective action as quickly as possible.

(d) Within 60 days after receiving a draft corrective action plan, the Agency shall review the draft corrective plan for completeness and to determine if it satisfies compliance with the requirements of subsection (c).

If the Agency determines that the draft corrective action plan is complete and satisfies the requirements of subsection (c), the Agency shall, within 90 days after making that determination, issue a proposed corrective action plan.

If the Agency determines that the draft corrective action plan is incomplete or does not satisfy the requirements of subsection (c), the applicant shall have no more than 90 days after the Agency's determination to correct any deficiencies identified by the Agency. If the applicant fails to correct those deficiencies within 90 days, the Agency shall have 90 additional days to issue a proposed corrective action plan.

(e) Together with the draft corrective action plan and any supporting materials, the proposed corrective action plan shall be posted by the Agency on its website and made available for public review, comment, and, if requested, public hearing, consistent with Sections 55, 60, and 65. The applicant shall post the draft

corrective action plan, proposed corrective action plan, and supporting materials on a publicly accessible website that has no registration requirements until the Agency has issued a final corrective action plan.

(f) Within 120 days after issuing the proposed corrective action plan, the Agency shall issue a final corrective action plan. In determining whether the final corrective action plan requires any changes from the proposed corrective action plan, the Agency shall consider:

(1) The draft corrective action plan and all supporting documentation.

(2) All written comments received during the public comment period on the proposed corrective action plan.

(3) If applicable, testimony from any public hearing held under Section 65.

(f-5) No final corrective action plan shall be issued unless it satisfies all applicable requirements of this Act. At minimum, the final corrective action plan must comply with the following:

(1) Describe the findings of the comprehensive evaluation of CCR pollution required under subsection (a).

(2) Provide for groundwater and surface water monitoring in accordance with subsection (b).

(3) Set forth the measures that will be used to decontaminate the site in order to complete corrective action, as specified in subsection (h).

(4) Set forth a timeline for completing corrective action, as specified in subsection (h).

The Agency shall post the final corrective action plan on its website, and the owner or operator who submitted the draft corrective action plan shall post the final corrective action plan on a publicly accessible website that has no registration requirements.

The Agency's approval of the final corrective action plan under this Section shall be considered a final administrative decision subject to judicial review under the Administrative Review Law, and the rules adopted under that Law.

(g) Once approved by the Agency following the procedures set forth in this Section, the final corrective action plan shall remain in effect until the corrective action is completed and decontamination is achieved in accordance with subsection (h). The Agency must issue a confirmation of completion of corrective action before financial assurance under Section 75 is released.

(h) Corrective action is not complete at a CCR unit until each of the following has occurred:

(1) All soils contaminated with CCR have been removed and disposed of in a landfill that is safe, modern, and lined.

(2) The concentrations of all CCR pollutants in downgradient groundwater monitoring wells at the site that form part of the groundwater monitoring system required under paragraph (1) of subsection (b) comply with the Class 1 groundwater standards set forth under Section 620.410 of Title 35 of the Illinois Administrative Code. If no Class I standard has been set for a CCR pollutant, concentrations of all CCR pollutants must comply with the groundwater protection standard set forth by the U.S. Environmental Protection Agency for that pollutant under 40 C.F.R. 257.95(h). Compliance occurs when concentrations of CCR pollutants have not exceeded the Class I standards set forth under Section 620.410 of Title 35 of the Illinois Administrative Code or, if applicable, the groundwater protection standard under 40 C.F.R. 257.95(h), for a period of 3 consecutive years using the statistical procedures and performance standards set forth under 40 C.F.R. 257.93(f) and 40 C.F.R. 257.93(g).

(i) During the closure process, an owner or operator shall, at the owner or operator's expense if accepted, offer to provide a connection to a municipal water supply. Where a connection to a municipal water supply is not feasible, an owner or operator shall, at the owner or operator's expense if accepted, offer to provide water testing for any residence within 1/2 mile of the CCR unit.

If the testing conducted under paragraph (1) of subsection (h) reveals CCR pollutants in excess of Class I groundwater standards set forth under Section 620.410 of Title 35 of the Illinois Administrative Code, the operator shall replace the affected water supply with an alternative source of clean drinking water. Where Class I standards have not been set for a CCR pollutant, the groundwater protection standard shall be that set forth by the U.S. Environmental Protection Agency under 40 C.F.R. 257.95(h).

Section 55. Public notice.

(a) Within one week of receiving a closure plan, CCR transport permit application, evaluation of alternatives, beneficial use permit application, or draft corrective action plan, the Agency shall post notice of its receipt of that document as well as a copy of the document and supporting materials on its website. The Agency shall also send, via email, notice of receipt of those documents to the State Senator, State Representative, county board chair, mayor, and township supervisor of the location of the CCR unit at issue, as well as to a mailing list of persons seeking to be notified of such documents and subsequent

permitting proceedings. An owner or operator that submits a closure plan, CCR transport permit application, evaluation of alternatives, beneficial use permit application, or draft corrective action plan shall publish notice of the submission of that document in a newspaper circulating in the unit of local government where the CCR unit is located.

(b) If the Agency issues a draft permit or proposed corrective action plan under this Act, within one week of issuing the draft permit or proposed corrective action plan the Agency shall post notice of issuance of that document on its website, together with a copy of the draft permit or proposed correction action plan, permit application, and all supporting materials. The Agency shall also send, via email, notice of issuance of the draft permit to the State Senator, State Representative, county board chair, mayor, and township supervisor of the location of the CCR unit at issue, as well as to the mailing list referenced in subsection (a). An owner or operator that submits a plan or permit application shall publish notice of any such draft permit or proposed corrective action plan within one week of issuance of the document in a newspaper circulating in the unit of local government where the CCR unit is located.

(c) A notice of application, draft permit, or proposed corrective action plan shall include the following:

(1) The name of the applicant.

(2) The type of document available for review.

(3) The name of a person at the Agency available to contact for questions.

(4) The dates of the public comment period, where applicable.

(5) Directions for interested parties to submit comments and request a public hearing on the document in accordance with Section 65.

(6) The Agency's website and, where applicable, the operator's website at which the draft permit or proposed corrective action plan, permit application, and supporting materials shall be made available for review.

(7) Directions on how to sign up for the mailing list referenced in subsection (a).

(d) If the Agency issues a final permit or plan approval, it shall post notice of issuance of the final permit or plan approval on its website, together with a copy of the permit application and all supporting materials. The Agency shall also send, via email, notice of issuance of the final permit or plan approval to the mailing list referenced in subsection (a).

Section 60. Public comment.

(a) Public comment periods under this Act shall be 40 days. The Agency may grant extensions of the comment period of no more than 15 days if it receives an extension request and the requester demonstrates a need for the extension.

(b) The public comment period on a closure plan, evaluation of benefits, draft CCR transport permit, draft beneficial use permit, or proposed corrective action plan shall begin within 7 calendar days after the referenced document is posted on the Agency's website.

(c) During a public comment period, any person may submit written comments to the Agency concerning any portion of the draft CCR transport permit, draft beneficial use permit, evaluation of benefits, closure plan, proposed corrective action plan, or associated permit applications or supporting materials, as well as comments concerning any issue relating to the applicant's compliance with the requirements of this Act or any other applicable laws. A person who submits a public comment to the Agency concerning any of the documents referenced in this subsection is a party to the proceeding concerning that document for purposes of the Administrative Review Law.

(d) The Agency may ask the applicant to respond to any substantive public comments received during the comment period.

Section 65. Public hearing.

(a) A person having an interest which is or may be adversely affected by approval of a closure plan, CCR transport permit, beneficial use permit, evaluation of alternatives, or proposed corrective action plan may request a public hearing on that permit, plan, or proposal during the public comment period established under Section 60. The Agency shall hold a public hearing upon request by any such requester.

(b) At least 10 calendar days before the date of the public hearing, the Agency shall publish notice of the public hearing on its website and in a newspaper of general circulation published in the unit of local government where the CCR unit at issue is located. The Agency shall also notify, via email, persons on the mailing list referenced in subsection (a) of Section 55 of the hearing. The notice shall contain the location, date, and time the public hearing is to take place, as well as information on whom to contact with questions and instructions on how to sign up to testify at the hearing.

(c) The Agency shall hold the public hearing in an easily accessible location as close to the CCR unit as feasible. The hearing shall be held during evening or weekend hours to facilitate attendance. The hearing

shall be scheduled for no fewer than 2 hours, although the Agency may end the hearing after one hour if all persons who signed up to testify have already testified.

(d) A person who signs up to testify at the public hearing shall be allowed to testify, provided the person attends the hearing. The Agency shall post a sign-up form on its website in which a person seeking to testify shall note his or her name, address, and email address. The Agency shall also have a sign-up form available at the hearing that requests the same information.

(e) The public hearing shall serve as an opportunity for the public to voice concerns about a document at issue, as well as an opportunity to ask questions of the Agency or the owner or operator of the CCR unit for which the document was submitted. At least one representative of the Agency and the applicant shall attend the public hearing, and at least 20 minutes shall be set aside for the public to ask those representatives questions relevant to the permit or plan at issue. Any person who testifies at a public hearing concerning a permit or plan under this Section is a party to the proceeding concerning that document for purposes of the Administrative Review Law.

(f) A complete electronic record or transcript of the hearing and all testimony shall be made by the Agency. The complete record shall be posted on the Agency's website until closure and decontamination of the CCR unit at issue are complete.

Section 70. Permit and plan conditions and modifications.

(a) Each closure plan, CCR transport permit, beneficial use permit, evaluation of alternatives, and final corrective action plan approved or issued by the Agency under this Act shall require the permittee to comply with all provisions of this Act and all other applicable local, State, and federal laws, rules, and regulations in effect at the time the permit is issued.

(b) An approved closure plan issued under this Act shall continue in effect until closure is complete under Section 15. A CCR transport permit issued under this Act shall continue in effect until all CCR has been transported to a landfill or for beneficial reuse. A beneficial use permit issued under Section 40 shall continue in effect until all the CCR governed by that permit has been beneficially used in encapsulated beneficial use. A final corrective action plan issued under this Act shall continue in effect until the plan has been achieved and corrective action is complete as specified in Section 50.

(c) No closure plan, CCR transport permit, beneficial use permit, or final corrective action plan issued under this Act may be modified without approval of the Agency. If the Agency determines that a proposed modification constitutes a significant deviation from the terms of the original application and permit or plan approval, or presents a serious risk to public health, life, property, aquatic life, or wildlife, the Agency shall provide the public notice required under Section 55 and the opportunities for comment and hearing required under Sections 60 and 65. Any owner or operator seeking a permit modification shall pay a fee in the amount specified in subsection (g) of Section 10 for processing of that modification.

Section 75. Financial assurance.

(a) The owner or operator of a CCR unit located in Illinois is required to provide and maintain financial assurance for closure and corrective action in accordance with this Act.

(b) Financial assurance for closure must be provided and maintained in amounts sufficient to cover all costs associated with closure, including, but not limited to, the following:

(1) removal of all CCR from the CCR unit under Section 15; and

(2) transport of the removed CCR to an approved landfill or for beneficial use, in accordance with Sections 30, 35, and 40.

Financial assurance for closure must be maintained, and will not be released, until the Agency has confirmed that closure is complete under Section 15.

(c) Financial assurance for corrective action must be provided and maintained in amounts sufficient to cover all costs associated with complying with Section 50, including undertaking the comprehensive evaluation of pollution, conducting groundwater and surface water monitoring, and developing and implementing the final corrective action plan. Financial assurance for corrective action must be maintained, and will not be released, until the Agency has confirmed the completion of correction action under Section 50.

(d) To ensure financial assurance is provided in adequate amounts, an owner or operator of a CCR unit shall submit to the Agency the following:

(1) An initial cost estimate for closure, consistent with subsection (b), within 6 months after the effective date of this Act.

(2) Annual revised cost estimates for closure based on any changed circumstances or information available to the owner or operator, taking into account inflation.

(3) An initial cost estimate for corrective action within 3 months after the Agency

approves any final corrective action plan required under Section 50.

(4) Annual revised cost estimates for corrective action based on any changed circumstances or information available to the owner or operator, taking into account inflation.

(e) Acceptable financial assurance mechanisms for use under this Section include, but are not limited to, the following:

(1) cash, certified check, or money order payable to a bank account set up by the Agency for the sole purpose of holding financial assurance funds under this Act;

(2) certificate of deposit;

(3) surety bond;

(4) irrevocable letter of credit; or

(5) escrow account.

Neither a corporate guarantee nor a corporate financial test may be used to satisfy the requirements of this Section.

(f) The Agency shall adopt rules to further clarify and specify requirements for financial assurance consistent with this Act.

(g) If, after notice and hearing, the Agency determines that an owner or operator of a CCR unit is not removing CCR from a CCR unit as required under Section 15, the permittee's financial assurance for closure shall then be forfeited. Forfeiture under this subsection shall not limit any duty of the permittee to mitigate or remediate harms or foreclose enforcement by the Agency. Forfeiture of financial assurance for closure does not count toward any penalty imposed on the owner or operator of the CCR unit.

If, after notice and hearing, the Agency determines that an owner or operator of a CCR unit is not implementing a final corrective action plan as required under Section 50, the permittee's financial assurance for corrective action shall then be forfeited. Forfeiture under this subsection shall not limit any duty of the permittee to mitigate or remediate harms or foreclose enforcement by the Agency. Forfeiture of financial assurance for corrective action does not count toward any penalty imposed on the owner or operator of the CCR unit.

When any financial assurance is forfeited under the provisions of this Act or rules adopted under this Act, the Agency shall collect the forfeiture without delay. All forfeitures shall be deposited in a fund set up by the Agency to be used, as necessary, to mitigate or remediate violations of this Act or rules adopted under this Act.

Section 80. Elimination of wet or unlined CCR disposal. Beginning 18 months after the effective date of this Act, no CCR generated in Illinois may be treated, stored, or disposed of in a CCR surface impoundment or unlined CCR landfill.

Section 85. Violations; penalties.

(a) Any person who violates this Act or a permit, plan, or rule issued, approved, or adopted under this Act commits open dumping as defined in the Illinois Environmental Protection Act and is subject to administrative penalties, civil liability, or, where appropriate, criminal prosecution.

(b) The Agency shall issue rules specifying the administrative or civil penalties or criminal fines to which a person in violation of this Act may be subject, which shall be consistent with penalties, fines, and liability for open dumping violations under the Illinois Environmental Protection Act.

(c) Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Agency that is related to or required by this Act, a rule adopted under this Act, or any permit, term, or condition thereof, commits a Class 4 felony, and each such statement or writing shall be considered a separate violation.

(d) The State's Attorney of the county in which the violation occurred, or the Attorney General, may, at the request of the Agency or on his or her own motion, institute a civil action for an injunction, prohibitory or mandatory, to restrain violations of this Act, a rule or regulation adopted under this Act, a permit or term or condition of the permit, or to require other civil or criminal actions as may be necessary to address violations of this Act, any rule adopted under this Act, or a permit or term or condition of a permit issued under this Act.

(e) Any criminal action provided for under this Section shall be brought by the State's Attorney of the county in which the violation occurred or by the Attorney General and shall be conducted in accordance with the applicable provision of the Code of Criminal Procedure of 1963. The limitations period for violations of this Section shall not begin to run until the offense is discovered by or reported to a State or local agency having authority to investigate violations of this Act.

(f) The State's Attorney of the county in which the violation occurred or the Attorney General shall bring actions under this Section in the name of the People of the State of Illinois. Without limiting any

other authority that may exist for the awarding of attorney's fees and costs, a court of competent jurisdiction may award costs and reasonable attorney's fees, including the reasonable costs of expert witnesses and consultants, to the State's Attorney or the Attorney General in a case where he or she has prevailed against a person who has committed a knowing or repeated violation of this Act, any rule adopted under this Act, or a permit or term or condition of a permit issued under this Act.

(g) Any person with an interest that is or may be adversely affected by a violation of this Act may institute a civil action for an injunction to restrain a violation of this Act, any rule or regulation adopted under this Act, a permit issued or plan approved under this Act, or term or condition of a permit issued under this Act, or for civil penalties for violations of this Act, any rule adopted under this Act, a permit issued under this Act or term or condition of a permit issued under this Act. Any civil action shall be brought before the circuit court of the county in which the violation occurred or in the circuit court of Sangamon County. Venue shall be considered proper in either court. Except as otherwise provided in this Act, all civil penalties collected shall be deposited in an account set up by the Agency within the Environmental Protection Trust Fund for addressing violations of this Act.

(h) All final orders imposing civil penalties under this Section shall prescribe the time for payment of those penalties. If any penalty is not paid within the time prescribed, interest on the penalty at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act shall be paid for the period from the date the payment is due until the date the payment is received. However, if the time for payment is stayed during the pendency of an appeal, interest shall not accrue during the stay.

Section 90. Applicable federal, State, and local laws.

(a) Compliance with this Act does not relieve responsibility for compliance with the Illinois Environmental Protection Act and other applicable federal, State, and local laws. This Act is intended to be more protective than federal regulations and should be construed accordingly.

(b) Nothing in this Act shall be construed to preempt any local laws that may otherwise operate to affect, govern, limit, or prohibit disposal of CCR otherwise allowed under this Act.

Section 900. The Environmental Protection Act is amended by changing Section 3.135 as follows:

(415 ILCS 5/3.135) (was 415 ILCS 5/3.94)

Sec. 3.135. Coal combustion by-product; CCB.

(a) "Coal combustion by-product" (CCB) means coal combustion waste when used beneficially in any of the following ways:

(1) The extraction or recovery of material compounds contained within CCB.

(2) The use of CCB as a raw ingredient or mineral filler in the manufacture of the following commercial products: cement; ~~concrete and concrete mortars;~~ cementious products including block, pipe and precast/prestressed components; asphalt or cementious roofing products; ~~plastic products including pipes and fittings; paints and metal alloys;~~ kiln fired products including bricks, blocks, and tiles; ~~abrasive media;~~ gypsum wallboard; asphaltic concrete, or asphalt based paving material.

(3) (Blank). ~~CCB used (A) in accordance with the Illinois Department of Transportation ("IDOT") standard specifications and subsection (a-5) of this Section or (B) under the approval of the Department of Transportation for IDOT projects.~~

(4) (Blank). ~~Bottom ash used as antiskid material, athletic tracks, or foot paths.~~

(5) (Blank). ~~Use in the stabilization or modification of soils providing the CCB meets the IDOT specifications for soil modifiers.~~

(6) (Blank). ~~CCB used as a functionally equivalent substitute for agricultural lime as a soil conditioner.~~

(6.5) CCB that is a synthetic gypsum that:

(A) has a calcium sulfate dihydrate content greater than 90%, by dry weight, and is generated by the lime or limestone forced oxidation process;

(B) is registered with the Illinois Department of Agriculture as a fertilizer or soil amendment and is used as a fertilizer or soil amendment;

(C) is a functionally equivalent substitute for mined gypsum (calcium sulfate dihydrate) used as a fertilizer or soil amendment;

(D) is used in accordance with, and applied at a rate consistent with, documented recommendations of a qualified agricultural professional or institution, including, but not limited to any of the following: certified crop adviser, agronomist, university researcher, federal Natural Resources Conservation Service Conservation Practice Standard regarding the amendment of soil properties with

gypsum, or State-approved nutrient management plan; but in no case is applied at a rate greater than 5 dry tons per acre per year; and

(E) has not been mixed with any waste.

(7) (Blank). ~~Bottom ash used in non-IDOT pavement sub-base or base, pipe bedding, or foundation backfill.~~

(8) (Blank). ~~Structural fill, designed and constructed according to ASTM standard E2277-03 or Illinois Department of Transportation specifications, when used in an engineered application or combined with cement, sand, or water to produce a controlled strength fill material and covered with 12 inches of soil unless infiltration is prevented by the material itself or other cover material.~~

(9) (Blank). ~~Mine subsidence, mine fire control, mine sealing, and mine reclamation.~~

(a-5) (Blank). ~~Except to the extent that the uses are otherwise authorized by law without such restrictions, the uses specified in items (a)(3)(A) and (a)(7) through (9) shall be subject to the following conditions:~~

~~(A) CCB shall not have been mixed with hazardous waste prior to use.~~

~~(B) CCB shall not exceed Class I Groundwater Standards for metals when tested utilizing test method ASTM D3987-85. The sample or samples tested shall be representative of the CCB being considered for use.~~

~~(C) Unless otherwise exempted, users of CCB for the purposes described in items (a)(3)(A) and (a)(7) through (9) of this Section shall provide notification to the Agency for each project utilizing CCB documenting the quantity of CCB utilized and certification of compliance with conditions (A) and (B) of this subsection. Notification shall not be required for users of CCB for purposes described in items (a)(1), (a)(2), (a)(3)(B), (a)(4), (a)(5) and (a)(6) of this Section, or as required specifically under a beneficial use determination as provided under this Section, or pavement base, parking lot base, or building base projects utilizing less than 10,000 tons, flowable fill/grout projects utilizing less than 1,000 cubic yards or other applications utilizing less than 100 tons.~~

~~(D) Fly ash shall be managed in a manner that minimizes the generation of airborne particles and dust using techniques such as moisture conditioning, granulating, inground application, or other demonstrated method.~~

~~(E) CCB is not to be accumulated speculatively. CCB is not accumulated speculatively if during the calendar year, the CCB used is equal to 75% of the CCB by weight or volume accumulated at the beginning of the period.~~

~~(F) CCB shall include any prescribed mixture of fly ash, bottom ash, boiler slag, flue gas desulfurization scrubber sludge, fluidized bed combustion ash, and stoker boiler ash and shall be tested as intended for use.~~

(b) (Blank).

(c) Users of CCB for the purposes described in this Section shall provide notification to the Agency for each project utilizing CCB documenting the quantity of CCB utilized.

(d) Fly ash shall be managed in a manner that minimizes the generation of airborne particles and dust using techniques such as moisture conditioning, granulating, inground application, or other demonstrated method.

(e) CCB is not to be accumulated speculatively. CCB is not accumulated speculatively if during the calendar year, the CCB used is equal to 75% of the CCB by weight or volume accumulated at the beginning of the period.

(f) CCB shall include any prescribed mixture of fly ash, bottom ash, boiler slag, flue gas desulfurization scrubber sludge, fluidized bed combustion ash, and stoker boiler ash and shall be tested as intended for use.

~~To encourage and promote the utilization of CCB in productive and beneficial applications, upon request by the applicant, the Agency shall make a written beneficial use determination that coal-combustion waste is CCB when used in a manner other than those uses specified in subsection (a) of this Section if the applicant demonstrates that use of the coal-combustion waste satisfies all of the following criteria: the use will not cause, threaten, or allow the discharge of any contaminant into the environment; the use will otherwise protect human health and safety and the environment; and the use constitutes a legitimate use of the coal-combustion waste as an ingredient or raw material that is an effective substitute for an analogous ingredient or raw material.~~

~~The Agency's beneficial use determinations may allow the uses set forth in items (a)(3)(A) and (a)(7) through (9) of this Section without the CCB being subject to the restrictions set forth in subdivisions (a-5)(B) and (a-5)(E) of this Section.~~

~~Within 90 days after the receipt of an application for a beneficial use determination under this subsection (b), the Agency shall, in writing, approve, disapprove, or approve with conditions the beneficial use. Any~~

~~disapproval or approval with conditions shall include the Agency's reasons for the disapproval or conditions. Failure of the Agency to issue a decision within 90 days shall constitute disapproval of the beneficial use request. These beneficial use determinations are subject to review under Section 40 of this Act.~~

~~Any approval of a beneficial use under this subsection (b) shall become effective upon the date of the Agency's written decision and remain in effect for a period of 5 years. If an applicant desires to continue a beneficial use after the expiration of the 5-year period, the applicant must submit an application for renewal no later than 90 days prior to the expiration. The beneficial use approval shall be automatically extended unless denied by the Agency in writing with the Agency's reasons for disapproval, or unless the Agency has requested an extension for review, in which case the use will continue to be allowed until an Agency determination is made.~~

~~Coal combustion waste for which a beneficial use is approved pursuant to this subsection (b) shall be considered CCB during the effective period of the approval, as long as it is used in accordance with the approval and any conditions.~~

~~Notwithstanding the other provisions of this subsection (b), written beneficial use determination applications for the use of CCB at sites governed by the federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder, or by any law or rule or regulation adopted by the State of Illinois pursuant thereto, shall be reviewed and approved by the Office of Mines and Minerals within the Department of Natural Resources pursuant to 62 Ill. Adm. Code §§ 1700-1850. Further, appeals of those determinations shall be made pursuant to the Illinois Administrative Review Law.~~

~~The Board shall adopt rules establishing standards and procedures for the Agency's issuance of beneficial use determinations under this subsection (b). The Board rules may also, but are not required to, include standards and procedures for the revocation of the beneficial use determinations. Prior to the effective date of Board rules adopted under this subsection (b), the Agency is authorized to make beneficial use determinations in accordance with this subsection (b).~~

(g) The Agency is authorized to prepare and distribute guidance documents relating to its administration of this Section. ~~Guidance documents prepared under this subsection are not rules for the purposes of the Illinois Administrative Procedure Act.~~
(Source: P.A. 99-20, eff. 7-10-15.)

Section 997. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

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

On motion of Senator Bush, **Senate Bill No. 37** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 37

AMENDMENT NO. 1 . Amend Senate Bill 37, on page 4, immediately below line 8, by inserting the following:

"The contributions required under paragraphs (2) and (3) of this subsection are for the purposes of compensating the primary employer's pension fund for additional liabilities and risks to which firefighters are exposed when performing work as firefighters for secondary employers.

Nothing in this Section shall be construed to allow a secondary employee to qualify for benefits or creditable service for employment as firefighters for secondary employers.".

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

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

On motion of Senator Harmon, **Senate Bill No. 42** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 42

AMENDMENT NO. 1 . Amend Senate Bill 42 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Nursing Home Medicaid Reimbursement Reform Act.

Section 5. Purposes. The purposes of this Act include:

(1) Establishing a framework for the provision of care to frail elderly residents of facilities licensed under the Nursing Home Care Act.

(2) Ensuring the coordination of regulation and reimbursement for nursing home residents.

(3) Bolstering the viability of career paths for employees of nursing homes.

(4) Strengthening the nursing home provider community.

(5) Supporting the highest possible quality of resident-centered services and care.

Section 10. Definitions. As used in this Act:

"Facility" has the same meaning ascribed to that term under the Nursing Home Care Act.

"Medical assistance" means health care benefits provided under Article V of the Illinois Public Aid Code.

"Medical Assistance Program" means the Medical Assistance Program administered by the Department of Healthcare and Family Services in accordance with Article V of the Illinois Public Aid Code.

"Resident" has the same meaning ascribed to that term under the Nursing Home Care Act.

Section 15. Resident rights.

(a) Notwithstanding any other provision of law or regulation, it shall be a matter of State policy that all residents of facilities licensed under the Nursing Home Care Act who meet the financial requirements for medical assistance shall be guaranteed the rights specified in this Section. Every financially qualified resident with a determination of need score of 29 or greater shall be guaranteed the right to:

(1) select the facility in which he or she receives care;

(2) participate fully in the development of his or her individualized care plan; and

(3) be informed in advance of any changes to his or her individualized care plan or to the status of his or her nursing home stay.

(b) All medical treatment and services deemed medically necessary by a physician licensed to practice medicine in all of its branches, including the provision of prescription drugs not covered under a qualified Medicare Part D Prescription Drug Plan, shall be presumed to be available for any resident who is eligible for medical assistance and shall qualify for reimbursement under the Medical Assistance Program.

(c) Any medical services provided, as specified in this Act, to a resident of a facility licensed under the Nursing Home Care Act shall be reimbursed based on an aggregate rate composed of nursing, support, and capital components. The facility shall also be reimbursed an amount that equals the facility's actual real estate tax bill, if applicable.

(d) Any additional funds contained in the State Fiscal Year 2020 budget in excess of those expended in the State Fiscal Year 2019 budget shall be distributed by statute.

(e) All reimbursement payments for services covered under this Section are due and payable on the last day of each month for all claims submitted during the preceding calendar month.

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

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

On motion of Senator Harmon, **Senate Bill No. 54** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Castro, **Senate Bill No. 119** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 119

AMENDMENT NO. 1. Amend Senate Bill 119 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Section 703A as follows:

(35 ILCS 5/703A)

Sec. 703A. Information for reportable payment transactions. Every person required under Section 6050W of the Internal Revenue Code to file federal Form 1099-K, Third-Party Payment Card and Third Party Network Transactions, identifying a reportable payment transaction to a payee with an Illinois address shall furnish a copy to the Department at such time and in such manner as the Department may prescribe. In addition, at the same time and in the same manner the foregoing information is required, the person shall report to the Department and to any payee with an Illinois address any information required by Section 6050W of the Internal Revenue Code with respect to third-party network transactions related to that payee as if the de minimis limitations of subsection (e) of Section 6050W of the Internal Revenue Code did not apply, but the de minimis limitations of subsection (a) of Section 6041 of the Internal Revenue Code did apply. Failure to provide any information required by this Section shall incur a penalty for failure to file a tax return as provided in Section 1001.

(Source: P.A. 100-1171, eff. 1-4-19.)".

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

Floor Amendment No. 3 was held in the Committee on Assignments.

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

On motion of Senator Morrison, **Senate Bill No. 182** having been printed, was taken up, read by title a second time.

Senator Morrison offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 182

AMENDMENT NO. 1. Amend Senate Bill 182 by replacing everything after the enacting clause with the following:

"Section 1. Purposes and construction. This Act shall be construed consistently with what is reasonable under the circumstances and to effectuate the following purposes:

(1) To enable an individual to easily document and share the individual's advance care planning wishes.

(2) To facilitate electronic capture, transmission, and storage of an individual's advance care planning wishes by means of a reliable electronic solution.

(3) To facilitate and promote the sharing of an individual's advance care planning wishes among care providers by eliminating barriers resulting from paper documents containing these wishes that are not easily transferred and accessed, thus promoting the opportunity for the patient's wishes to be known in all of the health care settings the patient may encounter.

Section 5. The Electronic Commerce Security Act is amended by changing Sections 5-115 and 5-120 as follows:

(5 ILCS 175/5-115)

Sec. 5-115. Electronic records.

(a) Where a rule of law requires information to be "written" or "in writing", or provides for certain consequences if it is not, an electronic record satisfies that rule of law.

(b) The provisions of this Section shall not apply:

(1) when its application would involve a construction of a rule of law that is clearly inconsistent with the manifest intent of the lawmaking body or repugnant to the context of the same rule of law, provided that the mere requirement that information be "in writing", "written", or "printed" shall not by itself be sufficient to establish such intent;

(2) to any rule of law governing the creation or execution of a will or trust~~, living will, or healthcare power of attorney~~; and

(3) to any record that serves as a unique and transferable instrument of rights and

obligations including, without limitation, negotiable instruments and other instruments of title wherein possession of the instrument is deemed to confer title, unless an electronic version of such record is created, stored, and transferred in a manner that allows for the existence of only one unique, identifiable, and unalterable original with the functional attributes of an equivalent physical instrument, that can be possessed by only one person, and which cannot be copied except in a form that is readily identifiable as a copy.

(Source: P.A. 90-759, eff. 7-1-99.)

(5 ILCS 175/5-120)

Sec. 5-120. Electronic signatures.

(a) Where a rule of law requires a signature, or provides for certain consequences if a document is not signed, an electronic signature satisfies that rule of law.

(a-5) In the course of exercising any permitting, licensing, or other regulatory function, a municipality may accept, but shall not require, documents with an electronic signature, including, but not limited to, the technical submissions of a design professional with an electronic signature.

(b) An electronic signature may be proved in any manner, including by showing that a procedure existed by which a party must of necessity have executed a symbol or security procedure for the purpose of verifying that an electronic record is that of such party in order to proceed further with a transaction.

(c) The provisions of this Section shall not apply:

(1) when its application would involve a construction of a rule of law that is clearly inconsistent with the manifest intent of the lawmaking body or repugnant to the context of the same rule of law, provided that the mere requirement of a "signature" or that a record be "signed" shall not by itself be sufficient to establish such intent;

(2) to any rule of law governing the creation or execution of a will or trust~~, living will, or healthcare power of attorney~~; and

(3) to any record that serves as a unique and transferable instrument of rights and obligations including, without limitation, negotiable instruments and other instruments of title wherein possession of the instrument is deemed to confer title, unless an electronic version of such record is created, stored, and transferred in a manner that allows for the existence of only one unique, identifiable, and unalterable original with the functional attributes of an equivalent physical instrument, that can be possessed by only one person, and which cannot be copied except in a form that is readily identifiable as a copy.

(Source: P.A. 98-289, eff. 1-1-14.)

Section 10. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-600 as follows:

(20 ILCS 2310/2310-600)

Sec. 2310-600. Advance directive information.

(a) The Department of Public Health shall prepare and publish the summary of advance directives law, as required by the federal Patient Self-Determination Act, and related forms. Publication may be limited to the World Wide Web. The summary required under this subsection (a) must include the Department of Public Health Uniform POLST form.

(b) The Department of Public Health shall publish Spanish language versions of the following:

(1) The statutory Living Will Declaration form.

(2) The Illinois Statutory Short Form Power of Attorney for Health Care.

(3) The statutory Declaration of Mental Health Treatment Form.

(4) The summary of advance directives law in Illinois.

(5) The Department of Public Health Uniform POLST form.

Publication may be limited to the World Wide Web.

(b-5) In consultation with a statewide professional organization representing physicians licensed to practice medicine in all its branches, statewide organizations representing physician assistants, advanced practice registered nurses, nursing homes, registered professional nurses, and emergency medical systems, and a statewide organization representing hospitals, the Department of Public Health shall develop and publish a uniform form for practitioner cardiopulmonary resuscitation (CPR) or life-sustaining treatment orders that may be utilized in all settings. The form shall meet the published minimum requirements to nationally be considered a practitioner orders for life-sustaining treatment form, or POLST, and may be referred to as the Department of Public Health Uniform POLST form. An electronic version of the Uniform POLST form under this Act may be created, signed, or revoked electronically using a generic, technology-neutral system in which each user is assigned a unique identifier that is securely maintained and in a manner that meets the regulatory requirements for a digital or electronic signature. Compliance with the

standards defined in the Electronic Commerce Security Act or the implementing rules of the Hospital Licensing Act for medical record entry authentication for author validation of the documentation, content accuracy, and completeness meets this standard. This form does not replace a physician's or other practitioner's authority to make a do-not-resuscitate (DNR) order.

(b-10) In consultation with a statewide professional organization representing physicians licensed to practice medicine in all its branches, statewide organizations representing physician assistants, advanced practice registered nurses, nursing homes, registered professional nurses, and emergency medical systems, a statewide bar association, a national bar association with an Illinois chapter that concentrates in elder and disability law, a not-for-profit organ procurement organization that coordinates organ and tissue donation, a statewide committee or group responsible for stakeholder education about POLST issues, and a statewide organization representing hospitals, the Department of Public Health shall study the feasibility of creating a statewide registry of advance directives and POLST forms. The registry would allow residents of this State to submit the forms and for the forms to be made available to health care providers and professionals in a timely manner for the provision of care or services. This study must be filed with the General Assembly on or before January 1, 2021.

(c) (Blank).

(d) The Department of Public Health shall publish the Department of Public Health Uniform POLST form reflecting the changes made by this amendatory Act of the 98th General Assembly no later than January 1, 2015.

(Source: P.A. 99-319, eff. 1-1-16; 99-581, eff. 1-1-17; 100-513, eff. 1-1-18.)

Section 15. The Illinois Living Will Act is amended by changing Sections 2, 5, and 9 as follows:

(755 ILCS 35/2) (from Ch. 110 1/2, par. 702)

Sec. 2. Definitions:

(a) "Attending physician" means the physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

(b) "Declaration" means a witnessed document in writing, in a hard copy or electronic format, voluntarily executed by the declarant in accordance with the requirements of Section 3.

(c) "Health-care provider" means a person who is licensed, certified or otherwise authorized by the law of this State to administer health care in the ordinary course of business or practice of a profession.

(d) "Death delaying procedure" means any medical procedure or intervention which, when applied to a qualified patient, in the judgement of the attending physician would serve only to postpone the moment of death. In appropriate circumstances, such procedures include, but are not limited to, assisted ventilation, artificial kidney treatments, intravenous feeding or medication, blood transfusions, tube feeding and other procedures of greater or lesser magnitude that serve only to delay death. However, this Act does not affect the responsibility of the attending physician or other health care provider to provide treatment for a patient's comfort care or alleviation of pain. Nutrition and hydration shall not be withdrawn or withheld from a qualified patient if the withdrawal or withholding would result in death solely from dehydration or starvation rather than from the existing terminal condition.

(e) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, government, governmental subdivision or agency, or any other legal entity.

(f) "Physician" means a person licensed to practice medicine in all its branches.

(g) "Qualified patient" means a patient who has executed a declaration in accordance with this Act and who has been diagnosed and verified in writing to be afflicted with a terminal condition by his or her attending physician who has personally examined the patient. A qualified patient has the right to make decisions regarding death delaying procedures as long as he or she is able to do so.

(h) "Terminal condition" means an incurable and irreversible condition which is such that death is imminent and the application of death delaying procedures serves only to prolong the dying process.

(Source: P.A. 95-331, eff. 8-21-07.)

(755 ILCS 35/5) (from Ch. 110 1/2, par. 705)

Sec. 5. Revocation. (a) A declaration may be revoked at any time by the declarant, without regard to declarant's mental or physical condition, by any of the following methods:

(1) By being obliterated, burnt, torn or otherwise destroyed or defaced in a manner indicating intention to cancel;

(2) By a written revocation of the declaration signed and dated by the declarant or person acting at the direction of the declarant, regardless of whether the written revocation is in electronic or hard copy format; ~~or~~

(3) By an ~~a~~ oral or any other expression of the intent to revoke the declaration, in the presence of a witness 18 years of age or older who signs and dates a writing confirming that such expression of intent was made ; or ~~.~~

(4) For an electronic declaration, by deleting in a manner indicating the intention to revoke. An electronic declaration may be revoked electronically using a generic, technology-neutral system in which each user is assigned a unique identifier that is securely maintained and in a manner that meets the regulatory requirements for a digital or electronic signature. Compliance with the standards defined in the Electronic Commerce Security Act or the implementing rules of the Hospital Licensing Act for medical record entry authentication for author validation of the documentation, content accuracy, and completeness meets this standard.

(b) A revocation is effective upon communication to the attending physician by the declarant or by another who witnessed the revocation. The attending physician shall record in the patient's medical record the time and date when and the place where he or she received notification of the revocation.

(c) There shall be no criminal or civil liability on the part of any person for failure to act upon a revocation made pursuant to this Section unless that person has actual knowledge of the revocation.
(Source: P.A. 85-860.)

(755 ILCS 35/9) (from Ch. 110 1/2, par. 709)

Sec. 9. General provisions. (a) The withholding or withdrawal of death delaying procedures from a qualified patient in accordance with the provisions of this Act shall not, for any purpose, constitute a suicide.

(b) The making of a declaration pursuant to Section 3 shall not affect in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of death delaying procedures from an insured qualified patient, notwithstanding any term of the policy to the contrary.

(c) No physician, health care facility, or other health care provider, and no health care service plan, health maintenance organization, insurer issuing disability insurance, self-insured employee ~~employe~~ welfare benefit plan, nonprofit medical service corporation or mutual nonprofit hospital service corporation shall require any person to execute a declaration as a condition for being insured for, or receiving, health care services.

(d) Nothing in this Act shall impair or supersede any legal right or legal responsibility which any person may have to effect the withholding or withdrawal of death delaying procedures in any lawful manner. In such respect the provisions of this Act are cumulative.

(e) This Act shall create no presumption concerning the intention of an individual who has not executed a declaration to consent to the use or withholding of death delaying procedures in the event of a terminal condition.

(f) Nothing in this Act shall be construed to condone, authorize or approve mercy killing or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying as provided in this Act.

(g) An instrument executed before the effective date of this Act that substantially complies with subsection ~~paragraph~~ (e) of Section 3 shall be given effect pursuant to the provisions of this Act.

(h) A declaration executed in another state in compliance with the law of that state or this State is validly executed for purposes of this Act, and such declaration shall be applied in accordance with the provisions of this Act.

(i) Documents, writings, forms, and copies referred to in this Act may be in hard copy or electronic format. Nothing in this Act is intended to prevent the population of a declaration, document, writing, or form with electronic data. Electronic documents under this Act may be created, signed, or revoked electronically using a generic, technology-neutral system in which each user is assigned a unique identifier that is securely maintained and in a manner that meets the regulatory requirements for a digital or electronic signature. Compliance with the standards defined in the Electronic Commerce Security Act or the implementing rules of the Hospital Licensing Act for medical record entry authentication for author validation of the documentation, content accuracy, and completeness meets this standard.
(Source: P.A. 85-860.)

Section 20. The Health Care Surrogate Act is amended by adding Section 70 as follows:

(755 ILCS 40/70 new)

Sec. 70. Format. The affidavit, medical record, documents, and forms referred to in this Act may be in hard copy or electronic format. Nothing in this Act is intended to prevent the population of an affidavit, medical record, document, or form with electronic data. A living will, mental health treatment preferences

declaration, practitioner orders for life-sustaining treatment (POLST), or power of attorney for health care that is populated with electronic data is operative. Electronic documents under this Act may be created, signed, or revoked electronically using a generic, technology-neutral system in which each user is assigned a unique identifier that is securely maintained and in a manner that meets the regulatory requirements for a digital or electronic signature. Compliance with the standards defined in the Electronic Commerce Security Act or the implementing rules of the Hospital Licensing Act for medical record entry authentication for author validation of the documentation, content accuracy, and completeness meets this standard.

Section 25. The Mental Health Treatment Preference Declaration Act is amended by changing Sections 5, 20, and 50 and by adding Section 23 as follows:

(755 ILCS 43/5)

Sec. 5. Definitions. As used in this Act:

(1) "Adult" shall have the same meaning as provided in Section 10 of the Health Care Surrogate Act.

(2) "Attending physician" shall have the same meaning as provided in Section 10 of the Healthcare Surrogate Act.

(3) "Attorney-in-fact" means an adult validly appointed under this Act to make mental health treatment decisions for a principal under a declaration for mental health treatment and also means an alternative attorney-in-fact.

(4) "Declaration" means a document, in hard copy or electronic format, making a declaration of preferences or instructions regarding mental health treatment.

(5) "Incapable" means that, in the opinion of 2 physicians or the court, a person's ability to receive and evaluate information effectively or communicate decisions is impaired to such an extent that the person currently lacks the capacity to make mental health treatment decisions.

(6) "Mental Health Facility" shall have the same meaning as provided in Section 1-114 of the Mental Health and Developmental Disabilities Code.

(7) "Mental health treatment" means electroconvulsive treatment, treatment of mental illness with psychotropic medication, and admission to and retention in a mental health facility for a period not to exceed 17 days for care or treatment of mental illness.

(8) "Physician" means a physician or psychiatrist as defined in Sections 1-120 and 1-121, respectively, of the Mental Health and Developmental Disabilities Code.

(9) "Principal" means the person making a declaration for his or her personal mental health treatment.

(10) "Provider" means any mental health facility or any other person which is devoted in whole or part to providing mental health services.

(Source: P.A. 89-439, eff. 6-1-96.)

(755 ILCS 43/20)

Sec. 20. Signatures required.

(a) A declaration is effective only if it is signed by the principal, and 2 competent adult witnesses. The witnesses must attest that the principal is known to them, signed the declaration in their presence and appears to be of sound mind and not under duress, fraud or undue influence. Persons specified in Section 65 of this Act may not act as witnesses.

(b) The signature and execution requirements set forth in this Act are satisfied by: (i) written signatures or initials; or (ii) electronic signatures or computer-generated signature codes. Electronic documents under this Act may be created, signed, or revoked electronically using a generic, technology-neutral system in which each user is assigned a unique identifier that is securely maintained and in a manner that meets the regulatory requirements for a digital or electronic signature. Compliance with the standards defined in the Electronic Commerce Security Act or the implementing rules of the Hospital Licensing Act for medical record entry authentication for author validation of the documentation, content accuracy, and completeness meets this standard.

(Source: P.A. 89-439, eff. 6-1-96.)

(755 ILCS 43/23 new)

Sec. 23. Format. Documents, writings, and forms referred to in this Act may be in hard copy or electronic format. Nothing in this Act is intended to prevent the population of a declaration, document, writing, or form with electronic data.

(755 ILCS 43/50)

Sec. 50. Revocation. A declaration may be revoked in whole or in part by written statement at any time by the principal if the principal is not incapable, regardless of whether the written revocation is in an electronic or hard copy format. A written statement of revocation is effective when signed by the principal and a physician and the principal delivers the revocation to the attending physician. An electronic

declaration may be revoked electronically using a generic, technology-neutral system in which each user is assigned a unique identifier that is securely maintained and in a manner that meets the regulatory requirements for a digital or electronic signature. Compliance with the standards defined in the Electronic Commerce Security Act or the implementing rules of the Hospital Licensing Act for medical record entry authentication for author validation of the documentation, content accuracy, and completeness meets this standard. The attending physician shall note the revocation as part of the principal's medical record.
(Source: P.A. 89-439, eff. 6-1-96.)

Section 30. The Illinois Power of Attorney Act is amended by changing Sections 4-4, 4-6, 4-9, and 4-10 and by adding Section 4-4.1 as follows:

(755 ILCS 45/4-4) (from Ch. 110 1/2, par. 804-4)

Sec. 4-4. Definitions. As used in this Article:

(a) "Attending physician" means the physician who has primary responsibility at the time of reference for the treatment and care of the patient.

(b) "Health care" means any care, treatment, service or procedure to maintain, diagnose, treat or provide for the patient's physical or mental health or personal care.

(c) "Health care agency" means an agency governing any type of health care, anatomical gift, autopsy or disposition of remains for and on behalf of a patient and refers, in either hard copy or electronic format, to the power of attorney or other written instrument defining the agency or the agency, itself, as appropriate to the context.

(d) "Health care provider", "health care professional", or "provider" means the attending physician and any other person administering health care to the patient at the time of reference who is licensed, certified, or otherwise authorized or permitted by law to administer health care in the ordinary course of business or the practice of a profession, including any person employed by or acting for any such authorized person.

(e) "Patient" means the principal or, if the agency governs health care for a minor child of the principal, then the child.

(e-5) "Health care agent" means an individual at least 18 years old designated by the principal to make health care decisions of any type, including, but not limited to, anatomical gift, autopsy, or disposition of remains for and on behalf of the individual. A health care agent is a personal representative under state and federal law. The health care agent has the authority of a personal representative under both state and federal law unless restricted specifically by the health care agency.

(f) (Blank).

(g) (Blank).

(h) (Blank).

(Source: P.A. 98-1113, eff. 1-1-15.)

(755 ILCS 45/4-4.1 new)

Sec. 4-4.1. Format. Documents, writings, forms, and copies referred to in this Article may be in hard copy or electronic format. Nothing in this Article is intended to prevent the population of a written instrument of a health care agency, document, writing, or form with electronic data.

(755 ILCS 45/4-6) (from Ch. 110 1/2, par. 804-6)

Sec. 4-6. Revocation and amendment of health care agencies.

(a) Every health care agency may be revoked by the principal at any time, without regard to the principal's mental or physical condition, by any of the following methods:

1. By being obliterated, burnt, torn or otherwise destroyed or defaced in a manner indicating intention to revoke;

2. By a written revocation of the agency signed and dated by the principal or person acting at the direction of the principal, regardless of whether the written revocation is in an electronic or hard copy format; ~~or~~

3. By an oral or any other expression of the intent to revoke the agency in the presence of a witness 18 years of age or older who signs and dates a writing confirming that such expression of intent was made; or ~~.~~

4. For an electronic health care agency, by deleting in a manner indicating the intention to revoke. An electronic health care agency may be revoked electronically using a generic, technology-neutral system in which each user is assigned a unique identifier that is securely maintained and in a manner that meets the regulatory requirements for a digital or electronic signature. Compliance with the standards defined in the Electronic Commerce Security Act or the implementing rules of the Hospital Licensing Act for medical record entry authentication for author validation of the documentation, content accuracy, and completeness meets this standard.

(b) Every health care agency may be amended at any time by a written amendment signed and dated by the principal or person acting at the direction of the principal.

(c) Any person, other than the agent, to whom a revocation or amendment is communicated or delivered shall make all reasonable efforts to inform the agent of that fact as promptly as possible.

(Source: P.A. 85-701.)

(755 ILCS 45/4-9) (from Ch. 110 1/2, par. 804-9)

Sec. 4-9. Penalties. All persons shall be subject to the following sanctions in relation to health care agencies, in addition to all other sanctions applicable under any other law or rule of professional conduct:

(a) Any person shall be civilly liable who, without the principal's consent: (i) ~~,~~ wilfully conceals, cancels , or alters a health care agency or any amendment or revocation of the agency; (ii) ~~or who~~ falsifies or forges a health care agency, amendment , or revocation; or (iii) enters information in an electronic system under the persona of the principal.

(b) A person who falsifies or forges a health care agency, enters information in an electronic system under the persona of the principal, or wilfully conceals or withholds personal knowledge of an amendment or revocation of a health care agency with the intent to cause a withholding or withdrawal of life-sustaining or death-delaying procedures contrary to the intent of the principal and thereby, because of such act, directly causes life-sustaining or death-delaying procedures to be withheld or withdrawn and death to the patient to be hastened shall be subject to prosecution for involuntary manslaughter.

(c) Any person who requires or prevents execution of a health care agency as a condition of insuring or providing any type of health care services to the patient shall be civilly liable and guilty of a Class A misdemeanor.

(Source: P.A. 85-701.)

(755 ILCS 45/4-10) (from Ch. 110 1/2, par. 804-10)

Sec. 4-10. Statutory short form power of attorney for health care.

(a) The form prescribed in this Section (sometimes also referred to in this Act as the "statutory health care power") may be used to grant an agent powers with respect to the principal's own health care; but the statutory health care power is not intended to be exclusive nor to cover delegation of a parent's power to control the health care of a minor child, and no provision of this Article shall be construed to invalidate or bar use by the principal of any other or different form of power of attorney for health care. Nonstatutory health care powers must be executed by the principal, designate the agent and the agent's powers, and comply with the limitations in Section 4-5 of this Article, but they need not be witnessed or conform in any other respect to the statutory health care power.

No specific format is required for the statutory health care power of attorney other than the notice must precede the form. The statutory health care power may be included in or combined with any other form of power of attorney governing property or other matters.

The signature and execution requirements set forth in this Article are satisfied by: (i) written signatures or initials; or (ii) electronic signatures or computer-generated signature codes. Electronic documents under this Act may be created, signed, or revoked electronically using a generic, technology-neutral system in which each user is assigned a unique identifier that is securely maintained and in a manner that meets the regulatory requirements for a digital or electronic signature. Compliance with the standards defined in the Electronic Commerce Security Act or the implementing rules of the Hospital Licensing Act for medical record entry authentication for author validation of the documentation, content accuracy, and completeness meets this standard.

(b) The Illinois Statutory Short Form Power of Attorney for Health Care shall be substantially as follows:

NOTICE TO THE INDIVIDUAL SIGNING
THE POWER OF ATTORNEY FOR HEALTH CARE

No one can predict when a serious illness or accident might occur. When it does, you may need someone else to speak or make health care decisions for you. If you plan now, you can increase the chances that the medical treatment you get will be the treatment you want.

In Illinois, you can choose someone to be your "health care agent". Your agent is the person you trust to make health care decisions for you if you are unable or do not want to make them yourself. These decisions should be based on your personal values and wishes.

It is important to put your choice of agent in writing. The written form is often called an "advance directive". You may use this form or another form, as long as it meets the legal requirements of Illinois. There are many written and on-line resources to guide you and your loved ones in having a conversation about these issues. You may find it helpful to look at these resources while thinking about and discussing your advance directive.

WHAT ARE THE THINGS I WANT MY
HEALTH CARE AGENT TO KNOW?

The selection of your agent should be considered carefully, as your agent will have the ultimate decision-making ~~decision making~~ authority once this document goes into effect, in most instances after you are no longer able to make your own decisions. While the goal is for your agent to make decisions in keeping with your preferences and in the majority of circumstances that is what happens, please know that the law does allow your agent to make decisions to direct or refuse health care interventions or withdraw treatment. Your agent will need to think about conversations you have had, your personality, and how you handled important health care issues in the past. Therefore, it is important to talk with your agent and your family about such things as:

(i) What is most important to you in your life?

(ii) How important is it to you to avoid pain and suffering?

(iii) If you had to choose, is it more important to you to live as long as possible, or to avoid prolonged suffering or disability?

(iv) Would you rather be at home or in a hospital for the last days or weeks of your life?

(v) Do you have religious, spiritual, or cultural beliefs that you want your agent and others to consider?

(vi) Do you wish to make a significant contribution to medical science after your death through organ or whole body donation?

(vii) Do you have an existing advance ~~advanced~~ directive, such as a living will, that contains your specific wishes about health care that is only delaying your death? If you have another advance directive, make sure to discuss with your agent the directive and the treatment decisions contained within that outline your preferences. Make sure that your agent agrees to honor the wishes expressed in your advance directive.

WHAT KIND OF DECISIONS CAN MY AGENT MAKE?

If there is ever a period of time when your physician determines that you cannot make your own health care decisions, or if you do not want to make your own decisions, some of the decisions your agent could make are to:

(i) talk with physicians and other health care providers about your condition.

(ii) see medical records and approve who else can see them.

(iii) give permission for medical tests, medicines, surgery, or other treatments.

(iv) choose where you receive care and which physicians and others provide it.

(v) decide to accept, withdraw, or decline treatments designed to keep you alive if you are near death or not likely to recover. You may choose to include guidelines and/or restrictions to your agent's authority.

(vi) agree or decline to donate your organs or your whole body if you have not already made this decision yourself. This could include donation for transplant, research, and/or education. You should let your agent know whether you are registered as a donor in the First Person Consent registry maintained by the Illinois Secretary of State or whether you have agreed to donate your whole body for medical research and/or education.

(vii) decide what to do with your remains after you have died, if you have not already made plans.

(viii) talk with your other loved ones to help come to a decision (but your designated agent will have the final say over your other loved ones).

Your agent is not automatically responsible for your health care expenses.

WHOM SHOULD I CHOOSE TO BE MY HEALTH CARE AGENT?

You can pick a family member, but you do not have to. Your agent will have the responsibility to make medical treatment decisions, even if other people close to you might urge a different decision. The selection of your agent should be done carefully, as he or she will have ultimate decision-making authority for your treatment decisions once you are no longer able to voice your preferences. Choose a family member, friend, or other person who:

(i) is at least 18 years old;

(ii) knows you well;

(iii) you trust to do what is best for you and is willing to carry out your wishes, even

if he or she may not agree with your wishes;

(iv) would be comfortable talking with and questioning your physicians and other health care providers;

(v) would not be too upset to carry out your wishes if you became very sick; and

(vi) can be there for you when you need it and is willing to accept this important role.

WHAT IF MY AGENT IS NOT AVAILABLE OR IS UNWILLING TO MAKE DECISIONS FOR ME?

If the person who is your first choice is unable to carry out this role, then the second agent you chose will make the decisions; if your second agent is not available, then the third agent you chose will make the decisions. The second and third agents are called your successor agents and they function as back-up agents to your first choice agent and may act only one at a time and in the order you list them.

WHAT WILL HAPPEN IF I DO NOT CHOOSE A HEALTH CARE AGENT?

If you become unable to make your own health care decisions and have not named an agent in writing, your physician and other health care providers will ask a family member, friend, or guardian to make decisions for you. In Illinois, a law directs which of these individuals will be consulted. In that law, each of these individuals is called a "surrogate".

There are reasons why you may want to name an agent rather than rely on a surrogate:

(i) The person or people listed by this law may not be who you would want to make decisions for you.

(ii) Some family members or friends might not be able or willing to make decisions as you would want them to.

(iii) Family members and friends may disagree with one another about the best decisions.

(iv) Under some circumstances, a surrogate may not be able to make the same kinds of decisions that an agent can make.

WHAT IF THERE IS NO ONE AVAILABLE WHOM I TRUST TO BE MY AGENT?

In this situation, it is especially important to talk to your physician and other health care providers and create written guidance about what you want or do not want, in case you are ever critically ill and cannot express your own wishes. You can complete a living will. You can also write your wishes down and/or discuss them with your physician or other health care provider and ask him or her to write it down in your chart. You might also want to use written or on-line resources to guide you through this process.

WHAT DO I DO WITH THIS FORM ONCE I COMPLETE IT?

Follow these instructions after you have completed the form:

(i) Sign the form in front of a witness. See the form for a list of who can and cannot witness it.

(ii) Ask the witness to sign it, too.

(iii) There is no need to have the form notarized.

(iv) Give a copy to your agent and to each of your successor agents.

(v) Give another copy to your physician.

(vi) Take a copy with you when you go to the hospital.

(vii) Show it to your family and friends and others who care for you.

WHAT IF I CHANGE MY MIND?

You may change your mind at any time. If you do, tell someone who is at least 18 years old that you have changed your mind, and/or destroy your document and any copies. If you wish, fill out a new form and make sure everyone you gave the old form to has a copy of the new one, including, but not limited to, your agents and your physicians.

WHAT IF I DO NOT WANT TO USE THIS FORM?

In the event you do not want to use the Illinois statutory form provided here, any document you complete must be executed by you, designate an agent who is over 18 years of age and not prohibited from serving as your agent, and state the agent's powers, but it need not be witnessed or conform in any other respect to the statutory health care power.

If you have questions about the use of any form, you may want to consult your physician, other health care provider, and/or an attorney.

MY POWER OF ATTORNEY FOR HEALTH CARE

THIS POWER OF ATTORNEY REVOKES ALL PREVIOUS POWERS OF ATTORNEY FOR HEALTH CARE. (You must sign this form and a witness must also sign it before it is valid)

My name (Print your full name):...
My address:..

I WANT THE FOLLOWING PERSON TO BE MY HEALTH CARE AGENT
(an agent is your personal representative under state and federal law):
(Agent name)...
(Agent address)...
(Agent phone number)...

(Please check box if applicable) .... If a guardian of my person is to be appointed, I nominate the agent acting under this power of attorney as guardian.

SUCCESSOR HEALTH CARE AGENT(S) (optional):

If the agent I selected is unable or does not want to make health care decisions for me, then I request the person(s) I name below to be my successor health care agent(s). Only one person at a time can serve as my agent (add another page if you want to add more successor agent names):

....
(Successor agent #1 name, address and phone number)

....
(Successor agent #2 name, address and phone number)

MY AGENT CAN MAKE HEALTH CARE DECISIONS FOR ME, INCLUDING:

(i) Deciding to accept, withdraw or decline treatment for any physical or mental condition of mine, including life-and-death decisions.

(ii) Agreeing to admit me to or discharge me from any hospital, home, or other institution, including a mental health facility.

(iii) Having complete access to my medical and mental health records, and sharing them with others as needed, including after I die.

(iv) Carrying out the plans I have already made, or, if I have not done so, making decisions about my body or remains, including organ, tissue or whole body donation, autopsy, cremation, and burial.

The above grant of power is intended to be as broad as possible so that my agent will have the authority to make any decision I could make to obtain or terminate any type of health care, including withdrawal of nutrition and hydration and other life-sustaining measures.

I AUTHORIZE MY AGENT TO (please check any one box):

.... Make decisions for me only when I cannot make them for myself. The physician(s) taking care of me will determine when I lack this ability.

(If no box is checked, then the box above shall be implemented.) OR

.... Make decisions for me only when I cannot make them for myself. The physician(s) taking care of me will determine when I lack this ability. Starting now, for the purpose of assisting me with my health care plans and decisions, my agent shall have complete access to my medical and mental health records, the authority to share them with others as needed, and the complete ability to communicate with my personal physician(s) and other health care providers, including the ability to require an opinion of my physician as to whether I lack the ability to make decisions for myself. OR

.... Make decisions for me starting now and continuing after I am no longer able to make them for myself. While I am still able to make my own decisions, I can still do so if I want to.

The subject of life-sustaining treatment is of particular importance. Life-sustaining treatments may include tube feedings or fluids through a tube, breathing machines, and CPR. In general, in making decisions concerning life-sustaining treatment, your agent is instructed to consider the relief of suffering,

the quality as well as the possible extension of your life, and your previously expressed wishes. Your agent will weigh the burdens versus benefits of proposed treatments in making decisions on your behalf.

Additional statements concerning the withholding or removal of life-sustaining treatment are described below. These can serve as a guide for your agent when making decisions for you. Ask your physician or health care provider if you have any questions about these statements.

SELECT ONLY ONE STATEMENT BELOW THAT BEST EXPRESSES YOUR WISHES (optional):

.... The quality of my life is more important than the length of my life. If I am unconscious and my attending physician believes, in accordance with reasonable medical standards, that I will not wake up or recover my ability to think, communicate with my family and friends, and experience my surroundings, I do not want treatments to prolong my life or delay my death, but I do want treatment or care to make me comfortable and to relieve me of pain.

.... Staying alive is more important to me, no matter how sick I am, how much I am suffering, the cost of the procedures, or how unlikely my chances for recovery are. I want my life to be prolonged to the greatest extent possible in accordance with reasonable medical standards.

SPECIFIC LIMITATIONS TO MY AGENT'S DECISION-MAKING AUTHORITY:

The above grant of power is intended to be as broad as possible so that your agent will have the authority to make any decision you could make to obtain or terminate any type of health care. If you wish to limit the scope of your agent's powers or prescribe special rules or limit the power to authorize autopsy or dispose of remains, you may do so specifically in this form.

....
....

My signature:...
Today's date:...

HAVE YOUR WITNESS AGREE TO WHAT IS WRITTEN BELOW, AND THEN COMPLETE THE SIGNATURE PORTION:

I am at least 18 years old. (check one of the options below):

.... I saw the principal sign this document, or

.... the principal told me that the signature or mark on the principal signature line is his or hers.

I am not the agent or successor agent(s) named in this document. I am not related to the principal, the agent, or the successor agent(s) by blood, marriage, or adoption. I am not the principal's physician, advanced practice registered nurse, dentist, podiatric physician, optometrist, psychologist, or a relative of one of those individuals. I am not an owner or operator (or the relative of an owner or operator) of the health care facility where the principal is a patient or resident.

Witness printed name:...
Witness address:...
Witness signature:..
Today's date:...

(c) The statutory short form power of attorney for health care (the "statutory health care power") authorizes the agent to make any and all health care decisions on behalf of the principal which the principal could make if present and under no disability, subject to any limitations on the granted powers that appear on the face of the form, to be exercised in such manner as the agent deems consistent with the intent and desires of the principal. The agent will be under no duty to exercise granted powers or to assume control of or responsibility for the principal's health care; but when granted powers are exercised, the agent will be required to use due care to act for the benefit of the principal in accordance with the terms of the statutory health care power and will be liable for negligent exercise. The agent may act in person or through others reasonably employed by the agent for that purpose but may not delegate authority to make health care decisions. The agent may sign and deliver all instruments, negotiate and enter into all agreements and do all other acts reasonably necessary to implement the exercise of the powers granted to the agent. Without limiting the generality of the foregoing, the statutory health care power shall include the following powers, subject to any limitations appearing on the face of the form:

(1) The agent is authorized to give consent to and authorize or refuse, or to withhold

or withdraw consent to, any and all types of medical care, treatment or procedures relating to the physical or mental health of the principal, including any medication program, surgical procedures, life-sustaining treatment or provision of food and fluids for the principal.

(2) The agent is authorized to admit the principal to or discharge the principal from any and all types of hospitals, institutions, homes, residential or nursing facilities, treatment centers and other health care institutions providing personal care or treatment for any type of physical or mental condition. The agent shall have the same right to visit the principal in the hospital or other institution as is granted to a spouse or adult child of the principal, any rule of the institution to the contrary notwithstanding.

(3) The agent is authorized to contract for any and all types of health care services and facilities in the name of and on behalf of the principal and to bind the principal to pay for all such services and facilities, and to have and exercise those powers over the principal's property as are authorized under the statutory property power, to the extent the agent deems necessary to pay health care costs; and the agent shall not be personally liable for any services or care contracted for on behalf of the principal.

(4) At the principal's expense and subject to reasonable rules of the health care provider to prevent disruption of the principal's health care, the agent shall have the same right the principal has to examine and copy and consent to disclosure of all the principal's medical records that the agent deems relevant to the exercise of the agent's powers, whether the records relate to mental health or any other medical condition and whether they are in the possession of or maintained by any physician, psychiatrist, psychologist, therapist, hospital, nursing home or other health care provider. The authority under this paragraph (4) applies to any information governed by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and regulations thereunder. The agent serves as the principal's personal representative, as that term is defined under HIPAA and regulations thereunder.

(5) The agent is authorized: to direct that an autopsy be made pursuant to Section 2 of the Autopsy Act ~~"An Act in relation to autopsy of dead bodies", approved August 13, 1965, including all amendments~~ ; to make a disposition of any part or all of the principal's body pursuant to the Illinois Anatomical Gift Act, as now or hereafter amended; and to direct the disposition of the principal's remains.

(6) At any time during which there is no executor or administrator appointed for the principal's estate, the agent is authorized to continue to pursue an application or appeal for government benefits if those benefits were applied for during the life of the principal.

(d) A physician may determine that the principal is unable to make health care decisions for himself or herself only if the principal lacks decisional capacity, as that term is defined in Section 10 of the Health Care Surrogate Act.

(e) If the principal names the agent as a guardian on the statutory short form, and if a court decides that the appointment of a guardian will serve the principal's best interests and welfare, the court shall appoint the agent to serve without bond or security.

(Source: P.A. 99-328, eff. 1-1-16; 100-513, eff. 1-1-18; revised 10-4-18.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Harmon, **Senate Bill No. 1134** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1134

AMENDMENT NO. 1 . Amend Senate Bill 1134 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 15-1503 as follows:

(735 ILCS 5/15-1503) (from Ch. 110, par. 15-1503)

Sec. 15-1503. Notice of Foreclosure.

(a) A notice of foreclosure, whether the foreclosure is initiated by complaint or counterclaim, made in accordance with this Section and recorded in the county in which the mortgaged real estate is located shall be constructive notice of the pendency of the foreclosure to every person claiming an interest in or lien on the mortgaged real estate, whose interest or lien has not been recorded prior to the recording of such notice

of foreclosure. Such notice of foreclosure must be executed by any party or any party's attorney and shall include (i) the names of all plaintiffs and the case number, (ii) the court in which the action was brought, (iii) the names of title holders of record, (iv) a legal description of the real estate sufficient to identify it with reasonable certainty, (v) a common address or description of the location of the real estate and (vi) identification of the mortgage sought to be foreclosed. An incorrect common address or description of the location, or an immaterial error in the identification of a plaintiff or title holder of record, shall not invalidate the lis pendens effect of the notice under this Section. A notice which complies with this Section shall be deemed to comply with Section 2-1901 of the Code of Civil Procedure and shall have the same effect as a notice filed pursuant to that Section; however, a notice which complies with Section 2-1901 shall not be constructive notice unless it also complies with the requirements of this Section.

(b) With respect to residential real estate, a copy of the notice of foreclosure described in subsection (a) of Section 15-1503 shall be sent by first class mail, postage prepaid, to the municipality within the boundary of which the mortgaged real estate is located, or to the county within the boundary of which the mortgaged real estate is located if the mortgaged real estate is located in an unincorporated territory. A municipality or county must clearly publish on its website a single address to which such notice shall be sent. If a municipality or county does not maintain a website, then the municipality or county must publicly post in its main office a single address to which such notice shall be sent. In the event that a municipality or county has not complied with the publication requirement in this subsection (b), then the copy of the notice to the municipality or county shall be sent by first class mail, postage prepaid, to the chairperson of the county board or county clerk in the case of a county, to the mayor or city clerk in the case of a city, to the president of the board of trustees or village clerk in the case of a village, or to the president or town clerk in the case of a town. Additionally, if the real estate is located in a city with a population of more than 2,000,000, regardless of whether that city has complied with the publication requirement in this subsection (b), the party must, within 10 days after filing the complaint or counterclaim: (i) send by first class mail, postage prepaid, a copy of the notice of foreclosure to the alderman for the ward in which the real estate is located and (ii) file an affidavit with the court attesting to the fact that the notice was sent to the alderman for the ward in which the real estate is located. The failure to send a copy of the notice to the alderman or to file an affidavit as required results in the dismissal without prejudice of the complaint or counterclaim on a motion of a party or the court. If, after the complaint or counterclaim has been dismissed without prejudice, the party refiles the complaint or counterclaim, then the party must again comply with the requirements that the party send by first class mail, postage prepaid, the notice to the alderman for the ward in which the real estate is located and file an affidavit attesting to the fact that the notice was sent.

(c) If any defendant cannot be personally served with a summons and complaint but is served in accordance with subsection (a) of Section 2-206, it is the duty of the plaintiff or his or her representative, and not the duty of the clerk of court or any nonparty to the case, to mail to each defendant listed on the filed Affidavit for Service by Publication a copy of the published notice by first-class mail, addressed to each defendant whose place of residence is stated on the affidavit. An affidavit of the plaintiff or his or her representative stating that he or she has mailed the copy of the notice is evidence that he or she has done so.

(Source: P.A. 96-856, eff. 3-1-10; 97-1164, eff. 6-1-13.)".

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

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

On motion of Senator Harmon, **Senate Bill No. 1135** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Bush, **Senate Bill No. 1296** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1296

AMENDMENT NO. 1 . Amend Senate Bill 1296 on page 5, line 15, by replacing "efficiency." with "efficiency, including, but not limited to, replacing lead pipes."; and

on page 9, line 2, by changing "." to "; ."; and

on page 9, line 7, by changing "." to "; ~~.~~"; and

on page 9, line 19, by changing "and" to "~~and~~"; and

on page 9, line 23, by changing "." to "; and ~~.~~"; and

on page 9, immediately below line 23, by inserting the following:

"(11) that the estimated economic benefit expected from the energy project during the financing period is equal to or greater than the cost of the project on residential real property.".

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

On motion of Senator Harmon, **Senate Bill No. 1317** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1317

AMENDMENT NO. 1 . Amend Senate Bill 1317 by replacing everything after the enacting clause with the following:

"Section 5. The Title Insurance Act is amended by changing Sections 3, 5, 12, 14, 14.1, 16, 18, 21, and 23 and by adding Section 18.2 as follows:

(215 ILCS 155/3) (from Ch. 73, par. 1403)

Sec. 3. As used in this Act, the words and phrases following shall have the following meanings unless the context requires otherwise:

(1) "Title insurance business" or "business of title insurance" means:

(A) Issuing as insurer or offering to issue as insurer title insurance; and

(B) Transacting or proposing to transact one or more of the following activities when conducted or performed in contemplation of or in conjunction with the issuance of title insurance;

(i) soliciting or negotiating the issuance of title insurance;

(ii) guaranteeing, warranting, or otherwise insuring the correctness of title searches for all instruments affecting titles to real property, any interest in real property, cooperative units and proprietary leases, and for all liens or charges affecting the same;

(iii) handling of escrows, settlements, or closings;

(iv) executing title insurance policies;

(v) effecting contracts of reinsurance;

(vi) abstracting, searching, or examining titles; or

(vii) issuing insured closing letters or closing protection letters;

(C) Guaranteeing, warranting, or insuring searches or examinations of title to real property or any interest in real property, with the exception of preparing an attorney's opinion of title; or

(D) Guaranteeing or warranting the status of title as to ownership of or liens on real property and personal property by any person other than the principals to the transaction; or

(E) Doing or proposing to do any business substantially equivalent to any of the activities listed in this subsection, provided that the preparation of an attorney's opinion of title pursuant to paragraph (1)(C) is not intended to be within the definition of "title insurance business" or "business of title insurance".

(1.5) "Title insurance" means insuring, guaranteeing, warranting, or indemnifying owners of real or personal property or the holders of liens or encumbrances thereon or others interested therein against loss or damage suffered by reason of liens, encumbrances upon, defects in, or the unmarketability of the title to the property; the invalidity or unenforceability of any liens or encumbrances thereon; or doing any business in substance equivalent to any of the foregoing. "Warranting" for purpose of this provision shall not include any warranty contained in instruments of encumbrance or conveyance. Title insurance is a single line form of insurance, also known as monoline. An attorney's opinion of title pursuant to paragraph (1)(C) is not intended to be within the definition of "title insurance".

(2) "Title insurance company" means any domestic company organized under the laws of this State for the purpose of conducting the business of title insurance and any title insurance company organized under the laws of another State, the District of Columbia or foreign government and authorized to transact the business of title insurance in this State.

(3) "Title insurance agent" means a person, firm, partnership, association, corporation or other legal entity licensed under this Act ~~registered by a title insurance company~~ and authorized by a title insurance ~~such~~ company to determine insurability of title in accordance with generally acceptable underwriting rules and standards in reliance on either the public records or a search package prepared from a title plant, or both, and authorized by such title insurance company in addition to do any of the following: act as an escrow agent pursuant to subsections (f), (g), and (h) of Section 16 of this Act, solicit title insurance, collect premiums, or issue title insurance commitments, policies, and endorsements of the title insurance company; provided, however, the term "title insurance agent" shall not include officers and salaried employees of any title insurance company.

(4) "Producer of title business" is any person, firm, partnership, association, corporation or other legal entity engaged in this State in the trade, business, occupation or profession of (i) buying or selling interests in real property, (ii) making loans secured by interests in real property, or (iii) acting as broker, agent, attorney, or representative of natural persons or other legal entities that buy or sell interests in real property or that lend money with such interests as security.

(5) "Associate" is any firm, association, partnership, corporation or other legal entity organized for profit in which a producer of title business is a director, officer, or partner thereof, or owner of a financial interest, as defined herein, in such entity; any legal entity that controls, is controlled by, or is under common control with a producer of title business; and any natural person or legal entity with whom a producer of title business has any agreement, arrangement, or understanding or pursues any course of conduct the purpose of which is to evade the provisions of this Act.

(6) "Financial interest" is any ownership interest, legal or beneficial, except ownership of publicly traded stock.

(7) "Refer" means to place or cause to be placed, or to exercise any power or influence over the placing of title business, whether or not the consent or approval of any other person is sought or obtained with respect to the referral.

(8) "Escrow Agent" means any title insurance company or any title insurance agent, including independent contractors of either, acting on behalf of a title insurance company, which receives deposits, in trust, of funds or documents, or both, for the purpose of effecting the sale, transfer, encumbrance or lease of real property to be held by such escrow agent until title to the real property that is the subject of the escrow is in a prescribed condition. An escrow agent conducting closings shall be subject to the provisions of paragraphs (1) through (4) of subsection (e) of Section 16 of this Act.

(9) "Independent Escrowee" means any firm, person, partnership, association, corporation or other legal entity, other than a title insurance company or a title insurance agent, which receives deposits, in trust, of funds or documents, or both, for the purpose of effecting the sale, transfer, encumbrance or lease of real property to be held by such escrowee until title to the real property that is the subject of the escrow is in a prescribed condition. Federal and State chartered banks, savings and loan associations, credit unions, mortgage bankers, banks or trust companies authorized to do business under the Illinois Corporate Fiduciary Act, licensees under the Consumer Installment Loan Act, real estate brokers licensed pursuant to the Real Estate License Act of 2000, as such Acts are now or hereafter amended, and licensed attorneys when engaged in the attorney-client relationship are exempt from the escrow provisions of this Act. "Independent Escrowee" does not include employees or independent contractors of a title insurance company or title insurance agent authorized by a title insurance company to perform closing, escrow, or settlement services.

(10) "Single risk" means the insured amount of any title insurance policy, except that where 2 or more title insurance policies are issued simultaneously covering different estates in the same real property, "single risk" means the sum of the insured amounts of all such title insurance policies. Any title insurance policy insuring a mortgage interest, a claim payment under which reduces the insured amount of a fee or leasehold title insurance policy, shall be excluded in computing the amount of a single risk to the extent that the insured amount of the mortgage title insurance policy does not exceed the insured amount of the fee or leasehold title insurance policy.

(11) "Department" means the Department of Financial and Professional Regulation.

(12) "Secretary" means the Secretary of Financial and Professional Regulation.

(13) "Insured closing letter" or "closing protection letter" means an indemnification or undertaking to a party to a real property transaction, from a principal such as a title insurance company, setting forth in writing the extent of the principal's responsibility for intentional misconduct or errors in closing the real

property transaction on the part of a settlement agent, such as a title insurance agent or other settlement service provider, or an indemnification or undertaking given by a title insurance company or an independent escrowee setting forth in writing the extent of the title insurance company's or independent escrowee's responsibility to a party to a real property transaction which indemnifies the party against the intentional misconduct or errors in closing the real property transaction on the part of the title insurance company or independent escrowee and includes protection afforded pursuant to subsections (f), (g), and (h) of Section 16, Section 16.1, subsection (h) of Section 17, and Section 17.1 of this Act even if such protection is afforded by contract.

(14) "Residential real property" means a building or buildings consisting of one to 4 residential units or a residential condominium unit where at least one of the residential units or condominium units is occupied or intended to be occupied as a residence by the purchaser or borrower, or in the event that the purchaser or borrower is the trustee of a trust, by a beneficiary of that trust.

(15) "Financial institution" means any bank subject to the Illinois Banking Act, any savings and loan association subject to the Illinois Savings and Loan Act of 1985, any savings bank subject to the Savings Bank Act, any credit union subject to the Illinois Credit Union Act, and any federally chartered commercial bank, savings and loan association, savings bank, or credit union organized and operated in this State pursuant to the laws of the United States.

(Source: P.A. 100-485, eff. 9-8-17.)

(215 ILCS 155/5) (from Ch. 73, par. 1405)

Sec. 5. Certificate of authority required to engage in activities under this Act.

(a) It is unlawful for any company to engage or to continue in the business of title insurance without first procuring from the Secretary a certificate of authority stating that the company has complied with the requirements of Section 4 of this Act. An insurer that transacts any class of insurance other than title insurance anywhere in the United States is not eligible for the issuance of a certificate of authority to transact title insurance in this State nor for a renewal of a certificate of authority.

(b) It is unlawful for any person, firm, partnership, association, corporation, or other legal entity to act as or hold itself out to be a title insurance agent unless first procuring from the Secretary a certificate of authority subject to the conditions of subsection (a) of Section 16.

(Source: P.A. 94-893, eff. 6-20-06.)

(215 ILCS 155/12) (from Ch. 73, par. 1412)

Sec. 12. Examinations; compliance.

(a) The Secretary or his authorized representative shall have the power and authority, and it shall be his duty, to cause to be visited and examined annually any title insurance company doing business under this Act, and to verify and compel compliance with the provisions of law governing it.

(b) The Secretary or his authorized representative ~~agent~~ shall have power and authority to compel compliance with the provisions of this Act and may visit and ~~shall, only upon the showing of good cause,~~ require a title insurance agent or independent escrowee to make appropriate records ~~any title insurance company to take all legal means to obtain the appropriate records of its registered agents and make them~~ available for examination at a time and place designated by the Secretary. ~~Expenses incurred in the course of such examinations will be the responsibility of the title insurance company. In the event that a present or former registered agent or its successor refuses or is unable to cooperate with a title insurance company in furnishing the records requested by the Secretary or his or her authorized agent, then the Secretary or his or her authorized agent shall have the power and authority to obtain those records directly from the registered agent.~~

(Source: P.A. 94-893, eff. 6-20-06.)

(215 ILCS 155/14) (from Ch. 73, par. 1414)

Sec. 14. Fees.

(a) Every title insurance company and every independent escrowee subject to this Act shall pay the following fees:

(1) for filing the original application for a certificate of authority and receiving the deposit required under this Act, $500;

(2) for the certificate of authority, $10;

(3) for every copy of a paper filed in the Department under this Act, $1 per folio;

(4) for affixing the seal of the Department and certifying a copy, $2; and

(5) for filing the annual statement, $50.

(b) Each title insurance company shall remit~~, for all of its title insurance agents subject to this Act for filing an annual registration of its agents,~~ an amount equal to $3 for each policy issued by all of its title insurance agents in the immediately preceding calendar year.

(c) Every title insurance agent subject to this Act shall pay the following fees:

(1) for a resident of the State, filing the original application for a certification of authority and for the certificate of authority, $80;

(2) for a nonresident of the State, filing the original application for a certification of authority and for the certificate of authority, $120;

(3) for a resident and nonresident of the State, filing for renewal of a certificate, $80; and

(4) for a resident and nonresident of the State, filing for reinstatement of a lapsed certificate, $120.

(Source: P.A. 99-104, eff. 1-1-16.)

(215 ILCS 155/14.1)

Sec. 14.1. Financial Institution Fund. All moneys received by the Department of Financial and Professional Regulation under this Act shall be deposited in the Financial Institution Fund created under Section 6z-26 of the State Finance Act for expenses incurred in administering this Act.

(Source: P.A. 98-463, eff. 8-16-13.)

(215 ILCS 155/16) (from Ch. 73, par. 1416)

Sec. 16. Title insurance agents.

(a) No person, firm, partnership, association, corporation or other legal entity shall act as or hold itself out to be a title insurance agent unless it has been issued a certificate of authority by ~~duly registered by a title insurance company with~~ the Secretary. Every title insurance agent registration before or after the effective date of this amendatory Act of the 101st General Assembly shall satisfy the requirements for a certificate of authority under this amendatory Act of the 101st General Assembly until January 1 of the calendar year immediately following the adoption of such rules that the Secretary shall adopt as may be necessary for the administration of granting of the certificates of authority for title insurance agents under this amendatory Act of the 101st General Assembly, and until the related application is either approved or disapproved; the continued recognition of such title insurance agent registrations during this period does not relieve title insurance agents and title insurance companies of their other obligations under this Act before the effective date of this amendatory Act of the 101st General Assembly.

(b) Each application for a certificate of authority ~~registration~~ shall be made on a form specified by the Secretary and prepared by each title insurance agent ~~company which the agent represents~~. The title insurance agent and company authorizing the agent shall retain the copy of the application and issued certificate of authority ~~forward a copy to the Secretary~~.

(c) Every applicant for a certificate of authority ~~registration~~, except a firm, partnership, association, limited liability company, or corporation, must be 18 years or more of age.

(1) Every applicant for a certificate of authority that is a firm, partnership, association, corporation, or other legal entity shall designate and name at least one individual who (i) has a financial or other beneficial interest in the licensee and (ii) is authorized by at least one title insurance company to determine insurability of title.

(2) Included in every application for a certificate of authority ~~registration~~ of a title insurance agent, including a firm,

partnership, association, limited liability company, or corporation, shall be an affidavit of the applicant title insurance agent, signed and notarized in front of a notary public, affirming that the applicant and every owner, officer, director, principal, member, or manager of the applicant has never been convicted or pled guilty to any felony or misdemeanor involving a crime of theft or dishonesty or otherwise accurately disclosing any such felony or misdemeanor involving a crime of theft or dishonesty. No person who has had a conviction or pled guilty to any felony or misdemeanor involving theft or dishonesty may be ~~registered by~~ a title insurance agent ~~company~~ without a written notification to the Secretary disclosing the conviction or plea, and no such person may serve as an owner, officer, director, principal, or manager of any ~~registered~~ title insurance agent without the written permission of the Secretary.

(3) An applicant for a certificate of authority of a title insurance agent, including a firm, partnership, association, limited liability company, or corporation, shall include an affidavit of the applicant, signed and notarized in front of a notary public, affirming that the applicant is authorized by one or more title insurance companies to determine insurability of title, stating the title insurance company or companies with which it is authorized, and listing the individuals authorized.

(4) Every applicant shall obtain and maintain errors and omissions insurance, or its equivalent, in an amount acceptable to the title insurance company authorizing the agent, but in no event in an amount less than $250,000 per claim and an aggregate limit of $500,000 with a deductible no greater than $25,000. A title insurance company shall not provide the insurance directly or indirectly on behalf of a title insurance agent. In the event errors and omissions insurance is unavailable generally, the Department shall adopt rules for alternative methods to comply with this paragraph.

(d) A certificate of authority ~~Registration~~ shall be renewed on January 1 every 2 years ~~made annually~~ by a filing with the Secretary; supplemental filings ~~registrations~~ for a new agency agreement with a title insurance company ~~agents~~ to be added between certificate of authority renewal ~~annual~~ filings shall be made by the title insurance agent from time to time in the manner provided by the Secretary; certificates of authority ~~registrations~~ shall remain in effect unless revoked or suspended by the Secretary or voluntarily withdrawn by the title insurance agent, ~~registrant~~ or the title insurance agent no longer has any agency agreement with a title insurance company.

(e) Funds deposited in connection with any escrows, settlements, or closings shall be deposited in a separate fiduciary trust account or accounts in a bank or other financial institution insured by an agency of the federal government unless the instructions provide otherwise. The funds shall be the property of the person or persons entitled thereto under the provisions of the escrow, settlement, or closing and shall be segregated by escrow, settlement, or closing in the records of the escrow agent. The funds shall not be subject to any debts of the escrowee and shall be used only in accordance with the terms of the individual escrow, settlement, or closing under which the funds were accepted.

Interest received on funds deposited with the escrow agent in connection with any escrow, settlement, or closing shall be paid to the depositing party unless the instructions provide otherwise.

The escrow agent shall maintain separate records of all receipts and disbursements of escrow, settlement, or closing funds.

The escrow agent shall comply with any rules adopted by the Secretary pertaining to escrow, settlement, or closing transactions.

(f) A title insurance agent shall not act as an escrow agent in a nonresidential real property transaction where the amount of settlement funds on deposit with the escrow agent is less than $2,000,000 or in a residential real property transaction unless the title insurance agent, title insurance company, or another authorized title insurance agent has committed for the issuance of title insurance in that transaction and the title insurance agent is authorized to act as an escrow agent on behalf of the title insurance company for which the commitment for title insurance has been issued. The authorization under the preceding sentence shall be given either (1) by an agency contract with the title insurance company which contract, in compliance with the requirements set forth in subsection (g) of this Section, authorizes the title insurance agent to act as an escrow agent on behalf of the title insurance company or (2) by a closing protection letter in compliance with the requirements set forth in Section 16.1 of this Act, issued by the title insurance company to the seller, buyer, borrower, and lender. A closing protection letter shall not be issued by a title insurance agent. The provisions of this subsection (f) shall not apply to the authority of a title insurance agent to act as an escrow agent under subsection (g) of Section 17 of this Act.

(g) If an agency contract between the title insurance company and the title insurance agent is the source of the authority under subsection (f) of this Section for a title insurance agent to act as escrow agent for a real property transaction, then the agency contract shall provide for no less protection from the title insurance company to all parties to the real property transaction than the title insurance company would have provided to those parties had the title insurance company issued a closing protection letter in conformity with Section 16.1 of this Act.

(h) A title insurance company shall be liable for the acts or omissions of its title insurance agent as an escrow agent if the title insurance company has authorized the title insurance agent under subsections (f) and (g) of this Section 16 and only to the extent of the liability undertaken by the title insurance company in the agency agreement or closing protection letter. The liability, if any, of the title insurance agent to the title insurance company for acts and omissions of the title insurance agent as an escrow agent shall not be limited or otherwise modified because the title insurance company has provided closing protection to a party or parties to a real property transaction escrow, settlement, or closing. The escrow agent shall not charge a fee for protection provided by a title insurance company to parties to real property transactions under subsections (f) and (g) of this Section 16 and Section 16.1, but shall collect from the parties the fee charged by the title insurance company and shall promptly remit the fee to the title insurance company. The title insurance company may charge the parties a reasonable fee for protection provided pursuant to subsections (f) and (g) of this Section 16 and Section 16.1 and shall not pay any portion of the fee to the escrow agent. The payment of any portion of the fee to the escrow agent by the title insurance company, shall be deemed a prohibited inducement or compensation in violation of Section 24 of this Act.

(i) The Secretary shall adopt and amend such rules as may be required for the proper administration and enforcement of this Section 16 consistent with the federal Real Estate Settlement Procedures Act and Section 24 of this Act.

(Source: P.A. 98-398, eff. 1-1-14; 98-832, eff. 1-1-15; 99-104, eff. 1-1-16.)

(215 ILCS 155/18) (from Ch. 73, par. 1418)

Sec. 18. Disclosure of financial interests ~~No referral payments; kickbacks~~.

(a) Application of this Section is limited to residential properties of 4 or fewer units, at least one of which units is occupied or to be occupied by an owner, legal or beneficial.

(b) No title insurance company, independent escrowee, or title insurance agent may issue a title insurance policy to, or provide services to an applicant if it knows or has reason to believe that the applicant was referred to it by any producer of title business or by any associate of such producer, where the producer, the associate, or both, have a financial interest in the title insurance company, independent escrowee, or title insurance agent to which business is referred unless the producer has disclosed to any party paying for the products or services, or his representative, the financial interest of the producer of title business or associate referring the title business and a disclosure of an estimate of those charges to be paid as described in Section 19. Such disclosure must be made in writing on forms prescribed by the Secretary prior to the time that the commitment for title insurance is issued. The title insurance company, independent escrowee, or title insurance agent shall maintain the disclosure forms for a period of 3 years.

(c) Each title insurance company, independent escrowee, and title insurance agent shall file with the Secretary, on forms prescribed by the Secretary, reports setting forth the names and addresses of those persons, if any, who have had a financial interest in the title insurance company, independent escrowee, or title insurance agent during the calendar year, who are known or reasonably believed by the title insurance company, independent escrowee, or title insurance agent to be producers of title business or associates of producers.

(1) Each title insurance company and independent escrowee shall file the report required under this subsection with its application for a certificate of authority and at any time there is a change in the information provided in the last report.

(2) Each title insurance agent shall file the report required under this subsection with its title insurance company for inclusion with its application for registration and at any time there is a change in the information provided in its last report.

(3) Each title insurance company, independent escrowee, or title insurance agent doing business on the effective date of this Act shall file the report required under this subsection within 90 days after such effective date.

(Source: P.A. 94-893, eff. 6-20-06.)

(215 ILCS 155/18.2 new)

Sec. 18.2. Title insurance rate.

(a) Rate filing requirements.

(1) Every title insurance company shall file with the Secretary every manual of classifications, rules, plans, forms, and schedules of fees and every modification of any of the foregoing relating to the rates that it proposes to use. Every such filing shall state the proposed effective date and shall indicate the character and extent of the coverage contemplated.

(2) A title insurance company may satisfy its obligations to make such filings by becoming a member of, or a subscriber to, a licensed rating organization that makes such filings and by authorizing the Secretary to accept such filings on its behalf.

(3) The Secretary shall make such review of the filings as may be necessary to carry out the provisions of this Act and either approve or disapprove a filing or any part of a filing, including the proposed effective date.

(4) Subject to the provisions of paragraphs (5) and (6) and either approval or disapproval of the Secretary, each filing shall be on file for a period of 30 days before it becomes effective. The Secretary may, upon written notice to the person making the filing within the 30-day period, extend the period no more than 30 days to enable the Secretary to complete the review of the filing. Further extensions of the waiting period may be made with the consent of the title insurance company or rating organization making the filing. Upon written application by the title insurance company or rating organization making the filing, the Secretary may authorize a filing or any part of a filing to become effective before the expiration of the waiting period or any extension.

(5) When the Secretary finds that any rate for a particular kind or class of risk cannot practicably be filed before it is used, or any contract or kind of title insurance, by reason of rarity or peculiar circumstances, does not lend itself to advance determination and filing of rates, the Secretary may permit the rates to be used without a previous filing and waiting period.

(6) A rate in excess of a filing may be used on any specific risk upon the written consent of the insured, filed with the Secretary, explaining the applicability of the rate to the specific risk; the rate becomes effective when the consent is filed.

(b) Justification for rates. A rate filing shall be accompanied by a statement of the title insurance company or rating organization making the filing setting forth the basis upon which the rate was fixed and the fees are to be computed. Any filing may be justified by:

(1) the experience or judgment of the title insurance company or rating organization making the filing;

(2) the experience of other title insurance companies or rating organizations; or

(3) any other factors that the title insurance company or rating organization deems relevant.

(c) Making of rates.

(1) In making rates, due consideration shall be given to past and prospective loss experience, to exposure to loss, to underwriting practice and judgment, to the extent appropriate, to past and prospective expenses, the expenses incurred by title insurance companies, to a reasonable margin for profit and contingencies, and to all other relevant factors both within and outside of this State.

(2) Rates shall not be inadequate or unfairly discriminatory, nor shall rates be excessive; that is, such as to permit title insurance companies to earn a greater profit, after payment of all taxes upon all income, than is necessary to enable them to earn over the years sufficient amounts to pay their actual expenses and losses arising in the conduct of their title insurance business, including the actual costs of maintaining a title plant, plus a reasonable profit.

(3) In ascertaining the estimated future earnings of title insurance companies, the Secretary shall utilize a properly weighted cross section of title insurance companies operating in this State representative of the average of normally efficiently operated title insurance companies including on a weighted basis, both title insurance companies having their own title plants, and those not operating upon the title plant system. In ascertaining what is a reasonable profit after payment of all taxes on such income, the Secretary shall give due consideration to the following matters:

(A) the average rates of profit after payment of taxes on all income earned by other industry generally;

(B) the desirability for stability of rate structure;

(C) the necessity of insuring through growth in assets in times of high business activity, the financial solvency of title insurance companies in times of economic depression; and

(D) The necessity for earning sufficient dividends on the stock of title insurance companies to induce capital to be invested in title insurance companies.

(4) The systems of expense provisions and the amount of expense charged against each class of contract or policy may vary between title insurance companies. Rates may, in the discretion of any title insurance company, be less than the cost of performing the work in the case of smaller insurances, and the excess may be charged against the larger insurances without rendering the rates unfairly discriminatory.

(d) Disapproval of filings. If the Secretary finds that the filing or a part of the filing does not meet the requirements of this Act, the Secretary shall issue an order specifying in what respects it fails to meet the requirements of this Act. If the filing or part of the filing already has become effective, the order shall also state when, within a reasonable period, such filing or part shall be deemed no longer effective. A title insurance company or rating organization shall have the right at any time to withdraw a filing or a part of the filing, subject to the provisions of subsection (f) of this Section regarding deviations. Copies of the order shall be sent to every such title insurance company and rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

(e) Rating organizations.

(1) A corporation, an unincorporated association, a partnership, or an individual, whether located within or outside this State, may make application to the Secretary for a license as a rating organization for title insurance companies.

(A) An entity seeking a license as a rating organization shall file:

(i) a copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its bylaws, rules, and regulations governing the conduct of its business;

(ii) a list of its members and subscribers;

(iii) the name and address of a resident of this State upon whom notices or orders of the Secretary or process affecting such rating organization may be served; and

(iv) a statement of its qualifications as a rating organization.

(B) If the Secretary finds that the applicant is competent, trustworthy, and otherwise qualified to act as a rating organization, and that its constitution, articles of agreement or association or certificate of incorporation, and its bylaws, rules, and regulations governing the conduct of its business conforms to the requirements of law, the Secretary shall issue a license authorizing the applicant to act as a rating organization for title insurance. Every such application shall be granted or denied in whole or in part by the Secretary within 60 days after the date of its filing. Licenses issued under this Section shall remain in effect for 3 years unless sooner suspended or revoked by the Secretary or withdrawn by the licensee. The fee for the license shall be $25. Licenses issued under this Section may be suspended or revoked by the Secretary, after hearing upon notice, in the event the rating organization ceases to meet the requirements of this subsection.

(C) Every rating organization shall notify the Secretary promptly of every change in:

(i) its constitution, its articles of agreement or association or its certificate of incorporation, and its bylaws, rules, and regulations governing the conduct of its business;

(ii) its list of members and subscribers; and

(iii) the name and address of the resident of this State designated by it upon whom notices or orders of the Secretary or process affecting such rating organization may be served.

(2) Subject to rules adopted by the Secretary, each rating organization shall permit any title insurance company not a member to be a subscriber to its rating services. Each rating organization shall furnish its rating services without discrimination to its members and subscribers. The furnishing of rating services without discrimination to its members and subscribers, or the refusal of any rating organization to admit a title insurance company as a subscriber, shall, at the request of any subscriber or any such title insurance company, be reviewed by the Secretary at a hearing held upon at least 10 days' written notice to such rating organization and to such subscriber or title insurance company. If the Secretary finds that the actions of the rating organization were discriminatory, the Secretary shall order that such actions cease. If the rating organization fails to grant or reject an application of a title insurance company for subscribership within 30 days after it was made, the title insurance company may request a review by the Secretary as if the application had been rejected. If the Secretary finds that the title insurance company has been refused admittance to the rating organization as a subscriber without justification, the Secretary shall order the rating organization to admit the title insurance company as a subscriber. If the Secretary finds that the action of the rating organization was justified, the Secretary shall make an order affirming its action.

(3) Cooperation among rating organizations, or among rating organizations and title insurance companies, and concert of action among title insurance companies under the same general management and control in rate making or in other matters within the scope of this Act is hereby authorized, provided that the filings are subject to all the provisions of this Act that are applicable to filings generally. The Secretary may review such activities and practices and if, after a hearing, the Secretary finds that any such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Act, the Secretary may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Act and requiring the discontinuance of such activity or practice.

(f) Deviations. Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization, except that any title insurance company that is a member of or subscriber to a rating organization may file with the Secretary a decrease or increase to be applied to any or all elements of the fees produced by the rating system so filed for a class of title insurance that is found by the Secretary to be a proper rating unit for the application of such uniform decrease or increase, or to be applied to the rates for a particular area. Such deviation filing shall specify the basis for the modification and shall be accompanied by the data or historical pattern upon which the applicant relies. A copy of the filing and data shall be sent simultaneously to such rating organization. Any such deviation filing shall be on file for a waiting period of 30 days before it becomes effective. The Secretary shall make such review of the deviation filing as may be necessary to carry out the provisions of this Act, and either approve or disapprove the filing or any part of the filing, including the proposed effective date. Extension of the waiting period may be made in the same manner that the period is extended in the case of rate filings. Upon written application of the person making the filing, the Secretary may authorize a deviation filing or any part of the filing to become effective before the expiration of the waiting period or any extension. Deviation filings shall be subject to the provisions of subsection (d) of this Section. Each deviation shall be effective for at least one year after the date such deviation is approved unless terminated sooner with the approval of the Secretary, or in accordance with the provisions of subsection (d) of this Section.

(g) Examinations of rating organizations. The Secretary shall, at least once in 5 years, make or cause to be made an examination of a rating organization licensed under this Act in this State. The reasonable costs of the examination shall be paid by the rating organization examined upon presentation to it of a detailed account of such costs. The officers, managers, agents, and employees of the rating organization may be examined at any time under oath and shall exhibit all books, records, accounts, documents, or agreements governing its method of operation. The Secretary shall furnish 2 copies of the examination report to the organization examined and shall notify such organization that it may, within 20 days, request a hearing on the report or on any facts or recommendations contained in the report. Before filing the report for public inspection, the Secretary shall grant a hearing to the organization examined. The report of the examination, when filed for public inspection, shall be admissible in evidence in any action or proceeding brought by the Secretary against the organization examined, or its officers or agents, and shall be prima facie evidence of facts stated in the report. The Secretary may withhold the report of the examination from public inspection for such time as the Secretary may deem proper. In lieu of the examination, the Secretary may

accept the report of an examination made by the title insurance supervisory official of another state pursuant to the laws of that state.

(h) Rate administration.

(1) The Secretary shall adopt reasonable rules and statistical plans, reasonably adapted to each of the rating systems on file with the Secretary, which may be modified from time to time, and which shall be used by each title insurance company in the recording and reporting of the composition of its business, its loss and countrywide expense experience and those of its title insurance underwriters in order that the experience of all title insurance companies may be made available, at least annually, in such form and detail as may be necessary to aid the Secretary in determining whether rating systems comply with the standards set forth in this Act. The rules and plans may also provide for the recording and reporting of expense experience items that are specially applicable to this State and are not susceptible of determination by a prorating of countrywide expense experience. In adopting the rules and plans, the Secretary shall give due consideration to the rating systems on file with the Secretary, and in order that the rules and plans may be as uniform as is practicable among the several states, to the rules and to form of the plans used for such rating systems in other states. The rules and plans shall not place an unreasonable burden of expense on any title insurance company. No title insurance company shall be required to record or report its expense and loss experience on a classification basis that is inconsistent with the rating system filed by it, nor shall any title insurance company be required to report its experience to any agency of which it is not a member or subscriber. The Secretary may designate one or more rating organizations or other agencies to assist the Secretary in gathering such experience and making compilations, and such compilations shall be made available, subject to reasonable rules adopted by the Secretary, to title insurance companies and rating organizations.

(2) Reasonable rules and plans may be adopted by the Secretary for the interchange of data necessary for the application of rating plans.

(3) In order to further uniform administration of rate regulatory laws, the Secretary and every title insurance company and rating organization may exchange information and experience data with title insurance supervisory officials, title insurance companies, and title insurance rating organizations in other states, and may consult with them with respect to rate making and the application of rating systems.

(4) In addition to any powers expressly enumerated in this Act, the Secretary shall have full power and authority, and it shall be their duty, to enforce and carry out by rules, orders, or otherwise the provisions of this Act and the full intent. The Secretary may adopt rules consistent with this Act as may be necessary or proper in the exercise of his or her powers or for the performance of his or her duties under this Act.

(i) False or misleading information. No person or organization shall willfully withhold information from or knowingly give false or misleading information to the Secretary, any statistical agency designated by the Secretary, any rating organization, or any title insurance company that will affect the rates or fees chargeable under this Act.

(j) Penalties.

(1) The Secretary may, if the Secretary finds that any person or organization has violated any provision of this Section, impose a penalty of not more than $500 for each such violation, but if the Secretary finds such violation to be willful, the Secretary may impose a penalty of not more than $5,000 for each such violation. Such penalties may be in addition to any other penalty provided by law.

(2) The Secretary may suspend the license of a rating organization or the certificate of authority of a title insurance company that fails to comply with an order of the Secretary within the time limited by such order, or any extension that the Secretary may grant. The Secretary shall not suspend the license of any rating organization or the certificate of authority of a title insurance company for failure to comply with an order until the time prescribed for an appeal has expired or, if an appeal has been taken, until such order has been affirmed. The Secretary may determine when a suspension of license shall become effective, and it shall remain in effect for the period fixed by the Secretary, unless the Secretary modifies or rescinds the suspension, or until the order upon which the suspension is based is modified, rescinded, or reversed.

(3) No penalty shall be imposed and no license or certificate of authority shall be suspended or revoked pursuant to this Section except upon a written order of the Secretary stating his or her findings made after a hearing held upon not less than 10 days' written notice to the holder specifying the alleged violation.

(4) All hearings provided for in this Section shall be conducted, and the decision of the Secretary on the issue or filing involved shall be rendered, in accordance with the Administrative Review Law.

(k) In all circumstances, whether involving rates filed by a rating organization or title insurance company:

(1) separate filings shall be provided for the 2 following geographic zones:

(A) Zone 1 comprising the counties of Cook, Lake, DuPage, McHenry, Kane, Will, Grundy, and Kendall; and

(B) Zone 2 comprising all other counties within the State.

The Secretary shall submit a report to the Governor and General Assembly no later than January 1, 2023 as to whether multiple zones are justified based on differences in costs between the zones.

(2) Rates shall be separated into classes based on monetary insurance ranges without distinction of commercial or residential use of the property.

(3) From the owner's policy premium, loan policy premium, and residential real property endorsement charges, which does not include closing protection letter charges, a title agent shall retain 80% and remit 20% to a title insurance company if services are performed by the title insurance agent to at least (i) determine insurability of title, which includes title examination and title clearance, and (ii) issue title insurance commitments, policies, and endorsements. For endorsement charges that are not for residential real property as defined in Section 3 of this Act, which does not include closing protection letter charges, a title agent shall retain 80% and remit 20% to a title insurance company provided the title agent is authorized pursuant to its agency contract to issue the endorsement and completes the work necessary to issue the endorsement. If the title agent is not authorized pursuant to its agency agreement to issue the endorsement and does not complete the work necessary to issue the endorsement, the title agent shall retain 0% and remit 100% of the charge to a title insurance company.

(4) Any fees charged to the parties to the transaction other than the owner's policy premium, loan policy premium, and endorsement charges shall not be retained or remitted between a title insurance company and title insurance agent, or with any other entity or individual, unless the charges are being retained or remitted in an amount directly related to services actually performed.

(5) Subject to all other provisions of this Section regarding rate filing requirements, a rate filing shall also include a specification of services to be performed for each fee intended to be charged to the parties to the transaction, which includes, but is not limited to, closing fees, escrow fees, settlement fees, closing protection letter fees subject to Section 16.1 of this Act, and like charges, and is applicable to services provided by an independent escrowee, which must similarly file a specification of services with the secretary.

(215 ILCS 155/21) (from Ch. 73, par. 1421)

Sec. 21. Regulatory action.

(a) The Secretary may refuse to grant, and may suspend or revoke, any certificate of authority, registration, or license issued pursuant to this Act or may impose a fine for a violation of this Act if he determines that the holder of or applicant for such certificate, registration, or license:

(1) has intentionally made a material misstatement or fraudulent misrepresentation in relation to a matter covered by this Act;

(2) has misappropriated or tortiously converted to its own use, or illegally withheld, monies held in a fiduciary capacity;

(3) has demonstrated untrustworthiness or incompetency in transacting the business of guaranteeing titles to real estate in such a manner as to endanger the public;

(4) has materially misrepresented the terms or conditions of contracts or agreements to which it is a party;

(5) has paid any commissions, discounts or any part of its premiums, fees or other charges to any person in violation of any State or federal law or regulations or opinion letters issued under the federal Real Estate Settlement Procedures Act of 1974;

(5.1) has accepted or referred a title order with knowledge that the order was placed in exchange for the express or implicit promise that a consumer will be referred to that provider for services;

(5.2) has given or accepted any portion of any charge made or received for the rendering of a real estate settlement service in connection with a transaction other than for services actually performed;

(5.3) has disbursed funds prior to the actual delivery of funds acceptable to the closing and settlement services agent;

(5.4) has disbursed of closing and settlement services funds before all necessary conditions of the transaction have been met;

(5.5) has paid for, furnished or offered to pay for or furnish any reward or compensation for any past, present, or future title insurance business or closing and settlement services or any other title business, including, but not limited to, the payment of a fee to an attorney for the referral of title business;

(5.6) has paid or offered to pay any fee to a producer of title business for making an inspection or appraisal of property;

(5.7) has received securities of the title insurance company, title insurance agent, or independent escrowee at prices below the normal market price, or bonds or debentures that guarantee a higher than

normal interest rate, whether or not the consummation of the transaction is directly or indirectly related to the number of closing and settlement services or title orders coming to the title insurance company, title insurance agent or independent escrowee through the efforts of that person;

(5.8) has furnished to any producer of title business or associate of a producer reports containing publicly recorded information, appraisals, estimates of income production potential, information kits, or similar packages containing information about one or more parcels of real property helpful to any producer of title business without making a charge that is commensurate with the actual cost of the work performed and the material furnished; Additionally:

(A) There must be a written service agreement between a title agent and any entity providing any closing, title, or ancillary related services on behalf of a title agent. Pursuant to this written service agreement, a service fee must be charged to the title agent and paid by the title agent to the service provider. The service fee charge is in addition to any search fee charged to the title agent and cannot be added on to the charges to the seller, buyer, borrower, or lender. The charge for a service fee shall be no less than $350; and

(B) Pursuant to an agency agreement or service agreement, the cost of searches procured on behalf of the title agent must be charged to the title agent and paid by the title agent to the provider of such searches in an amount commensurate with the actual cost of the work performed and the furnished. The search fee charge is in addition to any service fee charged to the title agent and cannot be added on to the charges to the seller, buyer, borrower, or lender.

(5.9) has made or guaranteed or has offered to make or guarantee, either directly or indirectly, any loan to any producer of title business or associate of a producer with terms more favorable than otherwise available to the producer;

(5.10) has guaranteed, or offered to guarantee the proper performance of closing and settlement services or undertakings that are to be performed by any producer of title business, except as authorized pursuant to Section 16 and 16.1 of this Act;

(5.11) has provided, or offered to provide, either directly or indirectly, a compensating balance or deposit in a lending institution either for the express or implied purpose of influencing the placement or channeling of title insurance business by the lending institution; this provision does not prohibit the maintenance by a title insurance company, title agent, or independent escrowee of demand deposits or escrow deposits that are reasonably necessary for use in the ordinary course of the business of the title insurance company, title agent, or independent escrowee;

(5.12) has paid for or offered to pay for the fees or charges of an outside professional, such as an attorney, engineer, appraiser, or surveyor, whose services are required by any producer of title business to structure or complete a particular transaction;

(5.13) has provided or offered to provide non-title services, such as computerized bookkeeping, forms management, computer programming, or any similar benefit, without a charge that is commensurate with the actual cost to any producer of title business or to any associate of a producer of title business;

(5.14) has furnished, or offered to furnish all or any part of the time or productive effort of any employee of the title insurance company, title insurance agent, or independent escrowee, such as office manager, escrow officer, secretary, clerk, or messenger, to any producer of the title business or associate of a producer of title business;

(5.15) has paid for or offered to pay for all or any part of the salary of an employee of any producer of title business;

(5.16) was paid for or offered to pay for the salary or any part of the salary of a relative of any producer of title business if that payment is in excess of the reasonable value of work performed by the relative on behalf of the title insurance company, title insurance agent or independent escrowee;

(5.17) has paid for or offered to pay for services by any producer of title business that are ordinarily to be performed by the producer of title business in his or her licensed capacity as a real estate or mortgage broker or salesman or agent;

(5.18) has furnished or offered to furnish, or paid for or offered to pay for, furniture, office supplies, telephones, facsimile machines, equipment, or automobiles to any producer of title business, or has paid for or offered to pay for any portion of the cost of renting, leasing, operating or maintaining any of these items;

(5.19) has paid for, furnished, or waived, or offered to pay for, furnish, or waive all or any part of the rent for space occupied by any producer of title business;

(5.20) has rented or offered to rent space from any producer of title business, regardless of the purpose, at a rent that is excessive when compared with rents for comparable space in the geographic area, or has paid or offered to pay rent based in whole or in part on the volume of business generated by any producer of title business;

(5.21) has paid for or offered to pay for gifts, vacations, business trips, convention expenses, travel expenses, membership fees, registration fees, lodging, or meals on behalf of a producer of title insurance, directly or indirectly, or supplied letters of credit, credit cards, or any such benefits;

(5.22) has paid for or offered to pay for the cancellation fee for a title report or other fee on behalf of any producer of title business either before or after inducing the producer of title business to cancel an order with another title insurance company, title insurance agent, or independent escrowee;

(5.23) has paid for, furnished, or offered to pay for or furnish any business form to any producer of title business, other than a form regularly used in the conduct of the title insurance company's business, that is furnished for the convenience of the title insurance company and does not constitute a direct monetary benefit to any producer of title business;

(5.24) has given trading stamps, cash redemption coupons, or similar items to any producer of title business;

(6) has failed to comply with the deposit and reserve requirements of this Act or any other requirements of this Act;

(7) has committed fraud or misrepresentation in applying for or procuring any certificate of authority, registration, or license issued pursuant to this Act;

(8) has a conviction or plea of guilty or plea of nolo contendere in this State or any other jurisdiction to (i) any felony or (ii) a misdemeanor, an essential element of which is dishonesty or fraud or larceny, embezzlement, or obtaining money, property, or credit by false pretenses or by means of a confidence game;

(9) has been disciplined by another state, the District of Columbia, a territory, foreign nation, a governmental agency, or any entity authorized to impose discipline if at least one of the grounds for that discipline is the same as or equivalent to one of the grounds for which a title insurance company, title insurance agent, or independent escrowee may be disciplined under this Act or if at least one of the grounds for that discipline involves dishonesty; a certified copy of the record of the action by the other state or jurisdiction shall be prima facie evidence thereof;

(10) has advertising that is inaccurate, misleading, or contrary to the provisions of this Act;

(11) has knowingly and willfully made any substantial misrepresentation or untruthful advertising;

(12) has made any false promises of a character likely to influence, persuade, or induce;

(13) has knowingly failed to account for or remit any money or documents coming into the possession of a title insurance company, title insurance agent, or independent escrowee that belong to others;

(14) has engaged in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(15) has violated the terms of a disciplinary order issued by the Department;

(16) has disregarded or violated any provision of this Act or the published rules adopted by the Department to enforce this Act or has aided or abetted any individual, partnership, registered limited liability partnership, limited liability company, or corporation in disregarding any provision of this Act or the published rules; or

(17) has acted as a title insurance company, title insurance agent, or independent escrowee without a certificate of authority, registration, or license after the title insurance company, title insurance agent, or independent escrowee's certificate of authority, registration, or license was inoperative.

(a-1) Nothing in subsection (a) shall be construed as prohibiting:

(1) publishing or printing and disseminating any educational information, notwithstanding that the information may be of benefit to a producer of title business;

(2) distributing information, whether printed or oral, advertising novelties, and gift items not to exceed $25 in value that bear the name of the giver (but not the name of the recipient) to producers of title business;

(3) providing reasonable promotional and educational activities that are not conditioned on the referral of business and that do not involve the defraying of expenses that otherwise would be incurred by persons in a position to refer settlement services or business incident to those services, such as a reception by a title company, seminars on title matters offered to professionals, furnishing property descriptions and names of record owners without charge to lenders, real estate brokers, attorneys, or others, or distribution of calendars and other promotional material that do not exceed $25 in value;

(4) the payment of a fee:

(A) that bears a reasonable relationship to the value of the services rendered or performed:

(i) by any person or party to attorneys at law for services actually rendered;

(ii) by a title company to its duly appointed agent for services actually performed in the issuance of a policy of title insurance; or

(iii) by a lender to its duly appointed agent for services actually performed in the making of a loan; and

(B) to a settlement service provider for services outside of the normal scope of that provider's services to the parties to the transaction;

(5) the payment of a bona fide salary or compensation or other payment for goods or facilities actually furnished or for services actually performed, so long as the salary, compensation, or other payment bears a reasonable relationship to the value of the services, goods, or facilities;

(6) proportionate returns on an ownership or franchise interest;

(7) ordinary and customary business entertainment or promotional activities with reasonable frequency not to exceed $100 in value per person, per event by title insurance companies, title insurance agents, or independent escrowees that are not directly or indirectly consideration as an inducement or compensation for the referral of title business or for the referral of any escrow or other service from a title insurance company, title insurance agent, or independent escrowee.

(b) In every case where a registration or certificate is suspended or revoked, or an application for a registration or certificate or renewal thereof is refused, the Secretary shall serve notice of his action, including a statement of the reasons for his action, as provided by this Act. When a notice of suspension or revocation of a certificate of authority is given to a title insurance company, the Secretary shall also notify all the registered agents of that title insurance company of the Secretary's action.

(c) In the case of a refusal to issue or renew a certificate or accept a registration, the applicant or registrant may request in writing, within 30 days after the date of service, a hearing. In the case of a refusal to renew, the expiring registration or certificate shall be deemed to continue in force until 30 days after the service of the notice of refusal to renew, or if a hearing is requested during that period, until a final order is entered pursuant to such hearing.

(d) The suspension or revocation of a registration or certificate shall take effect upon service of notice thereof. The holder of any such suspended registration or certificate may request in writing, within 30 days of such service, a hearing.

(e) In cases of suspension or revocation of registration pursuant to subsection (a), the Secretary may, in the public interest, issue an order of suspension or revocation which shall take effect upon service of notification thereof. Such order shall become final 60 days from the date of service unless the registrant requests in writing, within such 60 days, a formal hearing thereon. In the event a hearing is requested, the order shall remain temporary until a final order is entered pursuant to such hearing.

(f) Hearing shall be held at such time and place as may be designated by the Secretary either in the City of Springfield, the City of Chicago, or in the county in which the principal business office of the affected registrant or certificate holder is located.

(g) The suspension or revocation of a registration or certificate or the refusal to issue or renew a registration or certificate shall not in any way limit or terminate the responsibilities of any registrant or certificate holder arising under any policy or contract of title insurance to which it is a party. No new contract or policy of title insurance may be issued, nor may any existing policy or contract to title insurance be renewed by any registrant or certificate holder during any period of suspension or revocation of a registration or certificate.

(h) The Secretary may issue a cease and desist order to a title insurance company, agent, or other entity doing business without the required license or registration, when in the opinion of the Secretary, the company, agent, or other entity is violating or is about to violate any provision of this Act or any law or of any rule or condition imposed in writing by the Department.

The Secretary may issue the cease and desist order without notice and before a hearing.

The Secretary shall have the authority to prescribe rules for the administration of this Section.

If it is determined that the Secretary had the authority to issue the cease and desist order, he may issue such orders as may be reasonably necessary to correct, eliminate or remedy such conduct.

Any person or company subject to an order pursuant to this Section is entitled to judicial review of the order in accordance with the provisions of the Administrative Review Law.

The powers vested in the Secretary by this Section are additional to any and all other powers and remedies vested in the Secretary by law, and nothing in this Section shall be construed as requiring that the Secretary shall employ the powers conferred in this Section instead of or as a condition precedent to the exercise of any other power or remedy vested in the Secretary.

(Source: P.A. 98-398, eff. 1-1-14.)

(215 ILCS 155/23) (from Ch. 73, par. 1423)

Sec. 23. Violation; penalties; actual damages; injunctive relief.

(a) Any violation of any of the provisions of this Act and, beginning January 1, 2013, any violation of any of the provisions of Article 3 of the Residential Real Property Disclosure Act shall constitute a business offense and shall subject the party violating the same to a penalty of $1000 for each offense.

(b) A violation of paragraphs (5.1) through (5.24) of subsection (a) of Section 21 is a Class A misdemeanor.

(c) A person who violates the prohibitions or limitations of subsection (a) of Section 21 shall be liable to the person or persons charged for the settlement service involved in the violation for actual damages.

(d) A title insurance company, a title insurance agent, or a independent escrowee who violates the prohibitions or limitations of subsection (a) of Section 21 shall be subject to injunctive relief. If a permanent injunction is granted, the court may award actual damages. Reasonable attorney's fees and costs may be awarded to the prevailing party.

(e) ~~(b)~~ Nothing contained in this Section shall affect the right of the Secretary to revoke or suspend a title insurance company's , title insurance agent's, or independent escrowee's certificate of authority ~~or a title insurance agent's registration~~ under any other Section of this Act.

(Source: P.A. 97-891, eff. 8-3-12.)

(215 ILCS 155/19 rep.) (215 ILCS 155/24 rep.) (215 ILCS 155/25 rep.)

Section 10. The Title Insurance Act is amended by repealing Sections 19, 24, and 25.

Section 99. Effective date. This Act takes effect upon becoming law, except that Section 18.2 of the Title Insurance Act take effect September 1, 2020.".

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

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

On motion of Senator Morrison, **Senate Bill No. 1449** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1449

AMENDMENT NO. 1 . Amend Senate Bill 1449 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 370c.2 as follows:

(215 ILCS 5/370c.2 new)

Sec. 370c.2. Task force on disability income insurance; parity for behavioral health conditions.

(a) As used in this Section, "behavioral health condition" means any mental, emotional, nervous, or substance use disorder or condition that falls under any of the diagnostic categories listed in the mental and behavioral disorders chapter of the current edition of the International Classification of Disease or that is listed in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders.

(b) The Department shall form a task force to review the plans and policies for individual and group short-term and long-term disability income insurance issued and offered to individuals and employers in this State to examine the use of such insurance for behavioral health conditions. The task force shall be comprised of experts in the disability income insurance industry, experts in the behavioral health conditions and treatment industry, members of the general public, and 4 members of the General Assembly, 2 who shall be appointed by the President of the Senate and 2 who shall be appointed by the Speaker of the House of Representatives, with equal representation from the majority and minority parties.

(c) Appointments shall be made 90 days after the effective date of this amendatory Act of the 101st General Assembly.

(d) Members shall serve without compensation and shall be adults and residents of Illinois.

(e) The task force shall:

(1) review existing plans and policies for individual and group short-term and long-term disability income insurance issued, delivered, and offered in the State;

(2) compare consumer use of short-term and long-term disability income insurance coverage for behavioral health conditions with use of such insurance for physical conditions;

(3) review reports of current costs incurred from individual and group short-term and long-term disability income insurance to cover behavioral health conditions at parity with physical conditions; and

(4) provide recommendations on the use of individual and group short-term and long-term disability income insurance to cover behavioral health conditions.

(f) Any of the findings, recommendations, and other information determined by the task force to be relevant shall be made available on the Department's website.

(g) The task force shall submit findings and recommendations to the Governor and the General Assembly by December 31, 2020.

(h) The task force is dissolved and this Section is repealed on December 31, 2021.

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

Committee Amendment No. 2, Floor Amendment No. 3 and Floor Amendment No. 4 were held in the Committee on Assignments.

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

On motion of Senator Bush, **Senate Bill No. 1507** having been printed, was taken up, read by title a second time.

Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1507

AMENDMENT NO. 1. Amend Senate Bill 1507 on page 4, immediately below line 18, by inserting the following:

"(d) Nothing in this Act shall be construed to impose liability on an interactive computer service, as defined in 47 U.S.C. 230(f)(2), for content provided by another person.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1507

AMENDMENT NO. 2. Amend Senate Bill 1507 on page 1, line 15, by replacing "of" with "or"; and

on page 6, line 24, by deleting "not to exceed $10,000".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Collins, **Senate Bill No. 1510** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1510

AMENDMENT NO. 1. Amend Senate Bill 1510 by replacing everything after the enacting clause with the following:

"Section 5. The Nursing Home Care Act is amended by changing Sections 2-106.1, 2-204, 3-202.05, 3-209, and 3-305 and by adding Section 3-305.8 as follows:

(210 ILCS 45/2-106.1)

Sec. 2-106.1. Drug treatment.

(a) A resident shall not be given unnecessary drugs. An unnecessary drug is any drug used in an excessive dose, including in duplicative therapy; for excessive duration; without adequate monitoring; without adequate indications for its use; or in the presence of adverse consequences that indicate the drugs should be reduced or discontinued. The Department shall adopt, by rule, the standards for unnecessary drugs contained in interpretive guidelines issued by the United States Department of Health and Human Services for the purposes of administering Titles XVIII and XIX of the Social Security Act.

(b) Psychotropic medication shall not be prescribed without the informed consent of the resident, the resident's guardian, or other authorized representative. "Psychotropic medication" means medication that is used for or listed as used for antipsychotic, antidepressant, antimanic, or antianxiety behavior modification or behavior management purposes in the latest editions of the AMA Drug Evaluations or the Physician's Desk Reference. No later than January 1, 2020, the ~~The~~ Department shall adopt, by rule, a protocol specifying how informed consent for psychotropic medication may be obtained or refused. The protocol shall require, at a minimum, a discussion between (i) the resident or the resident's authorized representative and (ii) the resident's physician, a registered pharmacist (who is not a dispensing pharmacist for the facility where the resident lives), or a licensed nurse about the possible risks and benefits of a recommended medication and the use of standardized consent forms designated by the Department. Each form developed by the Department (i) shall be written in plain language, (ii) shall be able to be downloaded from the Department's official website, (iii) shall include information specific to the psychotropic medication for which consent is being sought, and (iv) shall be used for every resident for whom psychotropic drugs are prescribed. In addition to creating those forms, the Department shall approve the use of any other informed consent forms that meet criteria developed by the Department.

In addition to any other penalty prescribed by law, a facility that is found to have violated this subsection, or the federal certification requirement that informed consent be obtained before administering a psychotropic medication, shall thereafter be required to obtain the signatures of 2 licensed health care professionals on every form purporting to give informed consent for the administration of a psychotropic medication, certifying the personal knowledge of each health care professional that the consent was obtained in compliance with the requirements of this subsection.

(b-5) A prescribing clinician must obtain voluntary informed consent, in writing, from a resident or the resident's legal representative before authorizing the administration of a psychotropic medication to that resident. Voluntary informed consent shall, at minimum, consist of a written and signed affirmation from the resident or the resident's legal representative that he or she has been informed of all pertinent information concerning the administration of psychotropic medication in language that the signer can reasonably be expected to understand. The pertinent information shall include, but not be limited to:

(1) the reason for the drug's prescription and the intended effect of the drug on the resident's condition;

(2) the nature of the drug and the procedure for its administration, including dosage, administration schedule, method of delivery, and expected duration for the drug to be administered;

(3) the probable degree of improvement expected from the recommended administration of the drug;

(4) the risks and likely side effects associated with administration of the drug;

(5) the right of the resident or the resident's legal representative to refuse the administration of the psychotropic medication and the medical and clinical consequences of such refusal; and

(6) an explanation of care alternatives to the administration of psychotropic medication and the resident's right to choose such alternatives.

A prescribing clinician shall inform the resident or the resident's legal representative of the existence of the resident's managed care plan and of the facility's policies and procedures for compliance with informed consent requirements and shall make these available to the resident or resident's legal representative prior to administering any antipsychotic drug and upon request.

(b-10) No facility or managed care plan shall deny admission or continued residency to a person on the basis of the person's or resident's, or the person's or resident's legal representative's, refusal of the administration of psychotropic medication, unless the prescribing clinician or facility can demonstrate that the resident's refusal would place the health and safety of the resident, the facility staff, other residents, or visitors at risk.

A facility that alleges that the resident's refusal to consent to the administration of psychotropic medication will place the health and safety of the resident, the facility staff, other residents, or visitors at risk must: (1) document the alleged risk in detail; (2) present this documentation to the resident or the resident's legal representative, to the Department, and to the Office of the State Long Term Care Ombudsman; and (3) inform the resident or his or her legal representative of his or her right to appeal to the Department. The documentation of the alleged risk shall include a description of all nonpharmacological or alternative care options attempted and why they were unsuccessful.

(b-15) Within 100 days after the effective date of this amendatory Act of the 101st General Assembly, all facilities must submit to the Department written policies and procedures for compliance with this Section. The Department shall review these written policies and procedures and either:

(1) give written notice to the facility that the policies or procedures are sufficient to demonstrate the facility's intent to comply this Section; or

(2) provide written notice to the facility that the proposed policies and procedures are deficient, identify the areas that are deficient, and provide 30 days for the facility to submit amended policies and procedures that demonstrate its intent to comply with this Section.

A facility's failure to submit the documentation sufficient to demonstrate its intent to comply with this Section shall be grounds for review under the Department's facility licensure and survey process, the imposition of sanctions by the State, or both.

All facilities must provide training and education, as required under this Section, to all personnel involved in providing care to residents and train and educate such personnel on the methods and procedures to effectively implement the facility's policies. Training and education provided under this Section must be documented in each personnel file.

(b-20) Any violation of this Section may be reported to the Department for review. At its discretion, the Department may proceed with disciplinary action against the licensee of the facility and facility administrative personnel.

(b-25) A violation of informed consent under this Section is, at minimum, a Type "A" violation.

(b-30) Any violation of this Section by a prescribing clinician or facility may be prosecuted by an action brought by the Attorney General of Illinois for injunctive relief, civil penalties, or both injunctive relief and civil penalties in the name of the People of Illinois. The Attorney General may initiate such action upon his or her own complaint or the complaint of any other interested party.

(b-35) Any resident who has been prescribed or has been administered a psychotropic medication in violation of this Section may bring an action for injunctive relief, civil damages, and costs and attorney's fees against any person and facility responsible for the violation. Such claim is separate and distinct from any claims of negligence, malpractice, or any other claims arising from or related to the resident's care. A claim under this Section may be brought by the resident, the resident's legal representative on behalf of the resident, the resident's estate, or any of the resident's survivors.

(b-40) An action pursuant to this Section must be filed within 2 years of either the date of discovery of the violation that gave rise to the claim or the last date of an instance of a noncompliant administration of an antipsychotic drug to the resident, whichever is later.

(b-45) A prescribing clinician or facility subject to action under this Section shall be liable for damages of up to $500 for each day that the facility or person violates the requirements of this Section, as well as costs and attorney's fees.

(b-50) Any violation of this Section shall serve as prima facie evidence of abuse or criminal neglect of a person in a long-term care facility under Section 12-4.4a of the Criminal Code of 2012.

(b-55) The rights provided for in this Section are cumulative to existing resident rights. No part of this Section shall be interpreted as abridging, abrogating, or otherwise diminishing existing resident rights or causes of action at law or equity.

(c) The requirements of this Section are intended to control in a conflict with the requirements of Sections 2-102 and 2-107.2 of the Mental Health and Developmental Disabilities Code with respect to the administration of psychotropic medication.
(Source: P.A. 95-331, eff. 8-21-07; 96-1372, eff. 7-29-10.)

(210 ILCS 45/2-204) (from Ch. 111 1/2, par. 4152-204)

Sec. 2-204. The Director shall appoint a Long-Term Care Facility Advisory Board to consult with the Department and the residents' advisory councils created under Section 2-203.

(a) The Board shall be comprised of the following persons:

(1) The Director who shall serve as chairman, ex officio and nonvoting; and

(2) One representative each of the Department of Healthcare and Family Services, the Department of Human Services, the Department on Aging, and the Office of the State Fire Marshal, all nonvoting members;

(3) One member who shall be a physician licensed to practice medicine in all its branches;

(4) One member who shall be a registered nurse selected from the recommendations of professional nursing associations;

(5) Four members who shall be selected from the recommendations by organizations whose membership consists of facilities;

(6) Two members who shall represent the general public who are not members of a residents' advisory council established under Section 2-203 and who have no responsibility for management or formation of policy or financial interest in a facility;

(7) One member who is a member of a residents' advisory council established under Section 2-203 and is capable of actively participating on the Board; ~~and~~

(8) One member who shall be selected from the recommendations of consumer organizations

which engage solely in advocacy or legal representation on behalf of residents and their immediate families; ~~.~~

(9) One member who is from a nongovernmental statewide organization that advocates for seniors and Illinois residents over the age of 50;

(10) One member who is from a statewide association dedicated to Alzheimer's disease care, support, and research;

(11) One member who is a member of a trade or labor union representing persons who provide care services in facilities; and

(12) One member who advocates for the welfare, rights, and care of long-term care residents and represents family caregivers of residents in facilities.

(b) The terms of those members of the Board appointed prior to the effective date of this amendatory Act of 1988 shall expire on December 31, 1988. Members of the Board created by this amendatory Act of 1988 shall be appointed to serve for terms as follows: 3 for 2 years, 3 for 3 years and 3 for 4 years. The member of the Board added by this amendatory Act of 1989 shall be appointed to serve for a term of 4 years. Each successor member shall be appointed for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. The Board shall meet as frequently as the chairman deems necessary, but not less than 4 times each year. Upon request by 4 or more members the chairman shall call a meeting of the Board. The affirmative vote of 7 ~~6~~ members of the Board shall be necessary for Board action. A member of the Board can designate a replacement to serve at the Board meeting and vote in place of the member by submitting a letter of designation to the chairman prior to or at the Board meeting. The Board members shall be reimbursed for their actual expenses incurred in the performance of their duties.

(c) The Advisory Board shall advise the Department of Public Health on all aspects of its responsibilities under this Act and the Specialized Mental Health Rehabilitation Act of 2013, including the format and content of any rules promulgated by the Department of Public Health. Any such rules, except emergency rules promulgated pursuant to Section 5-45 of the Illinois Administrative Procedure Act, promulgated without obtaining the advice of the Advisory Board are null and void. In the event that the Department fails to follow the advice of the Board, the Department shall, prior to the promulgation of such rules, transmit a written explanation of the reason thereof to the Board. During its review of rules, the Board shall analyze the economic and regulatory impact of those rules. If the Advisory Board, having been asked for its advice, fails to advise the Department within 90 days, the rules shall be considered acted upon.
(Source: P.A. 97-38, eff. 6-28-11; 98-104, eff. 7-22-13; 98-463, eff. 8-16-13.)

(210 ILCS 45/3-202.05)

Sec. 3-202.05. Staffing ratios effective July 1, 2010 and thereafter.

(a) For the purpose of computing staff to resident ratios, direct care staff shall include:

(1) registered nurses;

(2) licensed practical nurses;

(3) certified nurse assistants;

(4) psychiatric services rehabilitation aides;

(5) rehabilitation and therapy aides;

(6) psychiatric services rehabilitation coordinators;

(7) assistant directors of nursing;

(8) 50% of the Director of Nurses' time; and

(9) 30% of the Social Services Directors' time.

The Department shall, by rule, allow certain facilities subject to 77 Ill. Admin. Code 300.4000 and following (Subpart S) to utilize specialized clinical staff, as defined in rules, to count towards the staffing ratios.

Within 120 days of the effective date of this amendatory Act of the 97th General Assembly, the Department shall promulgate rules specific to the staffing requirements for facilities federally defined as Institutions for Mental Disease. These rules shall recognize the unique nature of individuals with chronic mental health conditions, shall include minimum requirements for specialized clinical staff, including clinical social workers, psychiatrists, psychologists, and direct care staff set forth in paragraphs (4) through (6) and any other specialized staff which may be utilized and deemed necessary to count toward staffing ratios.

Within 120 days of the effective date of this amendatory Act of the 97th General Assembly, the Department shall promulgate rules specific to the staffing requirements for facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013. These rules shall recognize the unique nature of individuals with chronic mental health conditions, shall include minimum requirements for specialized

clinical staff, including clinical social workers, psychiatrists, psychologists, and direct care staff set forth in paragraphs (4) through (6) and any other specialized staff which may be utilized and deemed necessary to count toward staffing ratios.

(b) (Blank). ~~Beginning January 1, 2011, and thereafter, light intermediate care shall be staffed at the same staffing ratio as intermediate care.~~

(b-5) For purposes of the minimum staffing ratios in this Section, all residents shall be classified as requiring either skilled care or intermediate care.

As used in this subsection:

"Intermediate care" means basic nursing care and other restorative services under periodic medical direction.

"Skilled care" means skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision.

(c) Facilities shall notify the Department within 60 days after the effective date of this amendatory Act of the 96th General Assembly, in a form and manner prescribed by the Department, of the staffing ratios in effect on the effective date of this amendatory Act of the 96th General Assembly for both intermediate and skilled care and the number of residents receiving each level of care.

(d)(1) Effective July 1, 2010, for each resident needing skilled care, a minimum staffing ratio of 2.5 hours of nursing and personal care each day must be provided; for each resident needing intermediate care, 1.7 hours of nursing and personal care each day must be provided.

(2) Effective January 1, 2011, the minimum staffing ratios shall be increased to 2.7 hours of nursing and personal care each day for a resident needing skilled care and 1.9 hours of nursing and personal care each day for a resident needing intermediate care.

(3) Effective January 1, 2012, the minimum staffing ratios shall be increased to 3.0 hours of nursing and personal care each day for a resident needing skilled care and 2.1 hours of nursing and personal care each day for a resident needing intermediate care.

(4) Effective January 1, 2013, the minimum staffing ratios shall be increased to 3.4 hours of nursing and personal care each day for a resident needing skilled care and 2.3 hours of nursing and personal care each day for a resident needing intermediate care.

(5) Effective January 1, 2014, the minimum staffing ratios shall be increased to 3.8 hours of nursing and personal care each day for a resident needing skilled care and 2.5 hours of nursing and personal care each day for a resident needing intermediate care.

(e) Ninety days after the effective date of this amendatory Act of the 97th General Assembly, a minimum of 25% of nursing and personal care time shall be provided by licensed nurses, with at least 10% of nursing and personal care time provided by registered nurses. These minimum requirements shall remain in effect until an acuity based registered nurse requirement is promulgated by rule concurrent with the adoption of the Resource Utilization Group classification-based payment methodology, as provided in Section 5-5.2 of the Illinois Public Aid Code. Registered nurses and licensed practical nurses employed by a facility in excess of these requirements may be used to satisfy the remaining 75% of the nursing and personal care time requirements. Notwithstanding this subsection, no staffing requirement in statute in effect on the effective date of this amendatory Act of the 97th General Assembly shall be reduced on account of this subsection.

(f) The Department shall adopt rules on or before January 1, 2020 establishing a system for determining compliance with minimum direct care staffing standards. Compliance shall be determined at least quarterly using the Centers for Medicare and Medicaid Services' payroll-based journal and the facility's census and payroll data, which shall be obtained quarterly by the Department. The Department shall, at minimum, use the quarterly payroll-based journal and census and payroll data to calculate the number of hours provided per resident per day and compare this ratio to the minimums required by this Section. The Department shall publish the data quarterly on its website.

(g) The Department shall adopt rules by January 1, 2020 establishing monetary penalties for facilities not in compliance with minimum staffing standards under this Section. Monetary penalties shall be imposed beginning no later than October 1, 2020 and quarterly thereafter and shall be based on the latest quarter for which the Department has data.

Monetary penalties shall be established based on a formula that calculates the cost of wages and benefits for the missing staff hours and shall be no less than twice the calculated cost of wages and benefits for the missing staff hours during the quarter or the minimum penalty for a Type "B" violation, whichever is greater. The penalty shall be imposed regardless of whether the facility has committed other violations of this Act during the same quarter. The penalty may not be waived. Nothing in this Section precludes a facility from being given a high risk designation for failing to comply with this Section that, when cited with other violations of this Act, increases the otherwise-applicable penalty.

(h) A violation of the minimum staffing requirements under this Section is, at minimum, a Type "B" violation.

(Source: P.A. 97-689, eff. 6-14-12; 98-104, eff. 7-22-13.)

(210 ILCS 45/3-209) (from Ch. 111 1/2, par. 4153-209)

Sec. 3-209. Required posting of information.

(a) Every facility shall conspicuously post for display in an area of its offices accessible to residents, employees, and visitors the following:

(1) Its current license;

(2) A description, provided by the Department, of complaint procedures established under this Act and the name, address, and telephone number of a person authorized by the Department to receive complaints;

(3) A copy of any order pertaining to the facility issued by the Department or a court; and

(4) A list of the material available for public inspection under Section 3-210.

(b) A facility that has received a notice of violation for having violated the minimum staffing requirements under Section 3-202.05 shall display, for 3 months following the date that the notice of violation was issued, a notice stating that the facility did not have enough staff to meet the needs of the facility's residents during the quarter cited in the notice of violation. Notices must be posted, at a minimum, at all exterior and interior entryways into the facility for easily accessible viewing.

(Source: P.A. 81-1349.)

(210 ILCS 45/3-305) (from Ch. 111 1/2, par. 4153-305)

Sec. 3-305. The license of a facility which is in violation of this Act or any rule adopted thereunder may be subject to the penalties or fines levied by the Department as specified in this Section.

(1) A licensee who commits a Type "AA" violation as defined in Section 1-128.5 is automatically issued a conditional license for a period of 6 months to coincide with an acceptable plan of correction and assessed a fine up to $25,000 per violation.

(1.5) A licensee who commits a Type "A" violation as defined in Section 1-129 is automatically issued a conditional license for a period of 6 months to coincide with an acceptable plan of correction and assessed a fine of up to $12,500 per violation.

(2) A licensee who commits a Type "B" violation as defined in Section 1-130 shall be assessed a fine of up to $1,100 per violation or the monetary penalty specified in subsection (g) of Section 3-202.05, whichever is greater.

(2.5) A licensee who commits 10 or more Type "C" violations, as defined in Section 1-132, in a single survey shall be assessed a fine of up to $250 per violation. A licensee who commits one or more Type "C" violations with a high risk designation, as defined by rule, shall be assessed a fine of up to $500 per violation.

(3) A licensee who commits a Type "AA" or Type "A" violation as defined in Section 1-128.5 or 1-129 which continues beyond the time specified in paragraph (a) of Section 3-303 which is cited as a repeat violation shall have its license revoked and shall be assessed a fine of 3 times the fine computed per resident per day under subsection (1).

(4) A licensee who fails to satisfactorily comply with an accepted plan of correction for a Type "B" violation or an administrative warning issued pursuant to Sections 3-401 through 3-413 or the rules promulgated thereunder shall be automatically issued a conditional license for a period of not less than 6 months. A second or subsequent acceptable plan of correction shall be filed. A fine shall be assessed in accordance with subsection (2) when cited for the repeat violation. This fine shall be computed for all days of the violation, including the duration of the first plan of correction compliance time.

(5) For the purpose of computing a penalty under subsections (2) through (4), the number of residents per day shall be based on the average number of residents in the facility during the 30 days preceding the discovery of the violation.

(6) When the Department finds that a provision of Article II has been violated with regard to a particular resident, the Department shall issue an order requiring the facility to reimburse the resident for injuries incurred, or $100, whichever is greater. In the case of a violation involving any action other than theft of money belonging to a resident, reimbursement shall be ordered only if a provision of Article II has been violated with regard to that or any other resident of the facility within the 2 years immediately preceding the violation in question.

(7) For purposes of assessing fines under this Section, a repeat violation shall be a violation which has been cited during one inspection of the facility for which an accepted plan of correction was not complied with or a new citation of the same rule if the licensee is not substantially addressing the issue routinely throughout the facility.

(7.5) If an occurrence results in more than one type of violation as defined in this Act (that is, a Type "AA", Type "A", Type "B", or Type "C" violation), the Department shall assess only one fine, which shall not exceed the maximum fine that may be assessed for the most serious type of violation charged. For purposes of the preceding sentence, a Type "AA" violation is the most serious type of violation that may be charged, followed by a Type "A", Type "B", or Type "C" violation, in that order.

(8) The minimum and maximum fines that may be assessed pursuant to this Section shall be twice those otherwise specified for any facility that willfully makes a misstatement of fact to the Department, or willfully fails to make a required notification to the Department, if that misstatement or failure delays the start of a surveyor or impedes a survey.

(9) High risk designation. If the Department finds that a facility has violated a provision of the Illinois Administrative Code that has a high risk designation, or that a facility has violated the same provision of the Illinois Administrative Code 3 or more times in the previous 12 months, the Department may assess a fine of up to 2 times the maximum fine otherwise allowed.

(10) If a licensee has paid a civil monetary penalty imposed pursuant to the Medicare and Medicaid Certification Program for the equivalent federal violation giving rise to a fine under this Section, the Department shall offset the fine by the amount of the civil monetary penalty. The offset may not reduce the fine by more than 75% of the original fine, however.

(Source: P.A. 98-104, eff. 7-22-13.)

(210 ILCS 45/3-305.8 new)

Sec. 3-305.8. Database of nursing home quarterly reports and citations. The Department shall publish the quarterly reports of facilities in violation of this Act in an easily searchable, comprehensive, and downloadable electronic database on the Department's website in language that is easily understood. The database shall include quarterly reports of all facilities that have violated this Act starting from 2005 and shall continue indefinitely. The database shall be in an electronic format with active hyperlinks to individual facility citations. The database shall be updated quarterly and shall be electronically searchable using a facility's name and address, the facility owner's name and address, and the House and Senate legislative districts in which the facility is located.

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

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

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

On motion of Senator Harmon, **Senate Bill No. 1522** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 1532** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bush, **Senate Bill No. 1588** having been printed, was taken up, read by title a second time.

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

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

At the hour of 12:32 o'clock p.m., Senator Martinez, presiding.

At the hour of 12:35 o'clock p.m., Senator Hunter, presiding.

LEGISLATIVE MEASURES FILED

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

Amendment No. 3 to Senate Bill 650
Amendment No. 2 to Senate Bill 1538
Amendment No. 2 to Senate Bill 1583

Amendment No. 1 to Senate Bill 1719
Amendment No. 1 to Senate Bill 1829

At the hour of 12:37 o'clock p.m., Senator Link, presiding.

REPORTS FROM COMMITTEE ON ASSIGNMENTS

Senator Harmon, Vice-Chairperson of the Committee on Assignments, during its April 9, 2019 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Commerce and Economic Development: **Floor Amendment No. 1 to Senate Bill 222; Floor Amendment No. 1 to Senate Bill 532; Floor Amendment No. 1 to Senate Bill 1530; Floor Amendment No. 1 to Senate Bill 2104**.

Criminal Law: **Floor Amendment No. 1 to Senate Bill 416; Floor Amendment No. 1 to Senate Bill 901; Floor Amendment No. 1 to Senate Bill 902; Floor Amendment No. 1 to Senate Bill 905; Floor Amendment No. 1 to Senate Bill 1583; Floor Amendment No. 2 to Senate Bill 1583; Floor Amendment No. 3 to Senate Bill 1599**.

Education: **Floor Amendment No. 1 to Senate Bill 10; Floor Amendment No. 1 to Senate Bill 455; Floor Amendment No. 1 to Senate Bill 456; Floor Amendment No. 1 to Senate Bill 458; Floor Amendment No. 1 to Senate Bill 1189; Floor Amendment No. 2 to Senate Bill 1213; Floor Amendment No. 2 to Senate Bill 1287; Floor Amendment No. 2 to Senate Bill 1371; Floor Amendment No. 3 to Senate Bill 1371; Floor Amendment No. 1 to Senate Bill 1552; Floor Amendment No. 1 to Senate Bill 1626; Floor Amendment No. 1 to Senate Bill 1694; Floor Amendment No. 1 to Senate Bill 1731; Floor Amendment No. 1 to Senate Bill 1798; Floor Amendment No. 1 to Senate Bill 1838; Floor Amendment No. 2 to Senate Bill 1838; Floor Amendment No. 3 to Senate Bill 1838; Floor Amendment No. 1 to Senate Bill 1941; Floor Amendment No. 1 to Senate Bill 1952; Floor Amendment No. 1 to Senate Bill 2046; Floor Amendment No. 1 to Senate Bill 2075**.

Energy and Public Utilities: **Floor Amendment No. 3 to Senate Bill 135; Floor Amendment No. 1 to Senate Bill 928; Floor Amendment No. 2 to Senate Bill 2123**.

Environment and Conservation: **Floor Amendment No. 2 to Senate Bill 1852; Floor Amendment No. 1 to Senate Bill 1854**.

Executive: **Floor Amendment No. 1 to Senate Bill 516; Floor Amendment No. 1 to Senate Bill 528; Floor Amendment No. 1 to Senate Bill 530; Floor Amendment No. 1 to Senate Bill 903; Floor Amendment No. 1 to Senate Bill 996; Floor Amendment No. 1 to Senate Bill 1831**.

Financial Institutions: **Floor Amendment No. 2 to Senate Bill 661**.

Government Accountability and Pensions: **Floor Amendment No. 2 to Senate Bill 37; Floor Amendment No. 3 to Senate Bill 1223; Floor Amendment No. 2 to Senate Bill 1236; Floor Amendment No. 1 to Senate Bill 1671; Floor Amendment No. 1 to Senate Bill 2060**.

Higher Education: **Floor Amendment No. 2 to Senate Bill 447; Floor Amendment No. 1 to Senate Bill 457; Floor Amendment No. 2 to Senate Bill 1167; Floor Amendment No. 2 to Senate Bill 1467; Floor Amendment No. 2 to Senate Bill 2091; Floor Amendment No. 2 to Senate Bill 2137**.

Human Services: **Floor Amendment No. 1 to Senate Bill 885; Floor Amendment No. 1 to Senate Bill 1105; Floor Amendment No. 2 to Senate Bill 1510; Floor Amendment No. 2 to Senate Bill 1778; Floor Amendment No. 1 to Senate Bill 2069**.

Insurance: **Floor Amendment No. 2 to Senate Bill 650; Floor Amendment No. 3 to Senate Bill 650; Floor Amendment No. 2 to Senate Bill 1377; Floor Amendment No. 3 to Senate Bill 1449; Floor Amendment No. 4 to Senate Bill 1449; Floor Amendment No. 1 to Senate Bill 2085**.

Judiciary: **Floor Amendment No. 1 to Senate Bill 25; Floor Amendment No. 1 to Senate Bill 147; Floor Amendment No. 2 to Senate Bill 218; Floor Amendment No. 1 to Senate Bill 399; Floor Amendment No. 1 to Senate Bill 431; Floor Amendment No. 1 to Senate Bill 899; Floor Amendment No. 1 to Senate Bill 904; Floor Amendment No. 1 to Senate Bill 929; Floor Amendment No. 1 to Senate Bill 1090; Floor Amendment No. 2 to Senate Bill 1317; Floor Amendment No. 1 to Senate Bill 1495; Floor Amendment No. 1 to Senate Bill 1588; Floor Amendment No. 1 to Senate Bill 1780; Floor Amendment No. 1 to Senate Bill 1829; Floor Amendment No. 2 to Senate Bill 1929; Floor Amendment No. 2 to Senate Bill 2097; Floor Amendment No. 2 to Senate Bill 2135**.

Labor: **Floor Amendment No. 1 to Senate Bill 471**.

Licensed Activities: **Floor Amendment No. 2 to Senate Bill 653; Floor Amendment No. 2 to Senate Bill 654; Floor Amendment No. 2 to Senate Bill 657; Floor Amendment No. 2 to Senate Bill 658; Floor Amendment No. 1 to Senate Bill 1080; Floor Amendment No. 1 to Senate Bill 1135; Floor Amendment No. 1 to Senate Bill 1674; Floor Amendment No. 1 to Senate Bill 2128**.

Local Government: **Floor Amendment No. 1 to Senate Bill 640; Floor Amendment No. 2 to Senate Bill 683; Floor Amendment No. 1 to Senate Bill 1114; Floor Amendment No. 2 to Senate Bill 1538; Floor Amendment No. 1 to Senate Bill 1568; Floor Amendment No. 1 to Senate Bill 1580; Floor Amendment No. 2 to Senate Bill 2052**.

Public Health: **Floor Amendment No. 1 to Senate Bill 730; Floor Amendment No. 2 to Senate Bill 1425; Floor Amendment No. 1 to Senate Bill 1828; Floor Amendment No. 4 to Senate Bill 1909**.

Revenue: **Floor Amendment No. 3 to Senate Bill 119; Floor Amendment No. 1 to Senate Bill 685; Floor Amendment No. 2 to Senate Bill 685; Floor Amendment No. 1 to Senate Bill 1035; Floor Amendment No. 1 to Senate Bill 1050; Floor Amendment No. 1 to Senate Bill 1240; Floor Amendment No. 2 to Senate Bill 1240; Floor Amendment No. 1 to Senate Bill 1591; Floor Amendment No. 2 to Senate Bill 1591**.

State Government: **Floor Amendment No. 1 to Senate Bill 531; Floor Amendment No. 3 to Senate Bill 1981**.

Telecommunications and Information Technology: **Floor Amendment No. 1 to Senate Bill 1719**.

Transportation: **Floor Amendment No. 2 to Senate Bill 177; Floor Amendment No. 1 to Senate Bill 766; Floor Amendment No. 2 to Senate Bill 1473; Floor Amendment No. 3 to Senate Bill 1862; Floor Amendment No. 2 to Senate Bill 1934**.

Senator Harmon, Vice-Chairperson of the Committee on Assignments, during its April 9, 2019 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 196**

Labor: **Motion to Concur in House Amendment 1 to Senate Bill 1474**

Senator Harmon, Vice-Chairperson of the Committee on Assignments, during its April 9, 2019 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Education: **Senate Resolution No. 299 and Senate Joint Resolution No. 36.**

Environment and Conservation: **Senate Resolution No. 288.**

Public Health: **Senate Joint Resolution 35.**

Pursuant to Senate Rule 3-8 (d), the following joint resolution will be re-referred from the Executive Committee Subcommittee on Constitutional Amendments to the Executive Committee: **Senate Joint Resolution Constitutional Amendment No. 1**.

Pursuant to Senate Rule 3-8 (b-1), the following amendments will remain in the Committee on Assignments: **Floor Amendment No. 1 to Senate Bill 1264, Floor Amendment No. 1 to Senate Bill 1864, Floor Amendment Nos. 1, 2, 3 and 4 to Senate Bill 2080, Floor Amendment No. 2 to Senate Bill 1793**.

Senator Harmon, Vice-Chairperson of the Committee on Assignments, during its April 9, 2019 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Executive: **Committee Amendment No. 1 to Senate Joint Resolution Constitutional Amendment No. 1**.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 311

Offered by Senator Bennett and all Senators:
Mourns the death of James R. "Jim" Spencer of Champaign.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

POSTINGS NOTICES WAIVED

Senator Harmon moved to waive the six-day posting requirement on **Senate Joint Resolution Constitutional Amendment No. 1** so that the measure may be heard in the Committee on Executive that is scheduled to meet April 10, 2019.

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

YEAS 36; NAYS 15.

The following voted in the affirmative:

Aquino	Fine	Link	Sims
Belt	Gillespie	Manar	Stadelman
Bennett	Glowiak	Martinez	Steans
Bertino-Tarrant	Harmon	McGuire	Van Pelt
Bush	Harris	Morrison	Villivalam
Castro	Hastings	Mulroe	Mr. President
Collins	Holmes	Muñoz	
Cullerton, T.	Hunter	Murphy	
Cunningham	Hutchinson	Peters	
Ellman	Lightford	Sandoval	

The following voted in the negative:

Anderson	Fowler	Rezin	Stewart
Barickman	McClure	Righter	Syverson

Brady	McConchie	Rose	Wilcox
Curran	Oberweis	Schimpf	

This roll call verified.
The motion prevailed.

Senator Fine moved to waive the six-day posting requirement on **Senate Resolution No. 265** so that the measure may be heard in the Committee on Education that is scheduled to meet this afternoon.
The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following committees to meet at 2:00 o'clock p.m.:

Executive in Room 212
State Government in Room 409

The Chair announced the following committees to meet at 3:00 o'clock p.m.:

Education in Room 212
Public Health in Room 400

The Chair announced the following committees to meet at 4:00 o'clock p.m.:

Higher Education in Room 212
Judiciary in Room 400
Human Services in Room 409

The Chair announced the following committees to meet at 5:00 o'clock p.m.:

Transportation in Room 212
Criminal Law in Room 400

COMMITTEE MEETING ANNOUNCEMENTS FOR APRIL 10, 2019

The Chair announced the following committee to meet at 8:30 o'clock a.m.:

Commerce and Economic Development in Room 400

The Chair announced the following committee to meet at 9:00 o'clock a.m.:

Local Government in Room 400

The Chair announced the following committee to meet at 10:00 o'clock a.m.:

Licensed Activities in Room 400

The Chair announced the following committee to meet at 11:00 o'clock a.m.:

Executive in Room 212

The Chair announced the following committees to meet at 11:30 o'clock a.m.:

Labor in Room 212
Government Accountability and Pension in Room 400
Financial Institutions in Room 409

The Chair announced the following committees to meet at 12:00 o'clock p.m.:

Insurance in Room 212
Revenue in Room 400

The Chair announced the following committees to meet at 12:30 o'clock p.m.:

Energy and Public Utilities in Room 212
Environment and Conservation in Room 400
Telecommunications and Information Technology in Room 409

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Glowiak, **Senate Bill No. 1624** having been printed, was taken up, read by title a second time.

Senator Glowiak offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1624

AMENDMENT NO. 1 . Amend Senate Bill 1624 on page 1, line 5, by deleting "and by adding Section 55"; and

on page 5, line 4, by changing "100" to "500"; and

on page 5, by replacing lines 13 and 14 with the following:

"Such notification must be made in the most expedient time possible and without unreasonable delay but in no event later than when"; and

on page 5, line 16, by deleting ", whichever is sooner"; and

on page 5, by replacing lines 20 through 26 with the following:

"Upon receiving notification from a data collector of a breach of personal information, the Attorney General may publish the name of the data collector that suffered the breach, the types of personal information compromised in the breach, and the date range of the breach."; and

on page 6, by deleting lines 1 through 14; and

on page 6, by deleting lines 16 through 25; and

by deleting all of page 7.

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Schimpf, **Senate Bill No. 1660** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 1671** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Government Accountability and Pensions earlier today.

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

On motion of Senator Castro, **Senate Bill No. 1719** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Telecommunications and Information Technology earlier today.

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

On motion of Senator Glowiak, **Senate Bill No. 1726** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1726

AMENDMENT NO. 1 . Amend Senate Bill 1726 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 5.180 as follows:

(30 ILCS 105/5.180) (from Ch. 127, par. 141.180)

Sec. 5.180. The Alzheimer's Disease Research, Care, and Support Fund.

(Source: P.A. 84-1308.)

Section 10. The Alzheimer's Disease Assistance Act is amended by changing Section 6 and by adding Section 8 as follows:

(410 ILCS 405/6) (from Ch. 111 1/2, par. 6956)

Sec. 6. Alzheimer's Disease ~~ADA~~ Advisory Committee.

(a) There is created the Alzheimer's Disease Advisory Committee consisting of 17 ~~23~~ voting members appointed by the Director of the Department, as well as 5 nonvoting members as hereinafter provided in this Section. The Director or his designee shall serve as one of the 17 ~~23~~ voting members and as the Chairman of the Committee. Those appointed as voting members shall include persons who are experienced in research and the delivery of services to individuals with Alzheimer's disease or a related disorder and their families. Such members shall include :

(1) one individual from a statewide association dedicated to Alzheimer's care, support, and research;

(2) one individual from a non-governmental statewide organization that advocates for seniors;

(3) the Dementia Coordinator of the Illinois Department of Public Health, or the Dementia Coordinator's designee;

(4) one individual representing the Community Care Program's Home and Community Services Division;

(5) one individual representing the Adult Protective Services Unit;

(6) 3 individuals from Alzheimer's Disease Assistance Centers;

(7) one individual from a statewide association representing an adult day service organization;

(8) one individual from a statewide association representing home care providers;

(9) one individual from a statewide trade organization representing the interests of physicians licensed to practice medicine in all of its branches in Illinois;

(10) one individual representing long-term care facilities licensed under the Nursing Home Care Act, an assisted living establishment licensed under the Assisted Living and Shared Housing Act, or supportive living facilities;

(11) one individual from a statewide association representing the interests of social workers;

(12) one individual representing Area Agencies on Aging;

(13) the Medicaid Director of the Department of Healthcare and Family Services, or the Medicaid Director's designee;

(14) one individual from a statewide association representing health education and promotion and public health advocacy; and

(15) one individual with medical or academic experience with early onset Alzheimer's disease or related disorders. ~~3 physicians licensed to practice medicine in all of its branches, one representative of a licensed hospital, one registered nurse with a specialty in geriatric or dementia care, one representative of a long term care facility under the Nursing Home Care Act, one representative of a long term care facility under the Assisted Living and Shared Housing Act, one representative from a supportive living facility specially serving individuals with dementia, one representative of a home care agency serving individuals with dementia, one representative of a hospice with a specialty in palliative care for dementia, one representative of an area agency on aging as defined by Section 3.07 of the Illinois Act on the Aging, one representative from a leading advocacy organization serving individuals with Alzheimer's disease, one licensed social worker, one representative of law enforcement, 2 individuals with early-stage Alzheimer's~~

~~disease, 3 family members or representatives of individuals with Alzheimer's disease and related disorders, and 3 members of the general public. Among the physician appointments shall be persons with specialties in the fields of neurology, family medicine, psychiatry and pharmacology. Among the general public members, at least 2 appointments shall include persons 65 years of age or older.~~

(b) In addition to the 17 ~~23~~ voting members, the Directors of the following State agencies or their designees who are qualified to represent each Department's programs and services for those with Alzheimer's disease or related disorders shall serve as nonvoting members: Department on Aging, Department of Healthcare and Family Services, Department of Public Health, Department of Human Services, and Guardianship and Advocacy Commission.

Each voting member appointed by the Director of Public Health shall serve for a term of 2 years, and until his successor is appointed and qualified. Members of the Committee shall not be compensated but shall be reimbursed for expenses actually incurred in the performance of their duties. ~~No more than 12 voting members may be of the same political party.~~ Vacancies shall be filled in the same manner as original appointments.

The Committee shall review all State programs and services provided by State agencies that are directed toward persons with Alzheimer's disease and related dementias, and by consensus recommend changes to improve the State's response to this serious health problem. Such recommendations shall be included in the State plan described in this Act.

(Source: P.A. 97-768, eff. 1-1-13.)

(410 ILCS 405/8 new)

Sec. 8. Alzheimer's Disease Research, Care, and Support Fund; support. The Department, in coordination with the members of the Alzheimer's Disease Advisory Committee, shall make reasonable efforts to promote the Alzheimer's Disease Research, Care, and Support Fund during relevant times, including, but not limited to, periods of time when tax returns are typically received. Ways to promote the Fund include, but are not limited to, issuing press releases and posting on social media.

Section 15. The Alzheimer's Disease Research Act is amended by changing Sections 1, 2, 3, and by adding Sections 3.1, 3.2 and 3.3 as follows:

(410 ILCS 410/1) (from Ch. 111 1/2, par. 6901)

Sec. 1. Short title. This Act shall be known and may be cited as the Alzheimer's Disease Research, Care, and Support Fund Act.

(Source: P.A. 84-324.)

(410 ILCS 410/2) (from Ch. 111 1/2, par. 6902)

Sec. 2. Contributions on tax returns. Each individual taxpayer required to file a return pursuant to the Illinois Income Tax Act desiring to contribute to the Alzheimer's Disease Research, Care, and Support Fund may do so by stating the amount of such contribution (not less than $1) on such return. This Section shall not apply to an amended return.

(Source: P.A. 86-678.)

(410 ILCS 410/3) (from Ch. 111 1/2, par. 6903)

Sec. 3. Alzheimer's Disease Research, Care, and Support Fund.

(a) There is created the Alzheimer's Disease Research, Care, and Support Fund, a special fund in the State Treasury.

(b) The Department of Public Health shall deposit any donations received for the grant program created pursuant to this Act in the Alzheimer's Disease Research, Care, and Support Fund.

(c) The General Assembly may appropriate moneys ~~monies~~ in the Alzheimer's Disease Research , Care, and Support Fund to the Department of Public Health for the purpose of complying with the requirements under Section 4 of ~~awarding grants pursuant to~~ this Act.

(Source: P.A. 84-1265.)

(410 ILCS 410/3.1 new)

Sec. 3.1. Dementia Coordinator.

(a) The full-time position of Dementia Coordinator is created within the Department of Public Health. The Dementia Coordinator shall be funded out of the Alzheimer's Disease Research, Care, and Support Fund. The Dementia Coordinator is responsible only for activities associated with and relevant to the successful implementation of the State of Illinois Alzheimer's Disease State Plan, including, but not limited to:

(1) coordinating quality dementia services in the State to ensure dementia capability;

(2) using dementia-related data to coordinate with the Department to improve public health outcomes;

(3) increasing awareness and creating dementia-specific training;

(4) providing access to quality coordinated care for individuals with dementia in the most integrated setting available;

(5) establishing and maintaining relationships with other agencies and organizations within the State in order to meet the needs of the affected population and prevent duplication of services;

(6) identifying and managing grants to assist in the funding of the position of Dementia Coordinator and other programs and services to assist Illinois in becoming dementia-capable;

(7) working with the Department's Behavioral Risk Factor Surveillance System Coordinator and the Alzheimer's Disease Advisory Committee in identifying available funds to execute appropriate modules for critical data collection and research, if and when necessary; moneys appropriated to the Alzheimer's Disease Research, Care, and Support Fund may be considered;

(8) building and maintaining effective working relationships with other departments and organizations to ensure coordination between and the support of dementia services;

(9) maintaining and applying knowledge of current developments and trends in the assigned area of expertise by reading appropriate journals, books, and other professional literature, and attending related conferences, seminars, and trainings;

(10) providing support for the Alzheimer's Disease Advisory Committee's activities, including co-drafting the State plan; and

(11) compiling and publishing an annual report on the state of dementia care in Illinois, including, but not limited to, the status of Illinois in becoming a dementia-capable state.

(410 ILCS 410/3.2 new)

Sec. 3.2. Use of moneys in the Fund. Moneys in the Alzheimer's Disease Research, Care, and Support Fund shall be used by the Department of Public Health to cover costs associated with this Act, including, but not limited to, the following:

(1) salary and benefits for the full-time position of Dementia Coordinator within the Department; and

(2) other expenses contingent with the responsibilities of the Dementia Coordinator, including, but not limited to, travel and professional development opportunities.

(410 ILCS 410/3.3 new)

Sec. 3.3. Administrative support. The Department of Public Health shall be responsible for providing the Dementia Coordinator with work space, supplies, and other administrative office materials, as needed, through existing resources and not with moneys from the Alzheimer's Disease Research, Care, and Support Fund.

(410 ILCS 410/4 rep.)

Section 20. The Alzheimer's Disease Research Act is amended by repealing Section 4.".

Floor Amendment No. 2 was postponed in the Committee on Public Health.

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

On motion of Senator Crowe, **Senate Bill No. 1780** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Judiciary earlier today.

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

On motion of Senator Curran, **Senate Bill No. 1852** having been printed, was taken up, read by title a second time.

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

Floor Amendment No. 2 was referred to the Committee on Environment and Conservation earlier today.

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

On motion of Senator Curran, **Senate Bill No. 1854** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Environment and Conservation earlier today.

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

On motion of Senator Castro, **Senate Bill No. 1909** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1909

AMENDMENT NO. 1 . Amend Senate Bill 1909 on page 3, by replacing line 16 with the following:

"by adding Sections 10-23 and 10-24 as follows:

(20 ILCS 1305/10-23 new)

Sec. 10-23. High Risk Infant Follow-Up program. The Department's High Risk Infant Follow-Up program shall be expanded to serve any pregnant or postpartum woman identified as high-risk by a Level I, Level II, or Level III hospital. The services shall be provided by registered nurses.

The Department, in conjunction with the Department of Public Health, a statewide organization representing registered nurses, and a statewide organization representing obstetricians and gynecologists, shall develop rules and appropriate revisions to the High Risk Infant Follow-Up program to expand existing services provided by registered nurses to pregnant and postpartum women. Such rules shall be adopted no later than January 1, 2021."; and

on page 77, immediately below line 22, by inserting the following:

"Section 57. The Medical Patient Rights Act is amended by changing Section 3 as follows:

(410 ILCS 50/3) (from Ch. 111 1/2, par. 5403)

Sec. 3. The following rights are hereby established:

(a) The right of each patient to care consistent with sound nursing and medical practices, to be informed of the name of the physician responsible for coordinating his or her care, to receive information concerning his or her condition and proposed treatment, to refuse any treatment to the extent permitted by law, and to privacy and confidentiality of records except as otherwise provided by law.

(b) The right of each patient, regardless of source of payment, to examine and receive a reasonable explanation of his total bill for services rendered by his physician or health care provider, including the itemized charges for specific services received. Each physician or health care provider shall be responsible only for a reasonable explanation of those specific services provided by such physician or health care provider.

(c) In the event an insurance company or health services corporation cancels or refuses to renew an individual policy or plan, the insured patient shall be entitled to timely, prior notice of the termination of such policy or plan.

An insurance company or health services corporation that requires any insured patient or applicant for new or continued insurance or coverage to be tested for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS) shall (1) give the patient or applicant prior written notice of such requirement, (2) proceed with such testing only upon the written authorization of the applicant or patient, and (3) keep the results of such testing confidential. Notice of an adverse underwriting or coverage decision may be given to any appropriately interested party, but the insurer may only disclose the test result itself to a physician designated by the applicant or patient, and any such disclosure shall be in a manner that assures confidentiality.

The Department of Insurance shall enforce the provisions of this subsection.

(d) The right of each patient to privacy and confidentiality in health care. Each physician, health care provider, health services corporation and insurance company shall refrain from disclosing the nature or details of services provided to patients, except that such information may be disclosed: (1) to the patient, (2) to the party making treatment decisions if the patient is incapable of making decisions regarding the health services provided, (3) for treatment in accordance with 45 CFR 164.501 and 164.506, (4) for payment in accordance with 45 CFR 164.501 and 164.506, (5) to those parties responsible for peer review, utilization review, and quality assurance, (6) for health care operations in accordance with 45 CFR 164.501 and 164.506, (7) to those parties required to be notified under the Abused and Neglected Child Reporting Act or the Illinois Sexually Transmissible Disease Control Act, or (8) as otherwise permitted, authorized, or required by State or federal law. This right may be waived in writing by the patient or the patient's guardian or legal representative, but a physician or other health care provider may not condition the provision of services on the patient's, guardian's, or legal representative's agreement to sign such a waiver. In the interest of public health, safety, and welfare, patient information, including, but not limited to, health information, demographic information, and information about the services provided to patients, may be transmitted to or through a health information exchange, as that term is defined in Section 2 of the Mental Health and Developmental Disabilities Confidentiality Act, in accordance with the disclosures permitted

pursuant to this Section. Patients shall be provided the opportunity to opt out of their health information being transmitted to or through a health information exchange in accordance with the regulations, standards, or contractual obligations adopted by the Illinois Health Information Exchange Authority in accordance with Section 9.6 of the Mental Health and Developmental Disabilities Confidentiality Act, Section 9.6 of the AIDS Confidentiality Act, or Section 31.8 of the Genetic Information Privacy Act, as applicable. In the case of a patient choosing to opt out of having his or her information available on an HIE, nothing in this Act shall cause the physician or health care provider to be liable for the release of a patient's health information by other entities that may possess such information, including, but not limited to, other health professionals, providers, laboratories, pharmacies, hospitals, ambulatory surgical centers, and nursing homes.

(e) With the exception of medical emergencies with inadequate time to obtain consent, the right of each patient, or patient's representative, to specific informed consent, or informed permission in the case of an infant, including information regarding the health and legal benefits and risks regarding biochemical testing for controlled substances. Health care providers shall provide to patients, or patients' representatives, in writing, the following:

(1) foreseeable health and legal risks and benefits of biochemical testing for controlled substances;

(2) reasonable alternatives to biochemical testing for controlled substances;

(3) information on how to obtain answers to questions about substance abuse treatment;

(4) information on the applicability of federal safe harbor protections; and

(5) an explanation of the extent of confidentiality and the voluntariness of agreement to biochemical testing for controlled substances.

(Source: P.A. 98-1046, eff. 1-1-15.)".

AMENDMENT NO. 2 TO SENATE BILL 1909

AMENDMENT NO. 2 . Amend Senate Bill 1909, AS AMENDED, in Section 10, Sec. 10-23, at the end of the first paragraph, by inserting "The registered nurses may collaborate with other providers, including, but not limited to, obstetricians, gynecologists, and pediatricians, when providing the services to the patient."; and

by deleting Section 15; and

immediately below Section 57, by inserting the following:

"Section 58. The Developmental Disability Prevention Act is amended by adding Section 11.2 as follows:

(410 ILCS 250/11.2 new)

Sec. 11.2. Birthing facilities; maternal care designations.

(a) In this Section, "birthing facility" means: (1) a hospital, as defined in the Hospital Licensing Act, with more than one licensed obstetric bed or a neonatal intensive care unit; (2) a hospital operated by a State university; or (3) a birth center, as defined in the Alternative Health Care Delivery Act.

(b) Every birthing facility shall, at a minimum, have an obstetric hemorrhage protocol and conduct a drill or simulation of the protocol. Every contracted provider who may encounter a pregnant woman shall participate in the drill or simulation on a regular basis. The Department shall adopt rules to implement this subsection.

(c) After holding multiple public hearings with representatives from diverse geographical regions and professional backgrounds and seeking broad public and stakeholder input, the Department shall establish criteria for levels of maternal care designations for birthing facilities. All hearings shall be open to the public and held at specific times and places that are convenient and available to the public. No hearing shall be held on a legal holiday. Public notice of hearings shall state the dates, times, and places of the hearings. Notice of hearings shall be posted on the Department's website and in the Department's main office, and minutes from the hearings shall be recorded.

The levels of maternal care designations developed under this Section shall be based upon:

(1) the most current published version of the "Levels of Maternal Care" developed by the American Congress of Obstetricians and Gynecologists and the Society for Maternal-Fetal Medicine; and

(2) necessary variance when considering the geographic and varied needs of citizens of this State.

(d) Nothing in this Section shall be construed in any way to modify or expand the licensure of any health care professional.

(e) Nothing in this Section shall be construed in any way to require a patient to be transferred to a different facility.

(f) The Department shall adopt rules to implement the provisions of this Section no later than June 1, 2021. These rules shall be limited to those necessary for the establishment of levels of maternal care designations for birthing facilities under subsection (c) of this Section.".

AMENDMENT NO. 3 TO SENATE BILL 1909

AMENDMENT NO. 3 . Amend Senate Bill 1909, AS AMENDED, by deleting Sections 55, 57, 60, and 65.

Floor Amendment No. 4 was referred to the Committee on Public Health earlier today.

There being no further amendments, the foregoing Amendments Numbered 1, 2 and 3 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator McGuire, **Senate Bill No. 1939** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 1988** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1988

AMENDMENT NO. 1 . Amend Senate Bill 1988 on page 2, by inserting immediately below line 18 the following:

"(18) A representative of the Champaign-Urbana Mass Transit District.".

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

On motion of Senator Sandoval, **Senate Bill No. 1993** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 1995** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was postponed in the Committee on Transportation.

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

On motion of Senator Sandoval, **Senate Bill No. 1996** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 2006** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 2016** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2016

AMENDMENT NO. 1 . Amend Senate Bill 2016 on page 2, by inserting immediately below line 15 the following:

"(e) The Department shall adhere to a 2-year funding cycle for ITEP with calls for projects at least every other year.

(f) The Department shall make all funded and unfunded ITEP applications publicly available upon the completion of each funding cycle, including how each application scored on the program criteria.".

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

On motion of Senator Bennett, **Senate Bill No. 2027** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Stadelman, **Senate Bill No. 2052** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was postponed in the Committee on Local Government.

Floor Amendment No. 2 was referred to the Committee on Local Government earlier today.

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

On motion of Senator Martinez, **Senate Bill No. 2060** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Government Accountability and Pensions earlier today.

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

On motion of Senator Martinez, **Senate Bill No. 2062** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2062

AMENDMENT NO. _1_. Amend Senate Bill 2062 as follows:

on page 3, by replacing lines 11 and 12 with "to be considered by the public agency or governmental unit as one component of its overall evaluation of investment decisions. Such factors shall include, but not be limited"; and

on page 5, immediately below line 11, by inserting the following:

"(d) Nothing in this Act prohibits a public agency or governmental unit from integrating additional factors into its investment decision-making, investment analysis, portfolio construction, due diligence, and investment ownership of public funds. This Act shall not apply to bank time deposits or bank processing services."; and

on page 6, line 2, by replacing "applied" with "considered"; and

on page 8, line 19, by replacing "applied" with "considered"; and

on page 9, line 21, by replacing "applied" with "considered"; and

on page 10, by replacing lines 13 through 15 with the following:

"The investment policy shall include material, relevant, and decision-useful sustainability factors to be considered by the board, within the bounds of financial and fiduciary prudence, in evaluating investment decisions. Such factors shall include, but not be".

Floor Amendment No. 2 was postponed in the Committee on State Government.

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

On motion of Senator Stadelman, **Senate Bill No. 2097** having been printed, was taken up, read by title a second time.

Senator Stadelman offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2097

AMENDMENT NO. _1_. Amend Senate Bill 2097 by replacing everything from line 21 on page 12 through line 11 on page 13 with the following:

"from the date of sale. If, however, the court that ordered the property sold, upon the verified petition of the holder of the certificate of purchase brought within 4 months from the date of sale, finds and declares that the structure on the property is abandoned, then the court may order that the property may be redeemed at any time on or before (i) the expiration of 2 years from the date of sale if the holder of the certificate of

purchase is not a unit of local government or (ii) the expiration of 6 months from the date of sale if the holder of the certificate of purchase is a unit of local government. Notice of the hearing on a petition to declare the property abandoned shall be given to the owner or owners".

The motion prevailed.
And the amendment was adopted and ordered printed.
Floor Amendment No. 2 was referred to the Committee on Judiciary earlier today.
There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Bennett, **Senate Bill No. 2137** having been printed, was taken up, read by title a second time.
The following amendment was offered in the Committee on Higher Education, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2137

AMENDMENT NO. 1 . Amend Senate Bill 2137 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Prepaid Tuition Act is amended by changing Sections 30 and 35 as follows:
(110 ILCS 979/30)
Sec. 30. Investment Advisory Panel duties and responsibilities.
(a) Advice and review. The panel shall offer advice and counseling regarding the investments of the Illinois prepaid tuition program with the objective of obtaining the best possible return on investments consistent with actuarial soundness of the program. The panel is required to annually review and advise the Commission on provisions of the strategic investment plan for the prepaid tuition program. The panel is also charged with reviewing and advising the Commission with regard to the annual report that describes the current financial condition of the program. The panel at its own discretion also may advise the Commission on other aspects of the program.
(b) Investment plan. The Commission annually shall adopt a comprehensive investment plan for purposes of this Section. The comprehensive investment plan shall specify the investment policies to be utilized by the Commission in its administration of the Illinois Prepaid Tuition Trust Fund created by Section 35. The Commission may direct that assets of those Funds be placed in savings accounts or may use the same to purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or other investment products pursuant to the comprehensive investment plan and in such proportions as may be designated or approved under that plan. The Commission shall invest such assets with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character with like aims, and the Commission shall diversify the investments of such assets so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so. Those insurance, annuity, savings, and investment products shall be underwritten and offered in compliance with applicable federal and State laws, rules, and regulations by persons who are authorized thereunder to provide those services. The Commission shall delegate responsibility for preparing the comprehensive investment plan to the Executive Director of the Commission. Nothing in this Section shall preclude the Commission from contracting with a private corporation or institution to provide such services as may be a part of the comprehensive investment plan or as may be deemed necessary for implementation of the comprehensive investment plan, including, but not limited to, providing consolidated billing, individual and collective record keeping and accounting, and asset purchase, control, and safekeeping.
(b-5) Investment duties. Beginning January 1, 2015, with respect to any investments for which it is responsible under this Section or any other law, the Commission shall be subject to the same requirements as are imposed upon the board of trustees of a retirement system under subsections (5) and (9) of Section 1-109.1 of the Illinois Pension Code and Section ~~Sections 1-109.1(5.1), 1-109.1(9), and~~ 1-113.21 of the Illinois Pension Code, to the extent that those requirements are not in direct conflict with any other requirement of law to which the Commission is subject.
(c) Program management. The Commission may not delegate its management functions, but may arrange to compensate for personalized investment advisory services rendered with respect to any or all of the investments under its control an investment advisor registered under Section 8 of the Illinois Securities Law of 1953 or any bank or other entity authorized by law to provide those services. Nothing contained herein shall preclude the Commission from subscribing to general investment research services

available for purchase or use by others. The Commission also shall have authority to compensate for accounting, computing, and other necessary services.

(d) Annual report. The Commission shall annually prepare or cause to be prepared a report setting forth in appropriate detail an accounting of all Illinois prepaid tuition program funds and a description of the financial condition of the program at the close of each fiscal year. Included in this report shall be an evaluation by at least one nationally recognized actuary of the financial viability of the program. This report shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Auditor General, and the Board of Higher Education on or before March 1 of the subsequent fiscal year. This report also shall be made available to purchasers of Illinois prepaid tuition contracts and shall contain complete Illinois prepaid tuition contract sales information, including, but not limited to, projected postsecondary enrollment data for qualified beneficiaries.

(e) Marketing plan. Selection of a marketing agent for the Illinois prepaid tuition program must be approved by the Commission. At least once every 3 years, the Commission shall solicit proposals for marketing of the Illinois prepaid tuition program in accordance with the Illinois Securities Law of 1953 and any applicable provisions of federal law. The entity designated pursuant to this paragraph shall serve as a centralized marketing agent for the program and shall have exclusive responsibility for marketing the program. No contract for marketing the Illinois prepaid tuition program shall extend for longer than 3 years. Any materials produced for the purpose of marketing the program shall be submitted to the Executive Director of the Commission for approval before they are made public. Any eligible institution may distribute marketing materials produced for the program, so long as the Executive Director of the Commission approves the distribution in advance. Neither the State nor the Commission shall be liable for misrepresentation of the program by a marketing agent.

(f) Accounting and audit. The Commission shall annually cause to be prepared an accounting of the trust and shall transmit a copy of the accounting to the Governor, the President of the Senate, the Speaker of the House, and the minority leaders of the Senate and House of Representatives. The Commission shall also make available this accounting of the trust to any purchaser of an Illinois prepaid tuition contract, upon request. The accounts of the Illinois prepaid tuition program shall be subject to annual audits by the Auditor General or a certified public accountant appointed by the Auditor General.

(Source: P.A. 98-1022, eff. 1-1-15.)

(110 ILCS 979/35)

Sec. 35. Illinois Prepaid Tuition Trust Fund.

(a) The Illinois Prepaid Tuition Trust Fund is created as the repository of all moneys received by the Commission in conjunction with the Illinois prepaid tuition program. The Illinois Prepaid Tuition Trust Fund also shall be the official repository of all contributions, appropriations, interest and dividend payments, gifts, or other financial assets received by the Commission in connection with operation of the Illinois prepaid tuition program. All such moneys shall be deposited in the Illinois Prepaid Tuition Trust Fund and held by the State Treasurer as ex-officio custodian thereof, outside of the State Treasury, separate and apart from all public moneys or funds of this State.

All interest or other earnings accruing or received on amounts in the Illinois Prepaid Tuition Trust Fund shall be credited to and retained by the Fund. Moneys, interest, or other earnings paid into the Fund shall not be transferred or allocated by the Commission, the State Treasurer, or the State Comptroller to any other fund, nor shall the Governor authorize any such transfer or allocation, while any contracts are outstanding. The State Comptroller shall not offset moneys paid to institutions from the Illinois Prepaid Tuition Trust Fund (unless the Trust Fund moneys are used for child support). In addition, no moneys, interest, or other earnings paid into the Fund shall be used, temporarily or otherwise, for interfund borrowing or be otherwise used or appropriated except as expressly authorized in this Act.

The Illinois Prepaid Tuition Trust Fund and each individual participant account that may be created in that Fund in conjunction with the Illinois prepaid tuition program shall be subject to audit in the same manner as funds and accounts belonging to the State of Illinois and shall be protected by the official bond given by the State Treasurer.

(b) The Commission from time to time shall direct the State Treasurer to invest moneys in the Illinois Prepaid Tuition Trust Fund that are not needed for immediate disbursement, in accordance with provisions of the investment plan approved by the Commission.

(c) The Executive Director of the Commission shall, at such times and in such amounts as shall be necessary, prepare and send to the State Comptroller vouchers requesting payment from the Illinois Prepaid Tuition Trust Fund for: (i) registration fee payments to eligible institutions on behalf of qualified beneficiaries of Illinois prepaid tuition contracts, and (ii) payments associated with administration of the Illinois prepaid tuition program.

(d) The Governor shall indicate in a separate document submitted concurrent with each annual State budget the estimated amount of moneys in the Illinois Prepaid Tuition Trust Fund which shall be necessary and sufficient, during that State fiscal year, to discharge all obligations anticipated under Illinois prepaid tuition contracts. The Governor also shall indicate in a separate document submitted concurrent with each annual State budget the amount of moneys from the Illinois Prepaid Tuition Trust Fund necessary to cover anticipated expenses associated with administration of the program. The Commission shall obtain concurrence from a nationally recognized actuary as to all amounts necessary for the program to meet its obligations. These amounts shall be certified annually to the Governor by the Commission no later than January 30.

During the first 18 months of operation of the Illinois prepaid tuition program, the Governor shall request an appropriation to the Commission from general funds sufficient to pay for start-up costs associated with establishment of the program. This appropriation constitutes a loan that shall be repaid to the General Revenue Fund within 5 years by the Commission from prepaid tuition program contributions. Subsequent program administrative costs shall be provided from reasonable fees and charges equitably assessed to purchasers of prepaid tuition contracts.

(e) If the Commission determines that there are insufficient moneys in the Illinois Prepaid Tuition Trust Fund to pay contractual obligations in the next succeeding fiscal year, the Commission shall certify the amount necessary to meet these obligations to the Board of Higher Education, the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year.

(f) (Blank). ~~In the event the Commission, with the concurrence of the Governor, determines the program to be financially infeasible, the Commission may discontinue, prospectively, the operation of the program. Any qualified beneficiary who has been accepted by and is enrolled or will within 5 years enroll at an eligible institution shall be entitled to exercise the complete benefits specified in the Illinois prepaid tuition contract. All other contract holders shall receive an appropriate refund of all contributions and accrued interest up to the time that the program is discontinued.~~

(g) If moneys in the Illinois Prepaid Tuition Trust Fund are insufficient to cover obligations under this Section, this subsection shall constitute an irrevocable and continuing appropriation from the General Revenue Fund to the Commission for the purposes of paying obligations in accordance with the provisions of this Section. The full faith and credit of the State of Illinois is pledged for the punctual payment of such obligations.

(Source: P.A. 96-1282, eff. 7-26-10.)".

Floor Amendment No. 2 was referred to the Committee on Higher Education earlier today.

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

On motion of Senator Villivalam, **Senate Bill No. 2144** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villivalam, **Senate Bill No. 2146** having been printed, was taken up, read by title a second time.

Senator Villivalam offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2146

AMENDMENT NO. 1 . Amend Senate Bill 2146 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 913 as follows:

(20 ILCS 605/913 new)

Sec. 913. Clean Water Workforce Pipeline Program.

(a) The General Assembly finds the following:

(1) The fresh surface water and groundwater supply in Illinois and Lake Michigan constitute vital natural resources that require careful stewardship and protection for future generations. Access to safe and clean drinking water is the right of all Illinois residents.

(2) To adequately protect these resources and provide safe and clean drinking water, substantial investment is needed to replace lead components in drinking water infrastructure, improve wastewater

treatment, flood control, and stormwater management, control aquatic invasive species, implement green infrastructure solutions, and implement other infrastructure solutions to protect water quality.

(3) Implementing these clean water solutions will require a skilled and trained workforce, and new investments will demand additional workers with specialized skills.

(4) Water infrastructure jobs have been shown to provide living wages and contribute to Illinois' economy.

(5) Significant populations of Illinois residents, including, but not limited to, residents of environmental justice communities, economically and socially disadvantaged communities, those returning from the criminal justice system, foster care alumni, and in particular women and transgender persons, are in need of access to skilled living wage jobs like those in the water infrastructure sector.

(6) Many of these residents are more likely to live in communities with aging and inadequate clean water infrastructure and suffer from threats to surface and drinking water quality.

(7) The State can provide significant economic opportunities to these residents and achieve greater environmental and public health by investing in clean water infrastructure.

(8) New training, recruitment, support, and placement efforts are needed to connect these residents with career opportunities in water infrastructure.

(9) The State must invest in both clean water infrastructure and workforce development efforts in order to achieve these goals.

(b) From appropriations made from the Build Illinois Bond Fund, Capital Development Fund, or General Revenue Fund or other funds as identified by the Department, the Department shall create a Clean Water Workforce Pipeline Program to provide grants and other financial assistance to prepare and support individuals for careers in water infrastructure. All funding provided by the Program under this Section shall be designed to encourage and facilitate employment in projects funded through State capital investment and provide participants a skill set to allow them to work professionally in fields related to water infrastructure.

Grants and other financial assistance may be made available on a competitive annual basis to organizations that demonstrate a capacity to recruit, support, train, and place individuals in water infrastructure careers, including, but not limited to, community organizations, educational institutions, workforce investment boards, community action agencies, and multi-craft labor organizations for new efforts specifically focused on engaging residents of environmental justice communities, economically and socially disadvantaged communities, those returning from the criminal justice system, foster care alumni, and in particular women and transgender persons in these populations.

Grants and other financial assistance shall be awarded on a competitive and annual basis for the following activities:

(1) identification of individuals for job training in the water sector;

(2) counseling, preparation, skills training, and other support to increase a candidate's likelihood of success in a job training program and career;

(3) financial support for individuals in a water sector job skills training program, support services, and transportation assistance tied to training under this Section;

(4) job placement services for individuals during and after completion of water sector job skills training programs; and

(5) financial, administrative, and management assistance for organizations engaged in these activities.

(c) It shall be an annual goal of the Program to train and place at least 300, or 25% of the number of annual jobs created by State financed water infrastructure projects, whichever is greater, of the following persons in water sector-related apprenticeships annually: residents of environmental justice communities; residents of economically and socially disadvantaged communities; those returning from the criminal justice system; foster care alumni; and, in particular, women and transgender persons. In awarding and administering grants under this Program, the Department shall strive to provide assistance equitably throughout the State.

In order to encourage the employment of individuals trained through the Program onto projects receiving State financial assistance, the Department shall coordinate with the Illinois Environmental Protection Agency, the Illinois Finance Authority, and other State agencies that provide financial support for water infrastructure projects. These agencies shall take steps to support attaining the training and placement goals set forth in this subsection, using a list of projects that receive State financial support. These agencies may propose and adopt rules to facilitate the attainment of this goal.

Using funds appropriated for the purposes of this Section, the Department may select through a competitive bidding process a Program Administrator to oversee the allocation of funds and select organizations that receive funding.

Recipients of grants under the Program shall report annually to the Department on the success of their efforts and their contribution to reaching the goals of the Program provided in this subsection. The Department shall compile this information and annually report to the General Assembly on the Program, including, but not limited to, the following information:

(1) progress toward the goals stated in this subsection;

(2) any increase in the percentage of water industry jobs in targeted populations;

(3) any increase in the rate of acceptance, completion, or retention of water training programs among targeted populations;

(4) any increase in the rate of employment, including hours and annual income, measured against pre-Program participant income; and

(5) any recommendations for future changes to optimize the success of the Program.

(d) Within 90 days after the effective date of this amendatory Act of the 101st General Assembly, the Department shall propose a draft plan to implement this Section for public comment. The Department shall allow a minimum of 60 days for public comment on the plan, including one or more public hearings, if requested. The Department shall finalize the plan within 180 days of the effective date of this amendatory Act of the 101st General Assembly.

The Department may propose and adopt any rules necessary for the implementation of the Program and to ensure compliance with this Section.

(e) The Water Workforce Development Fund is created as a special fund in the State treasury. The Fund shall receive moneys appropriated for the purpose of this Section from the Build Illinois Bond, the Capital Development Fund, the General Revenue Fund and any other funds. Moneys in the Fund shall only be used to fund the Program and to assist and enable implementation of clean water infrastructure capital investments. Notwithstanding any other law to the contrary, the Water Workforce Development Fund is not subject to sweeps, administrative charge-backs, or any other fiscal or budgetary maneuver that would in any way transfer any amounts from the Water Workforce Development Fund into any other fund of the State.

(f) For purpose of this Section:

"Environmental justice community" has the meaning provided in subsection (b) of Section 1-50 of the Illinois Power Agency Act.

"Multi-craft labor organization" means a joint labor-management apprenticeship program registered with and approved by the United States Department of Labor's Office of Apprenticeship.

"Organization" means a corporation, company, partnership, association, society, order, labor organization, or individual or aggregation of individuals.

Section 10. The State Finance Act is amended by adding Section 5.891 as follows:

(30 ILCS 105/5.891 new)

Sec. 5.891. The Water Workforce Development Fund.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

At the hour of 1:15 o'clock p.m., Senator Martinez, presiding.

On motion of Senator Link, **Senate Bill No. 1124** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1240** having been printed, was taken up, read by title a second time.

Floor Amendment Nos. 1 and 2 were referred to the Committee on Revenue earlier today.

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

On motion of Senator Link, **Senate Bill No. 1538** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1538

AMENDMENT NO. 1 . Amend Senate Bill 1538 on page 1, lines 7 and 8, by replacing "by referendum" with "in Lake County; pilot program"; and

on page 2, immediately below line 16, by inserting the following:

"(d) This Section only applies to police departments in municipalities wholly within Lake County.

(e) Subsections (a) and (b) of this Section are inoperative on and after January 1, 2030.".

Floor Amendment No. 2 was referred to the Committee on Local Government earlier today.

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

On motion of Senator Link, **Senate Bill No. 1862** having been printed, was taken up, read by title a second time.

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

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

AMENDMENT NO. 2 TO SENATE BILL 1862

AMENDMENT NO. 2 . Amend Senate Bill 1862 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 1-154.7 and 5-302 as follows:

(625 ILCS 5/1-154.7)

Sec. 1-154.7. Out-of-state salvage vehicle buyer. A person who is licensed in another state or jurisdiction and acquires salvage or junk vehicles for the primary purpose of taking them out of the State or country ~~state~~.

(Source: P.A. 95-783, eff. 1-1-09.)

(625 ILCS 5/5-302) (from Ch. 95 1/2, par. 5-302)

Sec. 5-302. Out-of-state salvage vehicle buyer must be licensed.

(a) A ~~No~~ person in this State shall not sell or offer at auction salvage vehicles to a nonresident individual or business licensed in the United States unless the nonresident ~~who~~ is ~~not~~ licensed in another state or jurisdiction , provides a National Motor Vehicle Title Information System (NMVTIS) number or social security number or federal employer identification number, and resale tax certificate, if applicable. A person in this State shall not sell or offer at auction salvage vehicles to an out-of-country buyer unless the out-of-country buyer is licensed in its jurisdiction as a recycler or rebuilder and provides a foreign license number, passport, or other form of identification issued by the foreign jurisdiction.

(b) (Blank).

(c) (Blank).

(d) (Blank).

(e) (Blank).

(f) (Blank).

(g) An out-of-state salvage vehicle buyer shall be subject to the inspection of records pertaining to the acquisition of salvage vehicles in this State in accordance with this Code and such rules as the Secretary of State may promulgate.

(h) (Blank).

(i) (Blank).

(j) An out-of-country buyer who provides a business address not within the sovereign boundaries of the United States of America shall receive a title stamped with the designation of "export only" at the point of sale.

(Source: P.A. 95-783, eff. 1-1-09.)".

Floor Amendment No. 3 was referred to the Committee on Transportation earlier today.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1864** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Assignments.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1899** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 2093** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 2135** having been printed, was taken up, read by title a second time.
The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2135

AMENDMENT NO. _1__. Amend Senate Bill 2135 by replacing everything after the enacting clause with the following:

"Section 5. The Freedom of Information Act is amended by changing Section 7 as follows:
(5 ILCS 140/7) (from Ch. 116, par. 207)
Sec. 7. Exemptions.
(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

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

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

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

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

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

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

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

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

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

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

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

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

(d-5) A law enforcement record created for law enforcement purposes if the law enforcement agency that is the recipient of the request did not create the record and did not participate in or have a role in any of the events that are the subject of the record. If a law enforcement agency receives a request for a law enforcement record created for law enforcement purposes that it did not create, the law enforcement agency shall direct the requester to the agency that created the law enforcement record. ~~A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.~~

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

(e-5) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials are available in the library of the correctional institution or facility or jail where the inmate is confined.

(e-6) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials include records from staff members' personnel files, staff rosters, or other staffing assignment information.

(e-7) Records requested by persons committed to the Department of Corrections or Department of Human Services Division of Mental Health if those materials are available through an administrative request to the Department of Corrections or Department of Human Services Division of Mental Health.

(e-8) Records requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility.

(e-9) Records requested by a person in a county jail or committed to the Department of Corrections or Department of Human Services Division of Mental Health, containing personal information pertaining to the person's victim or the victim's family, including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim.

(e-10) Law enforcement records of other persons requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, including, but not limited to, arrest and booking records, mug shots, and crime scene photographs, except as these records may be relevant to the requester's current or potential case or claim.

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

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

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

Nothing contained in this paragraph (g) shall be construed to prevent a person or

business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

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

(j) The following information pertaining to educational matters:

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

(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;

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

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

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

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

(m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

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

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

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

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

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

(s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or self insurance (including any intergovernmental

risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

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

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

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

(w) (Blank).

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

(y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

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

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

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

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

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

(ee) The names, addresses, or other personal information of persons who are minors and are also participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations.

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

(gg) Confidential information described in Section 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

(hh) The report submitted to the State Board of Education by the School Security and Standards Task Force under item (8) of subsection (d) of Section 2-3.160 of the School Code and any information contained in that report.

(ii) Records requested by persons committed to or detained by the Department of Human Services under the Sexually Violent Persons Commitment Act or committed to the Department of Corrections under the Sexually Dangerous Persons Act if those materials: (i) are available in the library of the facility where the individual is confined; (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information; or (iii) are available through an administrative request to the Department of Human Services or the Department of Corrections.

(jj) Confidential information described in Section 5-535 of the Civil Administrative Code of Illinois.

(1.5) Any information exempt from disclosure under the Judicial Privacy Act shall be redacted from public records prior to disclosure under this Act.

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

(3) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.
(Source: P.A. 99-298, eff. 8-6-15; 99-346, eff. 1-1-16; 99-642, eff. 7-28-16; 100-26, eff. 8-4-17; 100-201, eff. 8-18-17; 100-732, eff. 8-3-18.)".

Floor Amendment No. 2 was referred to the Committee on Judiciary earlier today.

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

At the hour of 1:19 o'clock p.m., Senator Link, presiding.

On motion of Senator Steans, **Senate Bill No. 1233** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 1235** having been printed, was taken up, read by title a second time and ordered to a third reading.

ANNOUNCEMENT

The Chair reminded members that tomorrow, Wednesday, April 10, is the last day to move bills on the order of Senate Bills Second Reading.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Cunningham, **Senate Bill No. 1256** having been printed, was taken up, read by title a second time.

Committee Amendment Nos. 1 and 2 were held in the Committee on Assignments.

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

AMENDMENT NO. 3 TO SENATE BILL 1256

AMENDMENT NO. 3 . Amend Senate Bill 1256 on page 6, line 4, after "fuel", by inserting "on property that (i) offers paid parking services to vehicle owners, (ii) does not involve fuel dispensing, and (iii) is located"; and

on page 6, line 5, after "area", by inserting "within a county of over 3 million residents but outside of a municipality of over 2 million residents"; and

on page 6, line 12, after "place.", by inserting the following: "This subsection does not apply to:

(1) school buses;

(2) waste hauling vehicles;

(3) facilities operated by the Department of Transportation; or

(4) vehicles owned by a public utility and operated to power equipment necessary in the restoration, repair, modification, or installation of a utility service.".

Senator Cunningham offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 1256

AMENDMENT NO. 4 . Amend Senate Bill 1256, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-1429 as follows:

(625 ILCS 5/11-1429)

Sec. 11-1429. Excessive idling.

(a) The purpose of this law is to protect public health and the environment by reducing emissions while conserving fuel and maintaining adequate rest and safety of all drivers of diesel vehicles.

(b) As used in this Section, "affected areas" means the counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison, St. Clair, and Monroe and the townships of Aux Sable and Goose Lake in Grundy County and the township of Oswego in Kendall County.

(c) A person that operates a motor vehicle operating on diesel fuel in an affected area may not cause or allow the motor vehicle, when it is not in motion, to idle for more than a total of 10 minutes within any 60 minute period, except under the following circumstances:

(1) the motor vehicle has a Gross Vehicle Weight Rating of less than 8,000 pounds;

(2) the motor vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official;

(3) the motor vehicle idles when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;

(4) a police, fire, ambulance, public safety, other emergency or law enforcement motor vehicle, or any motor vehicle used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator;

(5) the primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is necessary for such activity;

(6) a motor vehicle idles as part of a government inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection;

(7) when idling of the motor vehicle is required to operate auxiliary equipment to accomplish the intended use of the vehicle (such as loading, unloading, mixing, or processing cargo; controlling cargo temperature; construction operations; lumbering operations; oil or gas well servicing; or farming operations), provided that this exemption does not apply when the vehicle is idling solely for cabin comfort or to operate non-essential equipment such as air conditioning, heating, microwave ovens, or televisions;

(8) an armored motor vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded;

(9) a bus idles a maximum of 15 minutes in any 60 minute period to maintain passenger comfort while non-driver passengers are on board;

(10) if the motor vehicle has a sleeping berth, when the operator is occupying the vehicle during a rest or sleep period and idling of the vehicle is required to operate air conditioning or heating;

(11) when the motor vehicle idles due to mechanical difficulties over which the operator has no control;

(12) the motor vehicle is used as airport ground support equipment, including, but not limited to, motor vehicles operated on the air side of the airport terminal to service or supply aircraft;

(13) the motor vehicle is (i) a bus owned by a public transit authority and (ii) being operated on a designated bus route or on a street or highway between designated bus routes for the provision of public transportation;

(14) the motor vehicle is an implement of husbandry exempt from registration under subdivision A(2) of Section 3-402 of this Code;

(15) the motor vehicle is owned by an electric utility and is operated for electricity generation or hydraulic pressure to power equipment necessary in the restoration, repair, modification or installation of electric utility service;

(16) the outdoor temperature is less than 32 degrees Fahrenheit or greater than 80 degrees Fahrenheit; or

(17) the motor vehicle idles while being operated by a remote starter system.

(d) When the outdoor temperature is 32 degrees Fahrenheit or higher and 80 degrees Fahrenheit or lower, a person who operates a motor vehicle operating on diesel fuel in an affected area may not cause or allow the motor vehicle to idle for a period greater than 30 minutes in any 60 minute period while waiting to weigh, load, or unload cargo or freight, unless the vehicle is in a line of vehicles that regularly and periodically moves forward.

(e) This Section does not prohibit the operation of an auxiliary power unit or generator set as an alternative to idling the main engine of a motor vehicle operating on diesel fuel.

(f) This Section does not apply to the owner of a motor vehicle rented or leased to another entity or person operating the vehicle.

(g) Any person convicted of any violation of this Section is guilty of a petty offense and shall be fined $90 for the first conviction and $500 for a second or subsequent conviction within any 12 month period.

(h) Fines; distribution. All fines and all penalties collected under this Section shall be deposited in the State Treasury and shall be distributed as follows: (i) $50 for the first conviction and $150 for a second or subsequent conviction within any 12 month period under this Section shall be deposited into the State's General Revenue Fund; (ii) $20 for the first conviction and $262.50 for a second or subsequent conviction within any 12 month period under this Section shall be distributed to the law enforcement agency that issued the citation; and (iii) $20 for the first conviction and $87.50 for a second or subsequent conviction within any 12 month period under this Section shall be deposited into the Trucking Environmental and Education Fund.

(i) The Trucking Environmental and Education Fund is created as a special fund in the State Treasury. All money deposited into the Trucking Environmental and Education Fund shall be paid, subject to appropriation by the General Assembly, to the Illinois Environmental Protection Agency for the purpose of educating the trucking industry on air pollution and preventative measures specifically related to idling. Any interest earned on deposits into the Fund shall remain in the Fund and be used for the purposes set forth in this subsection. Notwithstanding any other law to the contrary, the Fund is not subject to administrative charges or charge-backs that would in any way transfer moneys from the Fund into any other fund of the State.

(j) Notwithstanding any other provision of this Section, a person who operates a motor vehicle with a gross vehicle weight rating of 8,000 pounds or more operating on diesel fuel on property that (i) offers paid parking services to vehicle owners, (ii) does not involve fuel dispensing, and (iii) is located in an affected area within a county of over 3 million residents but outside of a municipality of over 2 million residents may not cause or allow the motor vehicle, when it is not in motion, to idle for more than a total of 10 minutes within any 60-minute period under any circumstances if the vehicle is within 200 feet of a residential area. This Section may be enforced by either the law enforcement agency having jurisdiction over the residential area or the law enforcement agency having jurisdiction over the property on which the violation took place. This subsection does not apply to:

(1) school buses;

(2) waste hauling vehicles;

(3) facilities operated by the Department of Transportation;

(4) vehicles owned by a public utility and operated to power equipment necessary in the restoration, repair, modification, or installation of a utility service; or

(5) ambulances.

(Source: P.A. 100-435, eff. 8-25-17.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 3 and 4 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Hastings, **Senate Bill No. 1665** having been printed, was taken up, read by title a second time.

Senator Hastings offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1665

AMENDMENT NO. 1 . Amend Senate Bill 1665 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Controlled Substances Act is amended by changing Sections 314.5, 316, and 320 as follows:

(720 ILCS 570/314.5)

Sec. 314.5. Medication shopping; pharmacy shopping.

(a) It shall be unlawful for any person knowingly or intentionally to fraudulently obtain or fraudulently seek to obtain any controlled substance or prescription for a controlled substance from a prescriber or dispenser while being supplied with any controlled substance or prescription for a controlled substance by another prescriber or dispenser, without disclosing the fact of the existing controlled substance or prescription for a controlled substance to the prescriber or dispenser from whom the subsequent controlled substance or prescription for a controlled substance is sought.

(b) It shall be unlawful for a person knowingly or intentionally to fraudulently obtain or fraudulently seek to obtain any controlled substance from a pharmacy while being supplied with any controlled substance by another pharmacy, without disclosing the fact of the existing controlled substance to the pharmacy from which the subsequent controlled substance is sought.

(c) A person may be in violation of Section 3.23 of the Illinois Food, Drug and Cosmetic Act or Section 406 of this Act when medication shopping or pharmacy shopping, or both.

(c-5) Effective January 1, 2018, each prescriber possessing an Illinois controlled substances license shall register with the Prescription Monitoring Program. Notwithstanding any provision of this Act to the contrary, beginning on and after the effective date of this amendatory Act of the 101st General Assembly, a licensed veterinarian shall be exempt from registration and prohibited from accessing patient information in the Prescription Monitoring Program. Licensed veterinarians that are existing registrants shall be removed from the Prescription Monitoring Program. Each prescriber or his or her designee shall also document an attempt to access patient information in the Prescription Monitoring Program to assess patient access to controlled substances when providing an initial prescription for Schedule II narcotics such as opioids, except for prescriptions for oncology treatment or palliative care, or a 7-day or less supply provided by a hospital emergency department when treating an acute, traumatic medical condition. This attempt to access shall be documented in the patient's medical record. The hospital shall facilitate the designation of a prescriber's designee for the purpose of accessing the Prescription Monitoring Program for services provided at the hospital.

(d) When a person has been identified as having 3 or more prescribers or 3 or more pharmacies, or both, that do not utilize a common electronic file as specified in Section 20 of the Pharmacy Practice Act for controlled substances within the course of a continuous 30-day period, the Prescription Monitoring Program may issue an unsolicited report to the prescribers, dispensers, and their designees informing them of the potential medication shopping. If an unsolicited report is issued to a prescriber or prescribers, then the report must also be sent to the applicable dispensing pharmacy.

(e) Nothing in this Section shall be construed to create a requirement that any prescriber, dispenser, or pharmacist request any patient medication disclosure, report any patient activity, or prescribe or refuse to prescribe or dispense any medications.

(f) This Section shall not be construed to apply to inpatients or residents at hospitals or other institutions or to institutional pharmacies.

(g) Any patient feedback, including grades, ratings, or written or verbal statements, in opposition to a clinical decision that the prescription of a controlled substance is not medically necessary shall not be the basis of any adverse action, evaluation, or any other type of negative credentialing, contracting, licensure, or employment action taken against a prescriber or dispenser.

(Source: P.A. 99-480, eff. 9-9-15; 100-564, eff. 1-1-18.)

(720 ILCS 570/316)

Sec. 316. Prescription Monitoring Program.

(a) The Department must provide for a Prescription Monitoring Program for Schedule II, III, IV, and V controlled substances that includes the following components and requirements:

(1) The dispenser must transmit to the central repository, in a form and manner specified by the Department, the following information:

(A) The recipient's name and address.

(B) The recipient's date of birth and gender.

(C) The national drug code number of the controlled substance dispensed.

(D) The date the controlled substance is dispensed.

(E) The quantity of the controlled substance dispensed and days supply.

(F) The dispenser's United States Drug Enforcement Administration registration number.

(G) The prescriber's United States Drug Enforcement Administration registration number.

(H) The dates the controlled substance prescription is filled.

(I) The payment type used to purchase the controlled substance (i.e. Medicaid, cash, third party insurance).

(J) The patient location code (i.e. home, nursing home, outpatient, etc.) for the controlled substances other than those filled at a retail pharmacy.

(K) Any additional information that may be required by the department by administrative rule, including but not limited to information required for compliance with the criteria for electronic reporting of the American Society for Automation and Pharmacy or its successor.

(2) The information required to be transmitted under this Section must be transmitted

not later than the end of the next business day after the date on which a controlled substance is dispensed, or at such other time as may be required by the Department by administrative rule.

(3) A dispenser must transmit the information required under this Section by:

(A) an electronic device compatible with the receiving device of the central repository;

(B) a computer diskette;

(C) a magnetic tape; or

(D) a pharmacy universal claim form or Pharmacy Inventory Control form. ~~;~~

(4) The Department may impose a civil fine of up to $100 per day for willful failure to report controlled substance dispensing to the Prescription Monitoring Program. The fine shall be calculated on no more than the number of days from the time the report was required to be made until the time the problem was resolved, and shall be payable to the Prescription Monitoring Program.

(a-5) Notwithstanding subsection (a), a licensed veterinarian is exempt from the reporting requirements of this Section. If a person who is presenting an animal for treatment is suspected of fraudulently obtaining any controlled substance or prescription for a controlled substance, the licensed veterinarian shall report that information to the local law enforcement agency.

(b) The Department, by rule, may include in the Prescription Monitoring Program certain other select drugs that are not included in Schedule II, III, IV, or V. The Prescription Monitoring Program does not apply to controlled substance prescriptions as exempted under Section 313.

(c) The collection of data on select drugs and scheduled substances by the Prescription Monitoring Program may be used as a tool for addressing oversight requirements of long-term care institutions as set forth by Public Act 96-1372. Long-term care pharmacies shall transmit patient medication profiles to the Prescription Monitoring Program monthly or more frequently as established by administrative rule.

(d) The Department of Human Services shall appoint a full-time Clinical Director of the Prescription Monitoring Program.

(e) (Blank).

(f) Within one year of January 1, 2018 (the effective date of Public Act 100-564) ~~this amendatory Act of the 100th General Assembly~~, the Department shall adopt rules requiring all Electronic Health Records Systems to interface with the Prescription Monitoring Program application program on or before January 1, 2021 to ensure that all providers have access to specific patient records during the treatment of their patients. These rules shall also address the electronic integration of pharmacy records with the Prescription Monitoring Program to allow for faster transmission of the information required under this Section. The Department shall establish actions to be taken if a prescriber's Electronic Health Records System does not effectively interface with the Prescription Monitoring Program within the required timeline.

(g) The Department, in consultation with the Advisory Committee, shall adopt rules allowing licensed prescribers or pharmacists who have registered to access the Prescription Monitoring Program to authorize a licensed or non-licensed designee employed in that licensed prescriber's office or a licensed designee in a licensed pharmacist's pharmacy~~, and~~ who has received training in the federal Health Insurance Portability and Accountability Act to consult the Prescription Monitoring Program on their behalf. The rules shall include reasonable parameters concerning a practitioner's authority to authorize a designee, and the eligibility of a person to be selected as a designee. In this subsection (g), "pharmacist" shall include a clinical pharmacist employed by and designated by a Medicaid Managed Care Organization providing services under Article V of the Illinois Public Aid Code under a contract with the Department of Healthcare ~~Health~~ and Family Services for the sole purpose of clinical review of services provided to persons covered by the entity under the contract to determine compliance with subsections (a) and (b) of Section 314.5 of this Act. A managed care entity pharmacist shall notify prescribers of review activities.

(Source: P.A. 99-480, eff. 9-9-15; 100-564, eff. 1-1-18; 100-861, eff. 8-14-18; 100-1005, eff. 8-21-18; 100-1093, eff. 8-26-18; revised 2-20-19.)

(720 ILCS 570/320)

Sec. 320. Advisory committee.

(a) There is created a Prescription Monitoring Program Advisory Committee to assist the Department of Human Services in implementing the Prescription Monitoring Program created by this Article and to advise the Department on the professional performance of prescribers and dispensers and other matters germane to the advisory committee's field of competence.

(b) The Prescription Monitoring Program Advisory Committee shall consist of 15 ~~16~~ members appointed by the Clinical Director of the Prescription Monitoring Program composed of prescribers and dispensers licensed to practice medicine in his or her respective profession as follows: one family or primary care physician; one pain specialist physician; 4 other physicians, one of whom may be an ophthalmologist; 2 advanced practice registered nurses; one physician assistant; one optometrist; one

dentist; ~~one veterinarian;~~ one clinical representative from a statewide organization representing hospitals; and 3 pharmacists. The Advisory Committee members serving on August 26, 2018 (the effective date of Public Act 100-1093) ~~this amendatory Act of the 100th General Assembly~~ shall continue to serve until January 1, 2019. Prescriber and dispenser nominations for membership on the Committee shall be submitted by their respective professional associations. If there are more nominees than membership positions for a prescriber or dispenser category, as provided in this subsection (b), the Clinical Director of the Prescription Monitoring Program shall appoint a member or members for each profession as provided in this subsection (b), from the nominations to serve on the advisory committee. At the first meeting of the Committee in 2019 members shall draw lots for initial terms and 6 members shall serve 3 years, 5 members shall serve 2 years, and 5 members shall serve one year. Thereafter, members shall serve 3-year ~~3 year~~ terms. Members may serve more than one term but no more than 3 terms. The Clinical Director of the Prescription Monitoring Program may appoint a representative of an organization representing a profession required to be appointed. The Clinical Director of the Prescription Monitoring Program shall serve as the Secretary of the committee.

(c) The advisory committee may appoint a chairperson and other officers as it deems appropriate.

(d) The members of the advisory committee shall receive no compensation for their services as members of the advisory committee, unless appropriated by the General Assembly, but may be reimbursed for their actual expenses incurred in serving on the advisory committee.

(e) The advisory committee shall:

(1) provide a uniform approach to reviewing this Act in order to determine whether changes should be recommended to the General Assembly;

(2) review current drug schedules in order to manage changes to the administrative rules pertaining to the utilization of this Act;

(3) review the following: current clinical guidelines developed by health care professional organizations on the prescribing of opioids or other controlled substances; accredited continuing education programs related to prescribing and dispensing; programs or information developed by health care professional organizations that may be used to assess patients or help ensure compliance with prescriptions; updates from the Food and Drug Administration, the Centers for Disease Control and Prevention, and other public and private organizations which are relevant to prescribing and dispensing; relevant medical studies; and other publications which involve the prescription of controlled substances;

(4) make recommendations for inclusion of these materials or other studies which may be effective resources for prescribers and dispensers on the Internet website of the inquiry system established under Section 318;

(5) semi-annually review the content of the Internet website of the inquiry system established pursuant to Section 318 to ensure this Internet website has the most current available information;

(6) semi-annually review opportunities for federal grants and other forms of funding to support projects which will increase the number of pilot programs which integrate the inquiry system with electronic health records; and

(7) semi-annually review communication to be sent to all registered users of the inquiry system established pursuant to Section 318, including recommendations for relevant accredited continuing education and information regarding prescribing and dispensing.

(f) The Advisory Committee shall select from its members 10 ~~11~~ members of the Peer Review Committee composed of: ~~6, and one dentist,~~

(1) 3 physicians;

(2) 3 pharmacists;

(3) one dentist;

(4) one advanced practice registered nurse;

(4.5) (blank) ~~one veterinarian~~;

(5) one physician assistant; and

(6) one optometrist.

The purpose of the Peer Review Committee is to establish a formal peer review of professional performance of prescribers and dispensers. The deliberations, information, and communications of the Peer Review Committee are privileged and confidential and shall not be disclosed in any manner except in accordance with current law.

(1) The Peer Review Committee shall periodically review the data contained within the prescription monitoring program to identify those prescribers or dispensers who may be prescribing or dispensing outside the currently accepted standard and practice of their profession. The Peer Review

Committee member, whose profession is the same as the prescriber or dispenser being reviewed, shall prepare a preliminary report and recommendation for any non-action or action. The Prescription Monitoring Program Clinical Director and staff shall provide the necessary assistance and data as required.

(2) The Peer Review Committee may identify prescribers or dispensers who may be prescribing outside the currently accepted medical standards in the course of their professional practice and send the identified prescriber or dispenser a request for information regarding their prescribing or dispensing practices. This request for information shall be sent via certified mail, return receipt requested. A prescriber or dispenser shall have 30 days to respond to the request for information.

(3) The Peer Review Committee shall refer a prescriber or a dispenser to the Department of Financial and Professional Regulation in the following situations:

(i) if a prescriber or dispenser does not respond to three successive requests for information;

(ii) in the opinion of a majority of members of the Peer Review Committee, the prescriber or dispenser does not have a satisfactory explanation for the practices identified by the Peer Review Committee in its request for information; or

(iii) following communications with the Peer Review Committee, the prescriber or dispenser does not sufficiently rectify the practices identified in the request for information in the opinion of a majority of the members of the Peer Review Committee.

(4) The Department of Financial and Professional Regulation may initiate an investigation and discipline in accordance with current laws and rules for any prescriber or dispenser referred by the Peer Review Committee ~~peer review subcommittee~~.

(5) The Peer Review Committee shall prepare an annual report starting on July 1, 2017. This report shall contain the following information: the number of times the Peer Review Committee was convened; the number of prescribers or dispensers who were reviewed by the Peer Review Committee; the number of requests for information sent out by the Peer Review Committee; and the number of prescribers or dispensers referred to the Department of Financial and Professional Regulation. The annual report shall be delivered electronically to the Department and to the General Assembly. The report to the General Assembly shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate in electronic form only, in the manner that the Clerk and the Secretary shall direct. The report prepared by the Peer Review Committee shall not identify any prescriber, dispenser, or patient.

(Source: P.A. 99-480, eff. 9-9-15; 100-513, eff. 1-1-18; 100-861, eff. 8-14-18; 100-1093, eff. 8-26-18; revised 10-3-18.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Hastings, **Senate Bill No. 2080** having been printed, was taken up, read by title a second time.

Floor Amendment Nos. 1, 2, 3 and 4 were held in the Committee on Assignments.

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

On motion of Senator Muñoz, **Senate Bill No. 1139** having been printed, was taken up, read by title a second time.

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

Senator Muñoz offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1139

AMENDMENT NO. 2 . Amend Senate Bill 1139 on page 17, line 10, by replacing "2025" with "2023"; and

on page 17, line 13, by replacing "2025" with "2023".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Aquino, **Senate Bill No. 1264** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Curran, **Senate Bill No. 1929** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1929

AMENDMENT NO. 1. Amend Senate Bill 1929 by replacing everything after the enacting clause with the following:

"Section 5. The Freedom of Information Act is amended by changing Section 7 as follows:

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

Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

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

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

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

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

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

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

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

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

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

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

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

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

(d-5) A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.

(d-6) Materials gathered in connection with a grand jury proceeding or documents contained within the prosecution trial file, except as may be allowed under discovery rules adopted by the Illinois Supreme Court.

(d-7) Records in the possession of a prosecutor that were prepared or compiled by the prosecutor in connection with post-conviction proceedings pursuant to Article 122 of the Code of Criminal Procedure of 1963 or any voluntary post-conviction internal review.

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

(e-5) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials are available in the library of the correctional institution or facility or jail where the inmate is confined.

(e-6) Records requested by persons committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail if those materials include records from staff members' personnel files, staff rosters, or other staffing assignment information.

(e-7) Records requested by persons committed to the Department of Corrections or Department of Human Services Division of Mental Health if those materials are available through an administrative request to the Department of Corrections or Department of Human Services Division of Mental Health.

(e-8) Records requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility.

(e-9) Records requested by a person in a county jail or committed to the Department of Corrections or Department of Human Services Division of Mental Health, containing personal information pertaining to the person's victim or the victim's family, including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim.

(e-10) Law enforcement records of other persons requested by a person committed to the Department of Corrections, Department of Human Services Division of Mental Health, or a county jail, including, but not limited to, arrest and booking records, mug shots, and crime scene photographs, except as these records may be relevant to the requester's current or potential case or claim.

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

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment

portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

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

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

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

(j) The following information pertaining to educational matters:

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

(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;

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

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

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

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

(m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

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

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

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

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

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

(s) Any and all proprietary information and records related to the operation of an

intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

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

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

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

(w) (Blank).

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

(y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

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

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

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

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

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

(ee) The names, addresses, or other personal information of persons who are minors and are also participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations.

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

(gg) Confidential information described in Section 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

(hh) The report submitted to the State Board of Education by the School Security and Standards Task Force under item (8) of subsection (d) of Section 2-3.160 of the School Code and any information contained in that report.

(ii) Records requested by persons committed to or detained by the Department of Human Services under the Sexually Violent Persons Commitment Act or committed to the Department of Corrections under the Sexually Dangerous Persons Act if those materials: (i) are available in the library of the facility where the individual is confined; (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information; or (iii) are available through an administrative request to the Department of Human Services or the Department of Corrections.

(jj) Confidential information described in Section 5-535 of the Civil Administrative Code of Illinois.

(1.5) Any information exempt from disclosure under the Judicial Privacy Act shall be redacted from public records prior to disclosure under this Act.

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

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

(Source: P.A. 99-298, eff. 8-6-15; 99-346, eff. 1-1-16; 99-642, eff. 7-28-16; 100-26, eff. 8-4-17; 100-201, eff. 8-18-17; 100-732, eff. 8-3-18.)".

Floor Amendment No. 2 was referred to the Committee on Judiciary earlier today.

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

On motion of Senator Sandoval, **Senate Bill No. 104** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 104

AMENDMENT NO. 1 . Amend Senate Bill 104 by replacing everything after the enacting clause with the following:

"Section 5. The State Prompt Payment Act is amended by changing Sections 1 and 7 as follows:

(30 ILCS 540/1) (from Ch. 127, par. 132.401)

Sec. 1. This Act applies to any State official or agency authorized to provide for payment from State funds, by virtue of any appropriation of the General Assembly, for goods or services furnished to the State.

For purposes of this Act, "goods or services furnished to the State" include but are not limited to (i) covered health care provided to eligible members and their covered dependents in accordance with the State Employees Group Insurance Act of 1971, including coverage through a physician-owned health maintenance organization under Section 6.1 of that Act, (ii) prevention, intervention, or treatment services and supports for persons with developmental disabilities, mental health services, alcohol and substance abuse services, rehabilitation services, and early intervention services provided by a vendor, and (iii) prevention, intervention, or treatment services and supports for youth provided by a vendor by virtue of a contractual grant agreement. For the purposes of items (ii) and (iii), a vendor includes but is not limited to sellers of goods and services, including community-based organizations that are licensed to provide prevention, intervention, or treatment services and supports for persons with developmental disabilities, mental illness, and substance abuse problems, or that provides prevention, intervention, or treatment services and supports for youth.

For the purposes of this Act, "appropriate State official or agency" is defined as the Director or Chief Executive or his designee of that State agency or department or facility of such agency or department. With respect to covered health care provided to eligible members and their dependents in accordance with the State Employees Group Insurance Act of 1971, "appropriate State official or agency" also includes an administrator of a program of health benefits under that Act.

As used in this Act, "eligible member" means a member who is eligible for health benefits under the State Employees Group Insurance Act of 1971, and "member" and "dependent" have the meanings ascribed to those terms in that Act.

As used in this Act, "a proper bill or invoice" means a bill or invoice, including, but not limited to, an invoice issued under a contractual grant agreement, that includes the information necessary for processing the payment as may be specified by a State agency and in rules adopted in accordance with this Act, including the names of all subcontractors or subconsultants to be paid from the bill or invoice and the amounts due to each of them, if any.

(Source: P.A. 100-549, eff. 1-1-18.)

(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 electronically within 7 business days or, if paid via a printed check, the printed check must be received by each subcontractor and material supplier within 7 business days after receiving payment in proportion to the work completed by each subcontractor and material supplier its application or pay estimate, plus interest received under this Act. 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 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 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, 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 electronically within 7 business days after receiving 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 subcontractors and material suppliers within 7 business days ~~15 calendar days~~ after receipt of payment from the State official or agency, the contractor shall pay to its 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 7-business-day ~~15-day~~ period until fully paid. This subsection shall further 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) within 7 business days ~~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, shall hold a hearing convened by an administrative law judge to determine whether the contractor withheld payment, without reasonable cause, from the subcontractors or material suppliers and what amount, if any, is due to the subcontractors or 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 material supplier has the right to be represented by counsel at a 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 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), then the administrative law judge shall, in writing, order the contractor to pay the amount owed to the subcontractors or material suppliers plus interest within 15 calendar days after the order.

(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, 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.

(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.

(b-5) On or before July 2021, the Department of Transportation shall publish on its website a searchable database that allows for queries by the name of a subcontractor or the pay item of each pay period such that each pay item is associated with either the prime contractor or a subcontractor.

(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 not a party related to the contract or subcontract; asserted 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. 100-43, eff. 8-9-17; 100-376, eff. 1-1-18; 100-863, eff. 8-14-18.)".

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

Floor Amendment No. 3 was held in the Committee on Transportation.

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

On motion of Senator Sandoval, **Senate Bill No. 1343** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Transportation.

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

On motion of Senator Harmon, **Senate Bill No. 2128** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Licensed Activities earlier today.

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

On motion of Senator T. Cullerton, **Senate Bill No. 218** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 218

AMENDMENT NO. 1. Amend Senate Bill 218 by replacing everything after the enacting clause with the following:

"Section 5. The Juvenile Court Act of 1987 is amended by changing Section 2-13 as follows:

(705 ILCS 405/2-13) (from Ch. 37, par. 802-13)

Sec. 2-13. Petition.

(1) Any adult person, any agency or association by its representative may file, or the court on its own motion, consistent with the health, safety and best interests of the minor may direct the filing through the State's Attorney of a petition in respect of a minor under this Act. The petition and all subsequent court documents shall be entitled "In the interest of ...., a minor".

(2) The petition shall be verified but the statements may be made upon information and belief. It shall allege that the minor is abused, neglected, or dependent, with citations to the appropriate provisions of this Act, and set forth (a) facts sufficient to bring the minor under Section 2-3 or 2-4 and to inform respondents of the cause of action, including, but not limited to, a plain and concise statement of the factual allegations that form the basis for the filing of the petition; (b) the name, age and residence of the minor; (c) the names and residences of his parents; (d) the name and residence of his legal guardian or the person or persons having custody or control of the minor, or of the nearest known relative if no parent or guardian can be found; and (e) if the minor upon whose behalf the petition is brought is sheltered in custody, the date on which such temporary custody was ordered by the court or the date set for a temporary custody hearing. If any of the facts herein required are not known by the petitioner, the petition shall so state.

(3) The petition must allege that it is in the best interests of the minor and of the public that he be adjudged a ward of the court and may pray generally for relief available under this Act. The petition need not specify any proposed disposition following adjudication of wardship. The petition may request that the minor remain in the custody of the parent, guardian, or custodian under an Order of Protection.

(4) If termination of parental rights and appointment of a guardian of the person with power to consent to adoption of the minor under Section 2-29 is sought, the petition shall so state. If the petition includes this request, the prayer for relief shall clearly and obviously state that the parents could permanently lose their rights as a parent at this hearing.

In addition to the foregoing, the petitioner, by motion, may request the termination of parental rights and appointment of a guardian of the person with power to consent to adoption of the minor under Section 2-29 at any time after the entry of a dispositional order under Section 2-22.

(4.5) (a) Unless good cause exists that filing a petition to terminate parental rights is contrary to the child's best interests, with respect to any minors committed to its care pursuant to this Act, the Department of Children and Family Services shall request the State's Attorney to file a petition or motion for termination of parental rights and appointment of guardian of the person with power to consent to adoption of the minor under Section 2-29 if:

(i) a minor has been in foster care, as described in subsection (b), for 15 months of the most recent 22 months; or

(ii) a minor under the age of 2 years has been previously determined to be abandoned at an adjudicatory hearing; or

(iii) the parent is criminally convicted of:

(A) first degree murder or second degree murder of any child; ,

(B) attempt or conspiracy to commit first degree murder or second degree murder of any child; ,

(C) solicitation to commit murder of any child, solicitation to commit murder for hire of any child, or solicitation to commit second degree murder of any child;~~,~~

(D) aggravated battery, aggravated battery of a child, or felony domestic battery, any of which has resulted in serious injury to the minor or a sibling of the minor;~~,~~

(E) predatory criminal sexual assault of a child; ~~aggravated criminal sexual assault in violation of subdivision (a)(1) of Section 11-1.40 or subdivision (a)(1) of Section 12-14.1 of the Criminal Code of 1961 or the Criminal Code of 2012, or~~

(E-5) aggravated criminal sexual assault;

(E-10) criminal sexual abuse;

(E-15) sexual exploitation of a child;

(E-20) permitting sexual abuse of a child; or

(F) an offense in any other state the elements of which are similar and bear a substantial relationship to any of the foregoing offenses.

(a-1) For purposes of this subsection (4.5), good cause exists in the following circumstances:

(i) the child is being cared for by a relative,

(ii) the Department has documented in the case plan a compelling reason for determining that filing such petition would not be in the best interests of the child,

(iii) the court has found within the preceding 12 months that the Department has failed to make reasonable efforts to reunify the child and family, or

(iv) the parent is incarcerated, or the parent's prior incarceration is a significant factor in why the child has been in foster care for 15 months out of any 22-month period, the parent maintains a meaningful role in the child's life, and the Department has not documented another reason why it would otherwise be appropriate to file a petition to terminate parental rights pursuant to this Section and the Adoption Act. The assessment of whether an incarcerated parent maintains a meaningful role in the child's life may include consideration of the following:

(A) the child's best interest;

(B) the parent's expressions or acts of manifesting concern for the child, such as letters, telephone calls, visits, and other forms of communication with the child and the impact of the communication on the child;

(C) the parent's efforts to communicate with and work with the Department for the purpose of complying with the service plan and repairing, maintaining, or building the parent-child relationship; or

(D) limitations in the parent's access to family support programs, therapeutic services, visiting opportunities, telephone and mail services, and meaningful participation in court proceedings.

(b) For purposes of this subsection, the date of entering foster care is defined as the earlier of:

(1) The date of a judicial finding at an adjudicatory hearing that the child is an abused, neglected, or dependent minor; or

(2) 60 days after the date on which the child is removed from his or her parent, guardian, or legal custodian.

(c) (Blank).

(d) (Blank).

(5) The court shall liberally allow the petitioner to amend the petition to set forth a cause of action or to add, amend, or supplement factual allegations that form the basis for a cause of action up until 14 days before the adjudicatory hearing. The petitioner may amend the petition after that date and prior to the adjudicatory hearing if the court grants leave to amend upon a showing of good cause. The court may allow amendment of the petition to conform with the evidence at any time prior to ruling. In all cases in which the court has granted leave to amend based on new evidence or new allegations, the court shall permit the respondent an adequate opportunity to prepare a defense to the amended petition.

(6) At any time before dismissal of the petition or before final closing and discharge under Section 2-31, one or more motions in the best interests of the minor may be filed. The motion shall specify sufficient facts in support of the relief requested.

(Source: P.A. 99-836, eff. 1-1-17.)

Section 10. The Adoption Act is amended by changing Section 1 as follows:

(750 ILCS 50/1) (from Ch. 40, par. 1501)

Sec. 1. Definitions. When used in this Act, unless the context otherwise requires:

A. "Child" means a person under legal age subject to adoption under this Act.

B. "Related child" means a child subject to adoption where either or both of the adopting parents stands in any of the following relationships to the child by blood, marriage, adoption, or civil union: parent, grand-parent, great-grandparent, brother, sister, step-parent, step-grandparent, step-brother, step-sister, uncle, aunt, great-uncle, great-aunt, first cousin, or second cousin. A person is related to the child as a first cousin or second cousin if they are both related to the same ancestor as either grandchild or great-grandchild. A child whose parent has executed a consent to adoption, a surrender, or a waiver pursuant to Section 10 of this Act or whose parent has signed a denial of paternity pursuant to Section 12 of the Vital Records Act or Section 12a of this Act, or whose parent has had his or her parental rights terminated, is not a related child to that person, unless (1) the consent is determined to be void or is void pursuant to subsection O of Section 10 of this Act; or (2) the parent of the child executed a consent to adoption by a specified person or persons pursuant to subsection A-1 of Section 10 of this Act and a court of competent jurisdiction finds that such consent is void; or (3) the order terminating the parental rights of the parent is vacated by a court of competent jurisdiction.

C. "Agency" for the purpose of this Act means a public child welfare agency or a licensed child welfare agency.

D. "Unfit person" means any person whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are any one or more of the following, except that a person shall not be considered an unfit person for the sole reason that the person has relinquished a child in accordance with the Abandoned Newborn Infant Protection Act:

(a) Abandonment of the child.

(a-1) Abandonment of a newborn infant in a hospital.

(a-2) Abandonment of a newborn infant in any setting where the evidence suggests that the parent intended to relinquish his or her parental rights.

(b) Failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare.

(c) Desertion of the child for more than 3 months next preceding the commencement of the Adoption proceeding.

(d) Substantial neglect of the child if continuous or repeated.

(d-1) Substantial neglect, if continuous or repeated, of any child residing in the household which resulted in the death of that child.

(e) Extreme or repeated cruelty to the child.

(f) There is a rebuttable presumption, which can be overcome only by clear and convincing evidence, that a parent is unfit if:

(1) Two or more findings of physical abuse have been entered regarding any children under Section 2-21 of the Juvenile Court Act of 1987, the most recent of which was determined by the juvenile court hearing the matter to be supported by clear and convincing evidence; or

(2) The parent has been convicted or found not guilty by reason of insanity and the conviction or finding resulted from the death of any child by physical abuse; or

(3) There is a finding of physical child abuse resulting from the death of any child under Section 2-21 of the Juvenile Court Act of 1987.

No conviction or finding of delinquency pursuant to Article V of the Juvenile Court Act of 1987 shall be considered a criminal conviction for the purpose of applying any presumption under this item (f).

(g) Failure to protect the child from conditions within his environment injurious to the child's welfare.

(h) Other neglect of, or misconduct toward the child; provided that in making a finding of unfitness the court hearing the adoption proceeding shall not be bound by any previous finding, order or judgment affecting or determining the rights of the parents toward the child sought to be adopted in any other proceeding except such proceedings terminating parental rights as shall be had under either this Act, the Juvenile Court Act or the Juvenile Court Act of 1987.

(i) Depravity. Conviction of any one of the following crimes shall create a presumption that a parent is depraved which can be overcome only by clear and convincing evidence: (1) first degree murder in violation of paragraph 1 or 2 of subsection (a) of Section 9-1 of the Criminal Code of 1961 or the Criminal Code of 2012 or conviction of second degree murder in violation of subsection (a) of Section 9-2 of the Criminal Code of 1961 or the Criminal Code of 2012 of a parent of the child to be adopted; (2) first degree murder or second degree murder of any child in violation of the Criminal Code of 1961 or the Criminal Code of 2012; (3) attempt or conspiracy to commit first degree murder or second degree murder of any child in violation of the Criminal Code of 1961 or the Criminal Code of 2012; (4) solicitation to commit murder of any child, solicitation to commit murder of any child for hire, or

solicitation to commit second degree murder of any child in violation of the Criminal Code of 1961 or the Criminal Code of 2012; (5) predatory criminal sexual assault of a child in violation of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961 or the Criminal Code of 2012; (6) heinous battery of any child in violation of the Criminal Code of 1961; ~~or~~ (7) aggravated battery of any child in violation of the Criminal Code of 1961 or the Criminal Code of 2012 ; (8) any violation of Section 11-1.30 or 12-14 of the Criminal Code of 1961 or the Criminal Code of 2012; (9) any violation of subsection (a) of Section 11-1.50 or Section 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012; (10) any violation of Section 11-9.1 of the Criminal Code of 1961 or the Criminal Code of 2012; (11) any violation of Section 11-9.1A of the Criminal Code of 1961 or the Criminal Code of 2012; or (12) an offense in any other state the elements of which are similar and bear a substantial relationship to any of the enumerated offenses in this subsection (i).

There is a rebuttable presumption that a parent is depraved if the parent has been criminally convicted of at least 3 felonies under the laws of this State or any other state, or under federal law, or the criminal laws of any United States territory; and at least one of these convictions took place within 5 years of the filing of the petition or motion seeking termination of parental rights.

There is a rebuttable presumption that a parent is depraved if that parent has been criminally convicted of either first or second degree murder of any person as defined in the Criminal Code of 1961 or the Criminal Code of 2012 within 10 years of the filing date of the petition or motion to terminate parental rights.

No conviction or finding of delinquency pursuant to Article 5 of the Juvenile Court Act of 1987 shall be considered a criminal conviction for the purpose of applying any presumption under this item (i).

(j) Open and notorious adultery or fornication.

(j-1) (Blank).

(k) Habitual drunkenness or addiction to drugs, other than those prescribed by a physician, for at least one year immediately prior to the commencement of the unfitness proceeding.

There is a rebuttable presumption that a parent is unfit under this subsection with respect to any child to which that parent gives birth where there is a confirmed test result that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or metabolites of such substances, the presence of which in the newborn infant was not the result of medical treatment administered to the mother or the newborn infant; and the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987.

(l) Failure to demonstrate a reasonable degree of interest, concern or responsibility as to the welfare of a new born child during the first 30 days after its birth.

(m) Failure by a parent (i) to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent during any 9-month period following the adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act, or (ii) to make reasonable progress toward the return of the child to the parent during any 9-month period following the adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act. If a service plan has been established as required under Section 8.2 of the Abused and Neglected Child Reporting Act to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this Act, "failure to make reasonable progress toward the return of the child to the parent" includes the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care during any 9-month period following the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987. Notwithstanding any other provision, when a petition or motion seeks to terminate parental rights on the basis of item (ii) of this subsection (m), the petitioner shall file with the court and serve on the parties a pleading that specifies the 9-month period or periods relied on. The pleading shall be filed and served on the parties no later than 3 weeks before the date set by the court for closure of discovery, and the allegations in the pleading shall be treated as incorporated into the petition or motion. Failure of a respondent to file a written denial of the allegations in the pleading shall not be treated as an admission that the allegations are true.

(m-1) (Blank).

(n) Evidence of intent to forgo his or her parental rights, whether or not the child is a ward of the court, (1) as manifested by his or her failure for a period of 12 months: (i) to visit the child, (ii) to communicate with the child or agency, although able to do so and not prevented from doing so

by an agency or by court order, or (iii) to maintain contact with or plan for the future of the child, although physically able to do so, or (2) as manifested by the father's failure, where he and the mother of the child were unmarried to each other at the time of the child's birth, (i) to commence legal proceedings to establish his paternity under the Illinois Parentage Act of 1984, the Illinois Parentage Act of 2015, or the law of the jurisdiction of the child's birth within 30 days of being informed, pursuant to Section 12a of this Act, that he is the father or the likely father of the child or, after being so informed where the child is not yet born, within 30 days of the child's birth, or (ii) to make a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child, the court to consider in its determination all relevant circumstances, including the financial condition of both parents; provided that the ground for termination provided in this subparagraph (n)(2)(ii) shall only be available where the petition is brought by the mother or the husband of the mother.

Contact or communication by a parent with his or her child that does not demonstrate affection and concern does not constitute reasonable contact and planning under subdivision (n). In the absence of evidence to the contrary, the ability to visit, communicate, maintain contact, pay expenses and plan for the future shall be presumed. The subjective intent of the parent, whether expressed or otherwise, unsupported by evidence of the foregoing parental acts manifesting that intent, shall not preclude a determination that the parent has intended to forgo his or her parental rights. In making this determination, the court may consider but shall not require a showing of diligent efforts by an authorized agency to encourage the parent to perform the acts specified in subdivision (n).

It shall be an affirmative defense to any allegation under paragraph (2) of this subsection that the father's failure was due to circumstances beyond his control or to impediments created by the mother or any other person having legal custody. Proof of that fact need only be by a preponderance of the evidence.

(o) Repeated or continuous failure by the parents, although physically and financially able, to provide the child with adequate food, clothing, or shelter.

(p) Inability to discharge parental responsibilities supported by competent evidence from a psychiatrist, licensed clinical social worker, or clinical psychologist of mental impairment, mental illness or an intellectual disability as defined in Section 1-116 of the Mental Health and Developmental Disabilities Code, or developmental disability as defined in Section 1-106 of that Code, and there is sufficient justification to believe that the inability to discharge parental responsibilities shall extend beyond a reasonable time period. However, this subdivision (p) shall not be construed so as to permit a licensed clinical social worker to conduct any medical diagnosis to determine mental illness or mental impairment.

(q) (Blank).

(r) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated as a result of criminal conviction at the time the petition or motion for termination of parental rights is filed, prior to incarceration the parent had little or no contact with the child or provided little or no support for the child, and the parent's incarceration will prevent the parent from discharging his or her parental responsibilities for the child for a period in excess of 2 years after the filing of the petition or motion for termination of parental rights.

(s) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated at the time the petition or motion for termination of parental rights is filed, the parent has been repeatedly incarcerated as a result of criminal convictions, and the parent's repeated incarceration has prevented the parent from discharging his or her parental responsibilities for the child.

(t) A finding that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987, after which the biological mother had the opportunity to enroll in and participate in a clinically appropriate substance abuse counseling, treatment, and rehabilitation program.

E. "Parent" means a person who is the legal mother or legal father of the child as defined in subsection X or Y of this Section. For the purpose of this Act, a parent who has executed a consent to adoption, a surrender, or a waiver pursuant to Section 10 of this Act, who has signed a Denial of Paternity pursuant to Section 12 of the Vital Records Act or Section 12a of this Act, or whose parental rights have been

terminated by a court, is not a parent of the child who was the subject of the consent, surrender, waiver, or denial unless (1) the consent is void pursuant to subsection O of Section 10 of this Act; or (2) the person executed a consent to adoption by a specified person or persons pursuant to subsection A-1 of Section 10 of this Act and a court of competent jurisdiction finds that the consent is void; or (3) the order terminating the parental rights of the person is vacated by a court of competent jurisdiction.

F. A person is available for adoption when the person is:

(a) a child who has been surrendered for adoption to an agency and to whose adoption the agency has thereafter consented;

(b) a child to whose adoption a person authorized by law, other than his parents, has consented, or to whose adoption no consent is required pursuant to Section 8 of this Act;

(c) a child who is in the custody of persons who intend to adopt him through placement made by his parents;

(c-1) a child for whom a parent has signed a specific consent pursuant to subsection O of Section 10;

(d) an adult who meets the conditions set forth in Section 3 of this Act; or

(e) a child who has been relinquished as defined in Section 10 of the Abandoned Newborn Infant Protection Act.

A person who would otherwise be available for adoption shall not be deemed unavailable for adoption solely by reason of his or her death.

G. The singular includes the plural and the plural includes the singular and the "male" includes the "female", as the context of this Act may require.

H. (Blank).

I. "Habitual residence" has the meaning ascribed to it in the federal Intercountry Adoption Act of 2000 and regulations promulgated thereunder.

J. "Immediate relatives" means the biological parents, the parents of the biological parents and siblings of the biological parents.

K. "Intercountry adoption" is a process by which a child from a country other than the United States is adopted by persons who are habitual residents of the United States, or the child is a habitual resident of the United States who is adopted by persons who are habitual residents of a country other than the United States.

L. (Blank).

M. "Interstate Compact on the Placement of Children" is a law enacted by all states and certain territories for the purpose of establishing uniform procedures for handling the interstate placement of children in foster homes, adoptive homes, or other child care facilities.

N. (Blank).

O. "Preadoption requirements" means any conditions or standards established by the laws or administrative rules of this State that must be met by a prospective adoptive parent prior to the placement of a child in an adoptive home.

P. "Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

(a) inflicts, causes to be inflicted, or allows to be inflicted upon the child physical injury, by other than accidental means, that causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(b) creates a substantial risk of physical injury to the child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(c) commits or allows to be committed any sex offense against the child, as sex offenses are defined in the Criminal Code of 2012 and extending those definitions of sex offenses to include children under 18 years of age;

(d) commits or allows to be committed an act or acts of torture upon the child; or

(e) inflicts excessive corporal punishment.

Q. "Neglected child" means any child whose parent or other person responsible for the child's welfare withholds or denies nourishment or medically indicated treatment including food or care denied solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise does not provide the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate

food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare.

A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of the Abused and Neglected Child Reporting Act. A child shall not be considered neglected or abused for the sole reason that the child's parent or other person responsible for the child's welfare failed to vaccinate, delayed vaccination, or refused vaccination for the child due to a waiver on religious or medical grounds as permitted by law.

R. "Putative father" means a man who may be a child's father, but who (1) is not married to the child's mother on or before the date that the child was or is to be born and (2) has not established paternity of the child in a court proceeding before the filing of a petition for the adoption of the child. The term includes a male who is less than 18 years of age. "Putative father" does not mean a man who is the child's father as a result of criminal sexual abuse or assault as defined under Article 11 of the Criminal Code of 2012.

S. "Standby adoption" means an adoption in which a parent consents to custody and termination of parental rights to become effective upon the occurrence of a future event, which is either the death of the parent or the request of the parent for the entry of a final judgment of adoption.

T. (Blank).

T-5. "Biological parent", "birth parent", or "natural parent" of a child are interchangeable terms that mean a person who is biologically or genetically related to that child as a parent.

U. "Interstate adoption" means the placement of a minor child with a prospective adoptive parent for the purpose of pursuing an adoption for that child that is subject to the provisions of the Interstate Compact on Placement of Children.

V. (Blank).

W. (Blank).

X. "Legal father" of a child means a man who is recognized as or presumed to be that child's father:

(1) because of his marriage to or civil union with the child's parent at the time of the child's birth or within 300 days prior to that child's birth, unless he signed a denial of paternity pursuant to Section 12 of the Vital Records Act or a waiver pursuant to Section 10 of this Act; or

(2) because his paternity of the child has been established pursuant to the Illinois Parentage Act, the Illinois Parentage Act of 1984, or the Gestational Surrogacy Act; or

(3) because he is listed as the child's father or parent on the child's birth certificate, unless he is otherwise determined by an administrative or judicial proceeding not to be the parent of the child or unless he rescinds his acknowledgment of paternity pursuant to the Illinois Parentage Act of 1984; or

(4) because his paternity or adoption of the child has been established by a court of competent jurisdiction.

The definition in this subsection X shall not be construed to provide greater or lesser rights as to the number of parents who can be named on a final judgment order of adoption or Illinois birth certificate that otherwise exist under Illinois law.

Y. "Legal mother" of a child means a woman who is recognized as or presumed to be that child's mother:

(1) because she gave birth to the child except as provided in the Gestational Surrogacy Act; or

(2) because her maternity of the child has been established pursuant to the Illinois Parentage Act of 1984 or the Gestational Surrogacy Act; or

(3) because her maternity or adoption of the child has been established by a court of competent jurisdiction; or

(4) because of her marriage to or civil union with the child's other parent at the time of the child's birth or within 300 days prior to the time of birth; or

(5) because she is listed as the child's mother or parent on the child's birth certificate unless she is otherwise determined by an administrative or judicial proceeding not to be the parent of the child.

The definition in this subsection Y shall not be construed to provide greater or lesser rights as to the number of parents who can be named on a final judgment order of adoption or Illinois birth certificate that otherwise exist under Illinois law.

Z. "Department" means the Illinois Department of Children and Family Services.

AA. "Placement disruption" means a circumstance where the child is removed from an adoptive placement before the adoption is finalized.

BB. "Secondary placement" means a placement, including but not limited to the placement of a youth in care as defined in Section 4d of the Children and Family Services Act, that occurs after a placement

disruption or an adoption dissolution. "Secondary placement" does not mean secondary placements arising due to the death of the adoptive parent of the child.

CC. "Adoption dissolution" means a circumstance where the child is removed from an adoptive placement after the adoption is finalized.

DD. "Unregulated placement" means the secondary placement of a child that occurs without the oversight of the courts, the Department, or a licensed child welfare agency.

EE. "Post-placement and post-adoption support services" means support services for placed or adopted children and families that include, but are not limited to, counseling for emotional, behavioral, or developmental needs.

(Source: P.A. 99-49, eff. 7-15-15; 99-85, eff. 1-1-16; 99-642, eff. 7-28-16; 99-836, eff. 1-1-17; 100-159, eff. 8-18-17.)".

Floor Amendment No. 2 was referred to the Committee on Judiciary earlier today.

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

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

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

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

April 9, 2019

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Jacqueline Collins to temporarily replace Senator Don Harmon as a member of the Senate Judiciary Committee. This appointment will expire upon adjournment of the Senate Judiciary Committee on April 9, 2019.

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

cc: Senate Republican Leader William Brady

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

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

April 9, 2019

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Pat McGuire to temporarily replace Senator Dave Koehler as a member of the Senate Education Committee. This appointment will expire upon adjournment of the Senate Education Committee on April 9, 2019.

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

cc: Senate Republican Leader William Brady

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

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

April 9, 2019

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 Napoleon Harris to temporarily replace Senator Dave Koehler as a member of the Senate Transportation Committee. This appointment is effective immediately and will automatically upon adjournment of the Senate Transportation Committee.

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

cc: Senate Republican Leader William Brady

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

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

April 9, 2019

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 Bill Cunningham to temporarily replace Senator Emil Jones, III as a member of the Senate Transportation Committee. This appointment is effective immediately and will automatically upon adjournment of the Senate Transportation Committee.

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

cc: Senate Republican Leader William Brady

At the hour of 1:36 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 7:24 o'clock p.m., the Senate resumed consideration of business.
Senator Hunter, presiding.

REPORTS FROM STANDING COMMITTEES

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

Senate Amendment No. 1 to Senate Bill 531
Senate Amendment No. 1 to Senate Bill 1639
Senate Amendment No. 3 to Senate Bill 1981

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

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

Senate Amendment No. 1 to Senate Bill 516
Senate Amendment No. 1 to Senate Bill 528
Senate Amendment No. 1 to Senate Bill 529
Senate Amendment No. 1 to Senate Bill 996
Senate Amendment No. 1 to Senate Bill 1658
Senate Amendment No. 1 to Senate Bill 1831
Senate Amendment No. 1 to Senate Bill 1848

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

Senator Hastings, 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 196

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

Senator Bertino-Tarrant, Chairperson of the Committee on Education, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 10
Senate Amendment No. 1 to Senate Bill 449
Senate Amendment No. 1 to Senate Bill 455
Senate Amendment No. 1 to Senate Bill 456
Senate Amendment No. 1 to Senate Bill 458
Senate Amendment No. 2 to Senate Bill 1213
Senate Amendment No. 1 to Senate Bill 1226
Senate Amendment No. 2 to Senate Bill 1371
Senate Amendment No. 1 to Senate Bill 1552
Senate Amendment No. 1 to Senate Bill 1694
Senate Amendment No. 1 to Senate Bill 1731
Senate Amendment No. 1 to Senate Bill 1798
Senate Amendment No. 1 to Senate Bill 1941
Senate Amendment No. 1 to Senate Bill 1952
Senate Amendment No. 1 to Senate Bill 2075
Senate Amendment No. 1 to Senate Bill 2124

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

Senator Bertino-Tarrant, Chairperson of the Committee on Education, to which was referred **Senate Resolution No. 265,** reported the same back with the recommendation that the resolution be adopted.
Under the rules, **Senate Resolution No. 265** was placed on the Secretary's Desk.

Senator Van Pelt, Chairperson of the Committee on Public Health, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 730
Senate Amendment No. 2 to Senate Bill 1425
Senate Amendment No. 1 to Senate Bill 1828

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

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

Senate Amendment No. 1 to Senate Bill 25
Senate Amendment No. 1 to Senate Bill 147
Senate Amendment No. 2 to Senate Bill 168
Senate Amendment No. 2 to Senate Bill 218
Senate Amendment No. 1 to Senate Bill 399
Senate Amendment No. 2 to Senate Bill 1007
Senate Amendment No. 1 to Senate Bill 1090
Senate Amendment No. 2 to Senate Bill 1134
Senate Amendment No. 2 to Senate Bill 1317
Senate Amendment No. 1 to Senate Bill 1495
Senate Amendment No. 1 to Senate Bill 1588
Senate Amendment No. 1 to Senate Bill 1780
Senate Amendment No. 1 to Senate Bill 1829
Senate Amendment No. 2 to Senate Bill 2097
Senate Amendment No. 2 to Senate Bill 2135

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

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

Senate Amendment No. 2 to Senate Bill 447
Senate Amendment No. 1 to Senate Bill 457
Senate Amendment No. 2 to Senate Bill 1167
Senate Amendment No. 2 to Senate Bill 1467
Senate Amendment No. 1 to Senate Bill 1809
Senate Amendment No. 2 to Senate Bill 2091
Senate Amendment No. 2 to Senate Bill 2137

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

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

Senate Amendment No. 1 to Senate Bill 1105
Senate Amendment No. 2 to Senate Bill 1510
Senate Amendment No. 2 to Senate Bill 1778

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

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

Senate Amendment No. 1 to Senate Bill 416
Senate Amendment No. 2 to Senate Bill 1583
Senate Amendment No. 3 to Senate Bill 1599

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

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

Senate Amendment No. 1 to Senate Bill 102
Senate Amendment No. 2 to Senate Bill 102
Senate Amendment No. 2 to Senate Bill 104
Senate Amendment No. 3 to Senate Bill 104
Senate Amendment No. 2 to Senate Bill 177
Senate Amendment No. 1 to Senate Bill 728
Senate Amendment No. 1 to Senate Bill 766
Senate Amendment No. 1 to Senate Bill 946
Senate Amendment No. 1 to Senate Bill 947
Senate Amendment No. 1 to Senate Bill 1343
Senate Amendment No. 2 to Senate Bill 1473
Senate Amendment No. 2 to Senate Bill 1519
Senate Amendment No. 3 to Senate Bill 1862
Senate Amendment No. 2 to Senate Bill 1934

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 312
Offered by Senator Harris and all Senators:
Mourns the death of Roger L. Tarala of Blue Island.

SENATE RESOLUTION NO. 313
Offered by Senator Koehler and all Senators:
Mourns the death of Jack Anthony Nieukirk, Jr., of Chillicothe.

SENATE RESOLUTION NO. 314
Offered by Senator Koehler and all Senators:
Mourns the death of Mary LaWeir Lochbaum of Peoria.

SENATE RESOLUTION NO. 315
Offered by Senator Link and all Senators:
Mourns the death of Mary Lee (Warnecke) Barnett.

SENATE RESOLUTION NO. 316
Offered by Senator Link and all Senators:
Mourns the death of Charles Lawrence "Chuck" Celaric of Waukegan.

SENATE RESOLUTION NO. 317
Offered by Senator Link and all Senators:
Mourns the death of Donald "Don" Cudworth of Waukegan.

SENATE RESOLUTION NO. 318
Offered by Senator Link and all Senators:
Mourns the death of Elmer B. "Whitey" Hacker.

SENATE RESOLUTION NO. 319
Offered by Senator Link and all Senators:
Mourns the death of Cynthia M. "Cindi" (Sundberg) Haley.

SENATE RESOLUTION NO. 320
Offered by Senator Link and all Senators:
Mourns the death of Ignatius S. "Iggy" Hodnik of Waukegan.

SENATE RESOLUTION NO. 321
Offered by Senator Link and all Senators:
Mourns the death of Sheila M. Jakaitis of Wadsworth.

SENATE RESOLUTION NO. 322
Offered by Senator Link and all Senators:
Mourns the death of Sally Jeanne Koziol.

SENATE RESOLUTION NO. 323
Offered by Senator Link and all Senators:
Mourns the death of Pamela S. "Pam" Lahey of Gages Lake, formerly of Fox Lake.

SENATE RESOLUTION NO. 324
Offered by Senator Link and all Senators:
Mourns the death of Robert Monroe "Bob" Leach of Beach Park.

SENATE RESOLUTION NO. 325
Offered by Senator Link and all Senators:
Mourns the death of Olga C. Leginski of North Chicago.

SENATE RESOLUTION NO. 326
Offered by Senator Link and all Senators:
Mourns the death of Nancy L. Long of Gurnee.

SENATE RESOLUTION NO. 327

Offered by Senator Link and all Senators:
Mourns the death of Mary Ann Schneider of Waukegan.

SENATE RESOLUTION NO. 328

Offered by Senator Link and all Senators:
Mourns the death of Eleanor Karin Seegren.

SENATE RESOLUTION NO. 329

Offered by Senator Link and all Senators:
Mourns the death of Dennis Michael Skidmore of Vernon Hills.

SENATE RESOLUTION NO. 330

Offered by Senator Link and all Senators:
Mourns the death of Ann E. Stapleton.

SENATE RESOLUTION NO. 331

Offered by Senator Link and all Senators:
Mourns the death of Eleanora Zdanowicz of Waukegan.

SENATE RESOLUTION NO. 332

Offered by Senator Lightford and all Senators:
Mourns the death of Mildred J. Wiley.

SENATE RESOLUTION NO. 334

Offered by Senator Brady and all Senators:
Mourns the death of Donald Lee "Don" Totten of Cornelius, formerly of Elgin.

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

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

SENATE RESOLUTION NO. 333

WHEREAS, Starved Rock Park is a State park located in LaSalle County; and

WHEREAS, Starved Rock State Park has seen increased visitation, with an average of 2.5 million visitors per year; and

WHEREAS, Starved Rock State Park is the 11th most visited park in the country; and

WHEREAS, Increased visitation to Starved Rock State Park impacts the local emergency services, including ambulance and fire & rescue teams; and

WHEREAS, Upon the passage of SB1310, the Department of Natural Resources would be allowed to adopt a parking fee and an annual pass at Starved Rock State Park to help mitigate these issues, with 80 percent of the fee allocated to infrastructure and 20 percent allocated to safety purposes; and

WHEREAS, Upon the passage of SB1310, LaSalle County residents would be exempt from such fees to alleviate the impact the increased visitation has on the local residents; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that upon the passage of SB1310, we urge the Department of Natural Resources

and the General Assembly to study the impact and the effectiveness of the Starved Rock State Park parking fee over a period of three years to determine if a parking fee should be enacted in all State Parks in Illinois.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 271, sponsored by Senator Anderson, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1653, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2894, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3237, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3623, sponsored by Senator Schimpf, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Bush, **Senate Bill No. 29** having been printed, was taken up, read by title a second time.

Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 29

AMENDMENT NO. 1 . Amend Senate Bill 29 on page 39, by replacing lines 12 through 24 with the following:

"(f) This Section is exempt from the provisions of Section 250 of the Illinois Income Tax Act."; and

on page 46, by replacing lines 6 through 18 with the following:

"(b) Notwithstanding subsection (a), the credit may be applied in more than 10 taxable years but not more than 15 taxable years for an eligible green energy enterprise that qualifies under this Act and the Corporate Headquarters Relocation Act and has in fact undertaken a qualifying project within the timeframe specified by the Department of Commerce and Economic Opportunity under that Act. In that case, the Department of Commerce and Economic Opportunity shall extend the tax credit agreement to not more than 15 years and reduce the annual allocation to 60% of the maximum credit that would otherwise be available under this Act.

(c) The tax credit may not reduce the taxpayer's liability to less than zero. If the amount of tax credit exceeds the liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit must be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset a liability, then the earlier credit will be applied first."; and

on page 51, by replacing lines 8 through 16 with the following:

"Section 5-70. Pass through entities.

(a) For partners, shareholders of Subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there is allowed a credit under this Section to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code.

(b) The Credit provided under subsection (a) is in addition to any Credit to which a shareholder or partner is otherwise entitled under a separate Agreement under this Act. A pass through entity and a shareholder or partner of the pass through entity may not claim more than one Credit under the same Agreement."; and

on page 88, line 19, by replacing "A taxpayer" with "For tax years beginning on or after January 1, 2020, a taxpayer".

The motion prevailed.
And the amendment was adopted and ordered printed.
Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 29

AMENDMENT NO. 2. Amend Senate Bill 29 on page 2, line 25, after "week", by inserting "for a wage that meets or exceeds the prevailing wage for the locality in which the work is performed, as determined under Section 4 of the Prevailing Wage Act.".

The motion prevailed.
And the amendment was adopted and ordered printed.
Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 29

AMENDMENT NO. 3. Amend Senate Bill 29 on page 25, line 19, after "defects;", by inserting "or"; and

on page 25, line 20, by deleting "rent control and".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendments numbered 1, 2 and 3 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 171** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rose, **Senate Bill No. 1371** having been printed, was taken up, read by title a second time.
Floor Amendment No. 1 was postponed in the Committee on Education.
Senator Rose offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1371

AMENDMENT NO. 2. Amend Senate Bill 1371 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Sections 10-20.69 and 34-18.61 as follows:
(105 ILCS 5/10-20.69 new)
Sec. 10-20.69. Door security locking means.
(a) In this Section, "door security locking means" means a door locking means intended for use by a trained school district employee in a school building for the purpose of preventing both ingress and egress through a door of the building.
(b) A school district may install a door security locking means on a door of a school building to prevent unwanted entry through the door if all of the following requirements are met:
(1) The door security locking means can be engaged without opening the door.
(2) The unlocking and unlatching of the door security locking means from the occupied side of the door can be accomplished without the use of a key or tool.
(3) Locks, if remotely engaged, can be unlocked from the occupied side.
(4) The door security locking means is capable of being disengaged from the outside by school district employees, and school district employees may use a key or other credentials to unlock the door from the outside.
(5) The door security locking means does not modify the door-closing hardware, panic hardware, or fire exit hardware.
(6) Any bolts, stops, brackets, or pins employed by the door security locking means do not affect the fire rating of a fire door assembly.

(7) School district employees are trained in the engagement and release of the door security locking means, from within and outside the room, as part of the emergency response plan.

(8) For doors installed before July 1, 2019 only, the unlocking and unlatching of a door security locking means requires no more than 2 releasing operations. For doors installed on or after July 1, 2019, the unlocking and unlatching of a door security locking means requires no more than one releasing operation. If doors installed before July 1, 2019 are replaced on or after July 1, 2019, the unlocking and unlatching of a door security locking means on the replacement door requires no more than one releasing operation.

(c) A school district must include the location of any door security locking means and must address the use of the locking and unlocking means from within and outside the room in its filed school safety plan under the School Safety Drill Act. Local law enforcement officials and the local fire department must be notified of the location of any door security locking means and how to disengage it. Any specific tool needed to disengage the door security locking means from the outside of the room must, upon request, be made available to local law enforcement officials and the local fire department.

(d) A door security locking means may be used only (i) by a school district employee trained under subsection (e), (ii) during an emergency that threatens the health and safety of students and employees or during an active shooter drill, and (iii) when local law enforcement officials and the local fire department have been notified of its installation prior to its use. The door security locking means must be engaged for a finite period of time in accordance with the school district's school safety plan adopted under the School Safety Drill Act.

(e) A school district that has installed a door security locking means shall conduct an in-service training program for school district employees on the proper use of the door security locking means. The school district shall keep a file verifying the employees who have completed the program and must, upon request, provide the file to its regional office of education and the local fire department and local law enforcement agency.

(f) A door security locking means that requires 2 releasing operations must be discontinued from use when the door is replaced or is a part of new construction. Replacement and new construction door hardware must include mortise locks, compliant with the applicable building code, and must be lockable from the occupied side without opening the door. However, mortise locks are not required if panic hardware or fire exit hardware is required.

(105 ILCS 5/34-18.61 new)

Sec. 34-18.61. Door security locking means.

(a) In this Section, "door security locking means" means a door locking means intended for use by a trained school district employee in a school building for the purpose of preventing both ingress and egress through a door of the building.

(b) The school district may install a door security locking means on a door of a school building to prevent unwanted entry through the door if all of the following requirements are met:

(1) The door security locking means can be engaged without opening the door.

(2) The unlocking and unlatching of the door security locking means from the occupied side of the door can be accomplished without the use of a key or tool.

(3) Locks, if remotely engaged, can be unlocked from the occupied side.

(4) The door security locking means is capable of being disengaged from the outside by school district employees, and school district employees may use a key or other credentials to unlock the door from the outside.

(5) The door security locking means does not modify the door-closing hardware, panic hardware, or fire exit hardware.

(6) Any bolts, stops, brackets, or pins employed by the door security locking means do not affect the fire rating of a fire door assembly.

(7) School district employees are trained in the engagement and release of the door security locking means, from within and outside the room, as part of the emergency response plan.

(8) For doors installed before July 1, 2019 only, the unlocking and unlatching of a door security locking means requires no more than 2 releasing operations. For doors installed on or after July 1, 2019, the unlocking and unlatching of a door security locking means requires no more than one releasing operation. If doors installed before July 1, 2019 are replaced on or after July 1, 2019, the unlocking and unlatching of a door security locking means on the replacement door requires no more than one releasing operation.

(c) The school district must include the location of any door security locking means and must address the use of the locking and unlocking means from within and outside the room in its filed school safety plan under the School Safety Drill Act. Local law enforcement officials and the local fire department must be

notified of the location of any door security locking means and how to disengage it. Any specific tool needed to disengage the door security locking means from the outside of the room must, upon request, be made available to local law enforcement officials and the local fire department.

(d) A door security locking means may be used only (i) by a school district employee trained under subsection (e), (ii) during an emergency that threatens the health and safety of students and employees or during an active shooter drill, and (iii) when local law enforcement officials and the local fire department have been notified of its installation prior to its use. The door security locking means must be engaged for a finite period of time in accordance with the school district's school safety plan adopted under the School Safety Drill Act.

(e) If the school district installs a door security locking means, it must conduct an in-service training program for school district employees on the proper use of the door security locking means. The school district shall keep a file verifying the employees who have completed the program and must, upon request, provide the file to the local fire department and local law enforcement agency.

(f) A door security locking means that requires 2 releasing operations must be discontinued from use when the door is replaced or is a part of new construction. Replacement and new construction door hardware must include mortise locks, compliant with the applicable building code, and must be lockable from the occupied side without opening the door. However, mortise locks are not required if panic hardware or fire exit hardware is required.

Section 99. Effective date. This Act takes effect July 1, 2019.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendment No. 3 was postponed in the Committee on Education.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Fine, **Senate Bill No. 1639** having been printed, was taken up, read by title a second time.

Senator Fine offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1639

AMENDMENT NO. 1 . Amend Senate Bill 1639 by replacing everything after the enacting clause with the following:

"Section 5. The Personnel Code is amended by changing Section 8b.1 as follows:

(20 ILCS 415/8b.1) (from Ch. 127, par. 63b108b.1)

Sec. 8b.1. For open competitive examinations to test the relative fitness of applicants for the respective positions.

Tests shall be designed to eliminate those who are not qualified for entrance into or promotion within the service, and to discover the relative fitness of those who are qualified. The Director may use any one of or any combination of the following examination methods which in his judgment best serves this end: investigation of education; investigation of experience; test of cultural knowledge; test of capacity; test of knowledge; test of manual skill; test of linguistic ability; test of character; test of physical fitness; test of psychological fitness. No person with a record of misdemeanor convictions except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012, or arrested for any cause but not convicted thereon shall be disqualified from taking such examinations or subsequent appointment, unless the person is attempting to qualify for a position which would give him the powers of a peace officer, in which case the person's conviction or arrest record may be considered as a factor in determining the person's fitness for the position. The eligibility conditions specified for the position of Assistant Director of Healthcare and Family Services in the Department of Healthcare and Family Services in Section 5-230 of the Departments of State Government Law (20 ILCS 5/5-230) shall be applied to that position in addition to other standards, tests or criteria established by the Director. All examinations shall be announced publicly at least 2 weeks in advance of the date of the examinations and may be advertised through the press, radio and other media. The Director may, however, in his discretion, continue to receive applications and examine candidates

long enough to assure a sufficient number of eligibles to meet the needs of the service and may add the names of successful candidates to existing eligible lists in accordance with their respective ratings.

The Director may, in his discretion, accept the results of competitive examinations conducted by any merit system established by federal law or by the law of any State, and may compile eligible lists therefrom or may add the names of successful candidates in examinations conducted by those merit systems to existing eligible lists in accordance with their respective ratings. For any position filled prior to January 1, 2020, no ~~No~~ person who is a non-resident of the State of Illinois may be appointed from those eligible lists, however, unless the requirement that applicants be residents of the State of Illinois is waived by the Director of Central Management Services and unless there are less than 3 Illinois residents available for appointment from the appropriate eligible list. For any position filled after December 31, 2019, no person may be appointed to a position based in the State of Illinois from any eligible list unless that person becomes a resident of the State of Illinois within 3 months from the person's first day of employment in that position or unless the residency requirement is waived for just cause by the Director of Central Management Services. The results of the examinations conducted by other merit systems may not be used unless they are comparable in difficulty and comprehensiveness to examinations conducted by the Department of Central Management Services for similar positions. Special linguistic options may also be established where deemed appropriate.
(Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Rose, **Senate Bill No. 1798** having been printed, was taken up, read by title a second time.

Senator Rose offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1798

AMENDMENT NO. 1 . Amend Senate Bill 1798 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Sections 10-20.69 and 34-18.61 as follows:

(105 ILCS 5/10-20.69 new)

Sec. 10-20.69. Policy on sexual harassment. Each school district must create, maintain, and implement an age-appropriate policy on sexual harassment that must be posted on the school district's website and, if applicable, any other area where policies, rules, and standards of conduct are currently posted in each school and must also be included in the school district's student code of conduct handbook.

(105 ILCS 5/34-18.61 new)

Sec. 34-18.61. Policy on sexual harassment. The school district must create, maintain, and implement an age-appropriate policy on sexual harassment that must be posted on the school district's website and, if applicable, any other area where policies, rules, and standards of conduct are currently posted in each school and must also be included in the school district's student code of conduct handbook.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Bush, **Senate Bill No. 1829** having been printed, was taken up, read by title a second time.

Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1829

AMENDMENT NO. 1 . Amend Senate Bill 1829 by replacing everything after the enacting clause with the following:

"Article 1.

Section 1-1. Short title. This Article may be cited as the Workplace Transparency Act. References in this Article to "this Act" mean this Article.

Section 1-5. Definitions. As used in this Act:

"Arbitration agreement" means an agreement between an employer and an employee to submit to arbitration all or certain disputes that arise in respect of a defined legal relationship, whether contractual or not, and may be in the form of an arbitration clause in a contract or in the form of a separate agreement.

"Employee" has the same meaning as set forth in Section 2-101 of the Illinois Human Rights Act.

"Employer" has the same meaning as set forth in Section 2-101 of the Illinois Human Rights Act.

"Nondisclosure clause" means a provision in a contract or agreement between an employer and employee establishing that the parties to the contract or agreement agree not to disclose information covered by the terms and conditions of the contract or agreement.

"Nondisparagement clause" means a provision in a contract or agreement between an employer and employee requiring one or more parties to the contract or agreement not to make negative statements about the other.

"Sexual harassment" has the same meaning as set forth in Section 2-101 of the Illinois Human Rights Act.

Section 1-10. Prohibitions.

(a) An employer may not enter into a contract or agreement with an employee or applicant, as a condition of employment, promotion, compensation, benefits, or change in employment status or contractual relationship, or as a term, condition, or privilege of employment, if that contract or agreement contains a nondisclosure or nondisparagement clause that covers harassment or discrimination as provided under Section 2-102 of the Illinois Human Rights Act. Any such nondisclosure or nondisparagement clause is severable, and all other provisions of the employment contract shall remain in effect.

(b) Notwithstanding any other provision of law, an employer may not enforce or attempt to enforce a nondisparagement clause or nondisclosure clause described in subsection (a) or retaliate against an employee or applicant for reporting, resisting, opposing, or assisting in the investigation of harassment or discrimination as provided in Section 2-102 of the Illinois Human Rights Act.

(c) Except when inconsistent with federal or State law, an employer may enter into a contract or agreement with an employee or applicant. However, an arbitration clause shall contain a written exception for claims of harassment or discrimination, as provided under Section 2-102 of the Illinois Human Rights Act, and shall allow an employee or applicant to pursue such claims against the employer through either arbitral or judicial forums.

(d) An employer may not enforce or attempt to enforce an arbitration clause entered into if the clause does not contain the written exception required in subsection (c). Any such arbitration clause is severable, and all other provisions of the contract or agreement shall remain in effect.

Section 1-15. Voidable agreements. A contract or agreement containing a provision contrary to this Act that was entered into on or before the effective date of this Act shall be voidable by a party who entered into it under any of the following circumstances:

(1) while under duress in the execution of the contract or agreement;

(2) while incompetent or impaired at the time of execution of the contract or agreement; or

(3) while a minor at the time of execution of the contract or agreement, regardless of whether the person was represented at the time by counsel, a guardian, or a parent.

Section 1-20. Unconscionable terms. There is a rebuttable presumption that the following contractual terms are unconscionable if they are included in an arbitration agreement and the employee or applicant does not draft the contract or agreement:

(1) A requirement that resolution of legal claims take place in an inconvenient venue. As used in this paragraph, "inconvenient venue" means: (i) for State law claims, a place other than the county in which the employee or applicant resides or the contract was consummated; and (ii) for federal law claims, a place other than the federal judicial district in which the employee or applicant resides or the contract was consummated.

(2) A waiver of the employee or applicant's right to assert claims or seek remedies provided by State or federal statute.

(3) A waiver of the employee or applicant's right to seek punitive damages as provided by law.

(4) A provision limiting the time that an employee or applicant may bring an action to a period shorter than the applicable statute of limitations.

(5) A requirement that the employee or applicant pay fees and costs to bring a legal claim substantially in excess of the fees and costs that State or federal courts require to bring a claim.

Section 1-25. Settlement or separation agreements.

(a) This Act does not apply to a nondisclosure clause or nondisparagement clause contained in a settlement agreement or separation agreement that resolves legal claims or disputes if:

(1) the legal claims accrued or the disputes arose before the settlement agreement or separation agreement was executed;

(2) the clauses are mutually agreed upon and mutually benefit both the employer and the employee;

(3) the settlement or separation agreement is provided to all parties, unless knowingly and voluntarily waived by the employee or applicant, and the employee or applicant has 21 calendar days to consider the agreement before it is executed; and

(4) unless knowingly and voluntarily waived by the employee or applicant, the employee or applicant has 7 calendar days following execution of the agreement to revoke the agreement and the agreement is not effective or enforceable until the revocation period has expired.

(b) An employer may not unilaterally include a nondisclosure clause or nondisparagement clause that solely benefits the employer in a separation or settlement agreement.

(c) Notwithstanding signing, before or after the effective date of this Act, a settlement or separation agreement containing a nondisclosure or nondisparagement clause, an employee or applicant retains any right that person would otherwise have had to report a concern about workplace harassment or discrimination, including sexual harassment or another violation of the law, to the Department of Human Rights or any other federal, State, or local agency, and any right that person would otherwise have had to bring an action in a court of this State or of the United States.

Section 1-30. Enforcement. A violation of this Act constitutes a civil rights violation under the Illinois Human Rights Act.

Section 1-35. Application. If there is a conflict between any collective bargaining agreement and this Act, the collective bargaining agreement controls.

Section 1-40. Limitations. This Act shall not be construed to limit an employer's ability to require confidentiality of:

(1) An employee who receives complaints of workplace harassment, including sexual harassment, or other employment discrimination as a part of his or her assigned job duties; or

(2) An individual who is notified and requested to participate in an open and ongoing investigation into alleged workplace harassment, including sexual harassment, or other employment discrimination and requested to maintain reasonable confidentiality during the pendency of that investigation.

Section 1-45. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Article 2.

Section 2-5. 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 Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized

representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

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

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

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

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

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

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.

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

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

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

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

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

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

(q) Information prohibited from being disclosed by the Personnel Record ~~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 the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

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

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.

(hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

(mm) ~~(ll)~~ Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) ~~(ll)~~ Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.

(Source: P.A. 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; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18; 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff. 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517, eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19; 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised 10-12-18.)

Section 2-10. The Uniform Arbitration Act is amended by changing Section 1 as follows:

(710 ILCS 5/1) (from Ch. 10, par. 101)

Sec. 1. Validity of arbitration agreement. A written agreement to submit any existing controversy to arbitration or a provision in a written contract to submit to arbitration any controversy thereafter arising between the parties is valid, enforceable and irrevocable save upon such grounds as exist for the revocation of any contract, except: (1) as provided in the Workplace Transparency Act; and (2) ~~that~~ any agreement between a patient and a hospital or health care provider to submit to binding arbitration a claim for damages arising out of (i) ~~(1)~~ injuries alleged to have been received by a patient, or (ii) ~~(2)~~ death of a patient, due to hospital or health care provider negligence or other wrongful act, but not including intentional torts, is also subject to the Health Care Arbitration Act.

(Source: P.A. 80-1012; 80-1031.)

Section 2-15. The Illinois Human Rights Act is amended by changing Sections 1-103, 2-101, 2-102, and 6-102 and by adding Sections 2-108, 7-114, and 8-109.1 as follows:

(775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

Sec. 1-103. General definitions. When used in this Act, unless the context requires otherwise, the term:

(A) Age. "Age" means the chronological age of a person who is at least 40 years old, except with regard to any practice described in Section 2-102, insofar as that practice concerns training or apprenticeship programs. In the case of training or apprenticeship programs, for the purposes of Section 2-102, "age" means the chronological age of a person who is 18 but not yet 40 years old.

(B) Aggrieved party. "Aggrieved party" means a person who is alleged or proved to have been injured by a civil rights violation or believes he or she will be injured by a civil rights violation under Article 3 that is about to occur.

(C) Charge. "Charge" means an allegation filed with the Department by an aggrieved party or initiated by the Department under its authority.

(D) Civil rights violation. "Civil rights violation" includes and shall be limited to only those specific acts set forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103, 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102, 6-101, and 6-102 of this Act.

(E) Commission. "Commission" means the Human Rights Commission created by this Act.

(F) Complaint. "Complaint" means the formal pleading filed by the Department with the Commission following an investigation and finding of substantial evidence of a civil rights violation.

(G) Complainant. "Complainant" means a person including the Department who files a charge of civil rights violation with the Department or the Commission.

(H) Department. "Department" means the Department of Human Rights created by this Act.

(I) Disability. "Disability" means a determinable physical or mental characteristic of a person, including, but not limited to, a determinable physical characteristic which necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic:

(1) For purposes of Article 2, is unrelated to the person's ability to perform the duties of a particular job or position and, pursuant to Section 2-104 of this Act, a person's illegal use of drugs or alcohol is not a disability;

(2) For purposes of Article 3, is unrelated to the person's ability to acquire, rent, or maintain a housing accommodation;

(3) For purposes of Article 4, is unrelated to a person's ability to repay;

(4) For purposes of Article 5, is unrelated to a person's ability to utilize and benefit from a place of public accommodation;

(5) For purposes of Article 5, also includes any mental, psychological, or developmental disability, including autism spectrum disorders.

(J) Marital status. "Marital status" means the legal status of being married, single, separated, divorced, or widowed.

(J-1) Military status. "Military status" means a person's status on active duty in or status as a veteran of the armed forces of the United States, status as a current member or veteran of any reserve component of the armed forces of the United States, including the United States Army Reserve, United States Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, and United States Coast Guard Reserve, or status as a current member or veteran of the Illinois Army National Guard or Illinois Air National Guard.

(K) National origin. "National origin" means the place in which a person or one of his or her ancestors was born.

(K-5) "Order of protection status" means a person's status as being a person protected under an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986, Article 112A of the Code of Criminal Procedure of 1963, the Stalking No Contact Order Act, or the Civil No Contact Order Act, or an order of protection issued by a court of another state.

(L) Person. "Person" includes one or more individuals, partnerships, associations or organizations, labor organizations, labor unions, joint apprenticeship committees, or union labor associations, corporations, the State of Illinois and its instrumentalities, political subdivisions, units of local government, legal representatives, trustees in bankruptcy or receivers.

(L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth.

(M) Public contract. "Public contract" includes every contract to which the State, any of its political subdivisions, or any municipal corporation is a party.

(N) Religion. "Religion" includes all aspects of religious observance and practice, as well as belief, except that with respect to employers, for the purposes of Article 2, "religion" has the meaning ascribed to it in paragraph (F) of Section 2-101.

(O) Sex. "Sex" means the status of being male or female.

(O-1) Sexual orientation. "Sexual orientation" means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person's designated sex at birth. "Sexual orientation" does not include a physical or sexual attraction to a minor by an adult.

(P) Unfavorable military discharge. "Unfavorable military discharge" includes discharges from the Armed Forces of the United States, their Reserve components, or any National Guard or Naval Militia which are classified as RE-3 or the equivalent thereof, but does not include those characterized as RE-4 or "Dishonorable".

(Q) Unlawful discrimination. "Unlawful discrimination" means discrimination against a person because of his or her actual or perceived: race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service as those terms are defined in this Section.
(Source: P.A. 100-714, eff. 1-1-19; revised 10-4-18.)

(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 evaluee, 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.

For purposes of this definition, the phrase "working environment" is not limited to a physical location an employee is assigned to perform his or her duties.

(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, 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. 99-78, eff. 7-20-15; 99-758, eff. 1-1-17; 100-43, eff. 8-9-17.)

(775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

Sec. 2-102. Civil rights violations - employment. It is a civil rights violation:

(A) Employers. For any employer to refuse to hire, to segregate, to engage in harassment, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of unlawful

discrimination or citizenship status. However, an employer is responsible for harassment by the employer's nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take corrective measures. For the purpose of this subdivision (A), the phrase "to engage in harassment" includes verbal or physical conduct and any other conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment on the basis of unlawful discrimination or citizenship status.

(A-5) Language. For an employer to impose a restriction that has the effect of prohibiting a language from being spoken by an employee in communications that are unrelated to the employee's duties.

For the purposes of this subdivision (A-5), "language" means a person's native tongue, such as Polish, Spanish, or Chinese. "Language" does not include such things as slang, jargon, profanity, or vulgarity.

(A-10) Harassment of nonemployees. For any employer, employment agency, or labor organization to engage in harassment of nonemployees in the workplace, including verbal or physical conduct or any other conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment on the basis of unlawful discrimination or citizenship status. However, an employer is responsible for harassment of nonemployees by the employer's nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures. For purposes of this subdivision (A-10), "nonemployees" include contractors, subcontractors, vendors, consultants, or other persons performing work pursuant to a contract.

(B) Employment agency. For any employment agency to fail or refuse to classify properly, accept applications and register for employment referral or apprenticeship referral, refer for employment, or refer for apprenticeship on the basis of unlawful discrimination or citizenship status or to accept from any person any job order, requisition or request for referral of applicants for employment or apprenticeship which makes or has the effect of making unlawful discrimination or discrimination on the basis of citizenship status a condition of referral.

(C) Labor organization. For any labor organization to limit, segregate or classify its membership, or to limit employment opportunities, selection and training for apprenticeship in any trade or craft, or otherwise to take, or fail to take, any action which affects adversely any person's status as an employee or as an applicant for employment or as an apprentice, or as an applicant for apprenticeships, or wages, tenure, hours of employment or apprenticeship conditions on the basis of unlawful discrimination or citizenship status.

(D) Sexual harassment. For any employer, employee, agent of any employer, employment agency or labor organization to engage in sexual harassment; provided, that an employer shall be responsible for sexual harassment of the employer's employees by nonemployees or nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.

(D-5) Sexual harassment of nonemployees. For any employer, employee, agent of any employer, employment agency, or labor organization to engage in sexual harassment of nonemployees in the workplace. However, an employer is responsible for sexual harassment of nonemployees by the employer's nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures. For purposes of this subdivision (D-5), "nonemployees" include contractors, subcontractors, vendors, consultants, or other persons performing work pursuant to a contract.

(E) Public employers. For any public employer to refuse to permit a public employee under its jurisdiction who takes time off from work in order to practice his or her religious beliefs to engage in work, during hours other than such employee's regular working hours, consistent with the operational needs of the employer and in order to compensate for work time lost for such religious reasons. Any employee who elects such deferred work shall be compensated at the wage rate which he or she would have earned during the originally scheduled work period. The employer may require that an employee who plans to take time off from work in order to practice his or her religious beliefs provide the employer with a notice of his or her intention to be absent from work not exceeding 5 days prior to the date of absence.

(E-5) Religious discrimination. For any employer to impose upon a person as a condition of obtaining or retaining employment, including opportunities for promotion, advancement, or transfer, any terms or conditions that would require such person to violate or forgo a sincerely held practice of his or her religion including, but not limited to, the wearing of any attire, clothing, or facial hair in accordance with the requirements of his or her religion, unless, after engaging in a bona fide effort, the

employer demonstrates that it is unable to reasonably accommodate the employee's or prospective employee's sincerely held religious belief, practice, or observance without undue hardship on the conduct of the employer's business.

Nothing in this Section prohibits an employer from enacting a dress code or grooming policy that may include restrictions on attire, clothing, or facial hair to maintain workplace safety or food sanitation.

(F) Training and apprenticeship programs. For any employer, employment agency or labor organization to discriminate against a person on the basis of age in the selection, referral for or conduct of apprenticeship or training programs.

(G) Immigration-related practices.

(1) for an employer to request for purposes of satisfying the requirements of Section 1324a(b) of Title 8 of the United States Code, as now or hereafter amended, more or different documents than are required under such Section or to refuse to honor documents tendered that on their face reasonably appear to be genuine; or

(2) for an employer participating in the E-Verify Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot Programs for Employment Eligibility Confirmation (enacted by PL 104-208, div. C title IV, subtitle A) to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment without following the procedures under the E-Verify Program.

(H) (Blank).

(I) Pregnancy. For an employer to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth. Women affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, regardless of the source of the inability to work or employment classification or status.

(J) Pregnancy; reasonable accommodations.

(1) If after a job applicant or employee, including a part-time, full-time, or probationary employee, requests a reasonable accommodation, for an employer to not make reasonable accommodations for any medical or common condition of a job applicant or employee related to pregnancy or childbirth, unless the employer can demonstrate that the accommodation would impose an undue hardship on the ordinary operation of the business of the employer. The employer may request documentation from the employee's health care provider concerning the need for the requested reasonable accommodation or accommodations to the same extent documentation is requested for conditions related to disability if the employer's request for documentation is job-related and consistent with business necessity. The employer may require only the medical justification for the requested accommodation or accommodations, a description of the reasonable accommodation or accommodations medically advisable, the date the reasonable accommodation or accommodations became medically advisable, and the probable duration of the reasonable accommodation or accommodations. It is the duty of the individual seeking a reasonable accommodation or accommodations to submit to the employer any documentation that is requested in accordance with this paragraph. Notwithstanding the provisions of this paragraph, the employer may require documentation by the employee's health care provider to determine compliance with other laws. The employee and employer shall engage in a timely, good faith, and meaningful exchange to determine effective reasonable accommodations.

(2) For an employer to deny employment opportunities or benefits to or take adverse action against an otherwise qualified job applicant or employee, including a part-time, full-time, or probationary employee, if the denial or adverse action is based on the need of the employer to make reasonable accommodations to the known medical or common conditions related to the pregnancy or childbirth of the applicant or employee.

(3) For an employer to require a job applicant or employee, including a part-time, full-time, or probationary employee, affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth to accept an accommodation when the applicant or employee did not request an accommodation and the applicant or employee chooses not to accept the employer's accommodation.

(4) For an employer to require an employee, including a part-time, full-time, or

probationary employee, to take leave under any leave law or policy of the employer if another reasonable accommodation can be provided to the known medical or common conditions related to the pregnancy or childbirth of an employee. No employer shall fail or refuse to reinstate the employee affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth to her original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other applicable service credits upon her signifying her intent to return or when her need for reasonable accommodation ceases, unless the employer can demonstrate that the accommodation would impose an undue hardship on the ordinary operation of the business of the employer.

For the purposes of this subdivision (J), "reasonable accommodations" means reasonable modifications or adjustments to the job application process or work environment, or to the manner or circumstances under which the position desired or held is customarily performed, that enable an applicant or employee affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth to be considered for the position the applicant desires or to perform the essential functions of that position, and may include, but is not limited to: more frequent or longer bathroom breaks, breaks for increased water intake, and breaks for periodic rest; private non-bathroom space for expressing breast milk and breastfeeding; seating; assistance with manual labor; light duty; temporary transfer to a less strenuous or hazardous position; the provision of an accessible worksite; acquisition or modification of equipment; job restructuring; a part-time or modified work schedule; appropriate adjustment or modifications of examinations, training materials, or policies; reassignment to a vacant position; time off to recover from conditions related to childbirth; and leave necessitated by pregnancy, childbirth, or medical or common conditions resulting from pregnancy or childbirth.

For the purposes of this subdivision (J), "undue hardship" means an action that is prohibitively expensive or disruptive when considered in light of the following factors: (i) the nature and cost of the accommodation needed; (ii) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at the facility, the effect on expenses and resources, or the impact otherwise of the accommodation upon the operation of the facility; (iii) the overall financial resources of the employer, the overall size of the business of the employer with respect to the number of its employees, and the number, type, and location of its facilities; and (iv) the type of operation or operations of the employer, including the composition, structure, and functions of the workforce of the employer, the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the employer. The employer has the burden of proving undue hardship. The fact that the employer provides or would be required to provide a similar accommodation to similarly situated employees creates a rebuttable presumption that the accommodation does not impose an undue hardship on the employer.

No employer is required by this subdivision (J) to create additional employment that the employer would not otherwise have created, unless the employer does so or would do so for other classes of employees who need accommodation. The employer is not required to discharge any employee, transfer any employee with more seniority, or promote any employee who is not qualified to perform the job, unless the employer does so or would do so to accommodate other classes of employees who need it.

(K) Notice.

(1) For an employer to fail to post or keep posted in a conspicuous location on the premises of the employer where notices to employees are customarily posted, or fail to include in any employee handbook information concerning an employee's rights under this Article, a notice, to be prepared or approved by the Department, summarizing the requirements of this Article and information pertaining to the filing of a charge, including the right to be free from unlawful discrimination, the right to be free from sexual harassment, and the right to certain reasonable accommodations. The Department shall make the documents required under this paragraph available for retrieval from the Department's website.

(2) Upon notification of a violation of paragraph (1) of this subdivision (K), the Department may launch a preliminary investigation. If the Department finds a violation, the Department may issue a notice to show cause giving the employer 30 days to correct the violation. If the violation is not corrected, the Department may initiate a charge of a civil rights violation.

(Source: P.A. 100-100, eff. 8-11-17; 100-588, eff. 6-8-18.)

(775 ILCS 5/2-108 new)

<u>Sec. 2-108. Employer disclosure requirements.</u>

<u>(A) Definitions. The following definitions are applicable strictly to this Section:</u>

<u>(1) "Employer" includes:</u>

(a) any party to a public contract without regard to the number of employees who, during the year preceding the reporting period required under subsection (B), has entered into a settlement as defined by paragraph (2) or who has had an adverse judgment or administrative ruling entered against the party as defined by paragraph (3);

(b) any person employing one or more employees within this State during the 20 or more calendar weeks within the preceding calendar year who, during the year preceding the reporting period required under subsection (B), has entered into a settlement as defined by subsection paragraph (2) or who has had an adverse judgment or administrative ruling entered against him or her as defined by paragraph (3);

(c) a labor organization, as defined in Section 2-101, that, during the year preceding the reporting period required under subsection (B), has entered into a settlement as defined by paragraph (2) or that has had an adverse judgment or administrative ruling entered against it as defined by paragraph (3); and

(d) the State and any political subdivision, municipal corporation, or other governmental unit or agency, without regard to the number of employees that, during the year preceding the reporting period required under subsection (B), has entered into a settlement as defined by paragraph (2) or that has had an adverse judgment or administrative ruling entered against it as defined by paragraph (3).

(2) "Settlement" means any written commitment or agreement, including any agreed judgment, stipulation, decree, agreement to settle, assurance of discontinuance, or otherwise between an employee, as defined by subsection (A), and an employer under which the employer directly or indirectly provides to an individual compensation or other consideration due to an allegation that the individual has been a victim of sexual harassment or unlawful discrimination under this Act.

(3) "Adverse judgment or administrative ruling" means any final adverse judgment or final administrative ruling entered in favor of an employee as defined by subsection (A) and against the employer during the preceding year based on claims of sexual harassment or unlawful discrimination brought under this Act, Title VII of the Civil Rights Act of 1964, or any other federal, State, or local law prohibiting sexual harassment or unlawful discrimination.

(B) Required disclosures. Beginning July 1, 2020, each employer under this Section shall disclose annually to the Department of Human Rights the following information:

(1) the total number of settlements entered into during the preceding year by the employer or a corporate executive of the employer that relate to any alleged act of sexual harassment or unlawful discrimination that:

(a) occurred in the workplace of the employer; or

(b) involved the behavior of an employee of the employer or a corporate executive of the employer, without regard to whether that behavior occurred in the workplace of the employer;

(2) how many settlements described in paragraph (1) are in each of the following categories:

(a) sexual harassment or discrimination on the basis of sex;

(b) discrimination or harassment on the basis of race, color, or national origin;

(c) discrimination or harassment on the basis of religion;

(d) discrimination or harassment on the basis of age;

(e) discrimination or harassment on the basis of disability;

(f) discrimination or harassment on the basis of military status or unfavorable discharge from military status;

(g) discrimination or harassment on the basis of sexual orientation or gender identity; and

(h) discrimination or harassment on the basis of any other characteristic protected under this Act;

(3) the total number of adverse judgments or administrative rulings during the preceding year;

(4) whether any equitable relief was ordered against the employer in any adverse judgment or administrative ruling described in paragraph (3);

(5) how many adverse judgments or administrative rulings described in paragraph (3) are in each of the following categories:

(a) sexual harassment or discrimination on the basis of sex;

(b) discrimination or harassment on the basis of race, color, or national origin;

(c) discrimination or harassment on the basis of religion;

(d) discrimination or harassment on the basis of age;

(e) discrimination or harassment on the basis of disability;

(f) discrimination or harassment on the basis of military status or unfavorable discharge from military status;

(g) discrimination or harassment on the basis of sexual orientation or gender identity; and

(h) discrimination or harassment on the basis of any other characteristic protected under this Act;

(C) Prohibited disclosures. An employer may not disclose the name of a victim of an act of alleged sexual harassment or unlawful discrimination in any disclosures required under this Section.

(D) Annual report. The Department shall publish an annual report aggregating the information reported by employers under this Section such that no individual employer data is available to the public. The report shall include:

(1) the number of settlements entered into during the preceding calendar year based on each of the protected classes identified by this Act; and

(2) the number of adverse judgments or administrative rulings filed during the preceding calendar year based on each of the protected classes identified by this Act.

The report shall be filed with the General Assembly and made available to the public by December 31 of each reporting year. Data submitted by an employer to comply with this Section is exempt from the Freedom of Information Act.

(E) Pattern and practice violations. The Department may open a preliminary investigation if the information disclosed under this Section identifies an employer or a corporate executive of the employer who may have engaged in a pattern and practice of unlawful discrimination under this Act. If a pattern and practice of unlawful discrimination is found, the Department shall initiate a charge of a civil rights violation.

(F) Failure to report and penalties. If an employer fails to make any disclosures required under this Section, the Department shall issue a notice to show cause giving the employer 30 days to disclose the required information. If the employer does not make the required disclosures within 30 days, the Department shall the petition the Illinois Human Rights Commission for entry of an order imposing a civil penalty against the employer pursuant to Section 8-109.1. The civil penalty shall be paid into the Department of Human Rights' Training and Development Fund.

(G) Rules. The Department shall adopt any rules it deems necessary for implementation of this Section.

(775 ILCS 5/6-102)

Sec. 6-102. Violations of other Acts. A person who violates the Section 11-117-12.2 of the Illinois Municipal Code, Section 224.05 of the Illinois Insurance Code, Section 8-201.5 of the Public Utilities Act, Sections 2-1401.1, 9-107.10, 9-107.11, and 15-1501.6 of the Code of Civil Procedure, Section 4.05 of the Interest Act, the Military Personnel Cellular Phone Contract Termination Act, Section 405-272 of the Civil Administrative Code of Illinois, Section 10-63 of the Illinois Administrative Procedure Act, Sections 30.25 and 30.30 of the Military Code of Illinois, Section 16 of the Landlord and Tenant Act, Section 26.5 of the Retail Installment Sales Act, or Section 37 of the Motor Vehicle Leasing Act, or the Workplace Transparency Act commits a civil rights violation within the meaning of this Act.

(Source: P.A. 100-1101, eff. 1-1-19.)

(775 ILCS 5/7-114 new)

Sec. 7-114. Sexual harassment prevention training.

(A) The General Assembly finds that the Equal Employment Opportunity Commission estimates that 25% to 85% of working women have experienced sexual harassment on the job. Organizational tolerance of sexual harassment has a detrimental influence in workplaces by creating a hostile environment for women, reducing productivity, and increasing legal liability. It is the General Assembly's intent to encourage employers to adopt and actively implement policies to ensure their workplaces are safe for women to report concerns about sexual harassment without fear of retaliation, loss of status, or loss of promotional opportunities.

(B) The Department shall produce a model sexual harassment prevention training program aimed at the prevention of sexual harassment in the workplace. The model program shall be made available to employers at no cost. This model program shall be interactive and, at a minimum, include the following:

(1) an explanation of sexual harassment consistent with this Act;

(2) examples of conduct that constitutes unlawful sexual harassment;

(3) an explanation of harassment based on sex consistent with this Act;

(4) examples of conduct that constitute unlawful harassment based on sex;

(5) a summary of federal and State statutory provisions concerning harassment based on sex, sexual harassment, and all remedies available to victims of sexual harassment or harassment based on sex;

(6) a summary of employees' rights and available remedies and forums to adjudicate complaints;

(7) examples of appropriate and inappropriate conduct by supervisors; and

(8) a summary of responsibilities of employers in the prevention, investigation, and adjudication of sexual harassment.

(C) Every employer shall use the model sexual harassment prevention training program under this Section or establish a training program for employees and supervisors to prevent sexual harassment that equals or exceeds the minimum standards provided by the model training. The sexual harassment prevention training shall be provided to all employees on an annual basis.

(D) Failure to train and penalties. If an employer violates this Section, the Department shall issue a notice to show cause giving the employer 30 days to comply. If the employer does not comply within 30 days, the Department shall petition the Human Rights Commission for entry of an order imposing a civil penalty against the employer pursuant to Section 8-109.1. The civil penalty shall be paid into the Department of Human Rights' Training and Development Fund.

(775 ILCS 5/8-109.1 new)

Sec. 8-109.1. Civil penalties; failure to report; failure to train.

(A) A hearing officer may recommend the Commission or any 3-member panel thereof may:

(1) Failure to Report. In the case of an employer who fails to make any disclosures required under Section 2-108, order that a civil penalty be imposed pursuant to subsection (B).

(2) Failure to Train. In the case of an employer who fails to comply with the sexual harassment prevention training requirements under Section 2-114, order that a civil penalty be imposed pursuant to subsection (B).

(B) Civil Penalty. An employer who violates Section 2-108 or 2-114 is subjected to a civil penalty as follows:

(1) For an employer with fewer than 4 employees: a penalty not to exceed $500 for a first offense; a penalty not to exceed $1,000 for a second offense; a penalty not to exceed $3,000 for a third or subsequent offense.

(2) For an employer with 4 or more employees: a penalty not to exceed $1,000 for a first offense; a penalty not to exceed $3,000 for a second offense; a penalty not to exceed $5,000 for a third or subsequent offense.

(C) The appropriateness of the penalty to the size of the employer charged, the good faith efforts made by the employer to comply, and the gravity of the violation shall be considered in determining the amount of the civil penalty.

Section 2-20. The Victims' Economic Security and Safety Act is amended by changing Sections 10, 15, 20, 25, 30, and 45 as follows:

(820 ILCS 180/10)

Sec. 10. Definitions. In this Act, except as otherwise expressly provided:

(1) "Commerce" includes trade, traffic, commerce, transportation, or communication; and "industry or activity affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and includes "commerce" and any "industry affecting commerce".

(2) "Course of conduct" means a course of repeatedly maintaining a visual or physical proximity to a person or conveying oral or written threats, including threats conveyed through electronic communications, or threats implied by conduct.

(3) "Department" means the Department of Labor.

(4) "Director" means the Director of Labor.

(5) "Domestic or sexual violence" means domestic violence, sexual assault, or stalking.

(6) "Domestic violence" means abuse, as defined in Section 103 of the Illinois Domestic Violence Act of 1986, by a family or household member, as defined in Section 103 of the Illinois Domestic Violence Act of 1986.

(7) "Electronic communications" includes communications via telephone, mobile phone, computer, e-mail, video recorder, fax machine, telex, ~~or~~ pager, online platform (including, but not limited to, any public-facing website, web application, digital application, or social network), or any other electronic communication, as defined in Section 12-7.5 of the Criminal Code of 2012.

(8) "Employ" includes to suffer or permit to work.

(9) Employee.

(A) In general. "Employee" means any person employed by an employer.

(B) Basis. "Employee" includes a person employed as described in subparagraph (A) on a full or part-time basis, or as a participant in a work assignment as a condition of receipt of federal or State income-based public assistance.

(10) "Employer" means any of the following: (A) the State or any agency of the State; (B) any unit of local government or school district; or (C) any person that employs at least one employee.

(11) "Employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, pensions, and profit-sharing, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan". "Employee benefit plan" or "plan" means an employee welfare benefit plan or an employee pension

benefit plan or a plan which is both an employee welfare benefit plan and an employee pension benefit plan.

(12) "Family or household member", for employees with a family or household member who is a victim of domestic violence, sexual violence, or sexual harassment ~~or sexual violence,~~ means a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household.

(13) "Parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter. "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or is 18 years of age or older and incapable of self-care because of a mental or physical disability.

(14) "Perpetrator" means an individual who commits or is alleged to have committed any act or threat of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~.

(15) "Person" means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons.

(16) "Public agency" means the Government of the State or political subdivision thereof; any agency of the State, or of a political subdivision of the State; or any governmental agency.

(17) "Public assistance" includes cash, food stamps, medical assistance, housing assistance, and other benefits provided on the basis of income by a public agency or public employer.

(18) "Reduced work schedule" means a work schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

(19) "Repeatedly" means on 2 or more occasions.

(20) "Sexual assault" means any conduct proscribed by: (i) Article 11 of the Criminal Code of 2012 except Sections 11-35 and 11-45; (ii) Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 2012; or (iii) a similar provision of the Criminal Code of 1961 ~~the Criminal Code of 1961 or the Criminal Code of 2012 in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, and 12-16~~.

(21) "Stalking" means any conduct proscribed by the Criminal Code of 1961 or the Criminal Code of 2012 in Sections 12-7.3, 12-7.4, and 12-7.5.

(22) "Victim" or "survivor" means an individual who has been subjected to domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~.

(23) "Victim services organization" means a nonprofit, nongovernmental organization that provides assistance to victims of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ or to advocates for such victims, including a rape crisis center, an organization carrying out a domestic violence program, an organization operating a shelter or providing counseling services, or a legal services organization or other organization providing assistance through the legal process.

(24) "Emotional distress" means significant mental suffering, anxiety, or alarm.

(25) "Sexual harassment" means any harassment or discrimination on the basis of an individual's actual or perceived sex or gender, including unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature, or any other conduct of a sexual nature directed at a specific person that would cause the victim or survivor emotional distress.

(Source: P.A. 99-765, eff. 1-1-17.)

(820 ILCS 180/15)

Sec. 15. Purposes. The purposes of this Act are:

(1) to promote the State's interest in reducing domestic violence, dating violence, sexual assault, sexual harassment, and stalking by enabling victims of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~, and to reduce the devastating economic consequences of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ to employers and employees;

(2) to address the failure of existing laws to protect the employment rights of employees who are victims of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ and employees with a family or household member who is a victim of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~, by protecting the civil and economic rights of those employees, and by furthering the equal opportunity of women for economic self-sufficiency and employment free from discrimination;

(3) to accomplish the purposes described in paragraphs (1) and (2) by (A) entitling

employed victims of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ and employees with a family or household member who is a victim of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ to take unpaid leave to seek medical help, legal assistance, counseling, safety planning, and other assistance without penalty from their employers for the employee or the family or household member who is a victim; and (B) prohibiting employers from discriminating against any employee who is a victim of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ or any employee who has a family or household member who is a victim of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~, in a manner that accommodates the legitimate interests of employers and protects the safety of all persons in the workplace.

(Source: P.A. 96-635, eff. 8-24-09.)

(820 ILCS 180/20)

Sec. 20. Entitlement to leave due to domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~.

(a) Leave requirement.

(1) Basis. An employee who is a victim of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ or an employee who has a family or household member who is a victim of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ whose interests are not adverse to the employee as it relates to the domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ may take unpaid leave from work if the employee or employee's family or household member is experiencing an incident of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ or to address domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ by:

(A) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ to the employee or the employee's family or household member;

(B) obtaining services from a victim services organization for the employee or the employee's family or household member;

(C) obtaining psychological or other counseling for the employee or the employee's family or household member;

(D) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ or ensure economic security; or

(E) seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~.

(2) Period. Subject to subsection (c), an employee working for an employer that employs at least 50 employees shall be entitled to a total of 12 workweeks of leave during any 12-month period. Subject to subsection (c), an employee working for an employer that employs at least 15 but not more than 49 employees shall be entitled to a total of 8 workweeks of leave during any 12-month period. Subject to subsection (c), an employee working for an employer that employs at least one but not more than 14 employees shall be entitled to a total of 4 workweeks of leave during any 12-month period. The total number of workweeks to which an employee is entitled shall not decrease during the relevant 12-month period. This Act does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) Schedule. Leave described in paragraph (1) may be taken consecutively, intermittently, or on a reduced work schedule.

(b) Notice. The employee shall provide the employer with at least 48 hours' advance notice of the employee's intention to take the leave, unless providing such notice is not practicable. When an unscheduled absence occurs, the employer may not take any action against the employee if the employee, upon request of the employer and within a reasonable period after the absence, provides certification under subsection (c).

(c) Certification.

(1) In general. The employer may require the employee to provide certification to the employer that:

(A) the employee or the employee's family or household member is a victim of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~; and

(B) the leave is for one of the purposes enumerated in paragraph (a)(1).

The employee shall provide such certification to the employer within a reasonable period after the employer requests certification.

(2) Contents. An employee may satisfy the certification requirement of paragraph (1) by providing to the employer a sworn statement of the employee, and upon obtaining such documents the employee shall provide:

(A) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ and the effects of the violence or harassment;

(B) a police or court record; or

(C) other corroborating evidence.

The employee may choose which document to submit if that document demonstrates the basis of the leave allowed under Section 20 of this Act. An employee is not required to provide additional documentation if a subsequent leave request is for the same reason for leave previously used and for the same incident of domestic violence, sexual violence, or sexual harassment or the same perpetrator of the domestic violence, sexual violence, or sexual harassment.

(d) Confidentiality. All information provided to the employer pursuant to subsection (b) or (c), including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this Section, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is:

(1) requested or consented to in writing by the employee; or

(2) otherwise required by applicable federal or State law.

(e) Employment and benefits.

(1) Restoration to position.

(A) In general. Any employee who takes leave under this Section for the intended purpose of the leave shall be entitled, on return from such leave:

(i) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(ii) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(B) Loss of benefits. The taking of leave under this Section shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(C) Limitations. Nothing in this subsection shall be construed to entitle any restored employee to:

(i) the accrual of any seniority or employment benefits during any period of leave; or

(ii) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(D) Construction. Nothing in this paragraph shall be construed to prohibit an employer from requiring an employee on leave under this Section to report periodically to the employer on the status and intention of the employee to return to work.

(2) Maintenance of health benefits.

(A) Coverage. Except as provided in subparagraph (B), during any period that an employee takes leave under this Section, the employer shall maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

(B) Failure to return from leave. The employer may recover the premium that the employer paid for maintaining coverage for the employee and the employee's family or household member under such group health plan during any period of leave under this Section if:

(i) the employee fails to return from leave under this Section after the period of leave to which the employee is entitled has expired; and

(ii) the employee fails to return to work for a reason other than:

(I) the continuation, recurrence, or onset of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ that entitles the employee to leave pursuant to this Section; or

(II) other circumstances beyond the control of the employee.

(C) Certification.

(i) Issuance. An employer may require an employee who claims that the employee is unable to return to work because of a reason described in subclause (I) or (II) of subparagraph (B)(ii) to provide, within a reasonable period after making the claim, certification to the employer that the employee is unable to return to work because of that reason. The employee shall choose which document to submit.

(ii) Contents. An employee may satisfy the certification requirement of clause (i) by providing to the employer:

(I) a sworn statement of the employee;

(II) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee has sought assistance in addressing domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ and the effects of that violence or harassment;

(III) a police or court record; or

(IV) other corroborating evidence.

(D) Confidentiality. All information provided to the employer pursuant to subparagraph (C), including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee is not returning to work because of a reason described in subclause (I) or (II) of subparagraph (B)(ii) shall be retained in the strictest confidence by the employer, except to the extent that disclosure is:

(i) requested or consented to in writing by the employee; or

(ii) otherwise required by applicable federal or State law.

(f) Prohibited acts.

(1) Interference with rights.

(A) Exercise of rights. It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided under this Section.

(B) Employer discrimination. It shall be unlawful for any employer to discharge or harass any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment of the individual (including retaliation in any form or manner) because the individual:

(i) exercised any right provided under this Section; or

(ii) opposed any practice made unlawful by this Section.

(C) Public agency sanctions. It shall be unlawful for any public agency to deny, reduce, or terminate the benefits of, otherwise sanction, or harass any individual, or otherwise discriminate against any individual with respect to the amount, terms, or conditions of public assistance of the individual (including retaliation in any form or manner) because the individual:

(i) exercised any right provided under this Section; or

(ii) opposed any practice made unlawful by this Section.

(2) Interference with proceedings or inquiries. It shall be unlawful for any person to discharge or in any other manner discriminate (as described in subparagraph (B) or (C) of paragraph (1)) against any individual because such individual:

(A) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this Section;

(B) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Section; or

(C) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Section.

(g) Disciplinary action. Nothing in this Section shall be construed to prohibit an employer from taking disciplinary action, up to and including termination, against an employee who uses leave provided pursuant to this Act for purposes other than those described in this Section.

(Source: P.A. 99-765, eff. 1-1-17.)

(820 ILCS 180/25)

Sec. 25. Existing leave usable for addressing domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~. An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to federal, State, or local law, a collective bargaining agreement, or an employment benefits program or plan, may elect to substitute any period of such leave for an equivalent period of leave provided under Section 20. The employer may not require the employee to substitute available paid or unpaid leave for leave provided under Section 20.

(Source: P.A. 96-635, eff. 8-24-09.)

(820 ILCS 180/30)

Sec. 30. Victims' employment sustainability; prohibited discriminatory acts.

(a) An employer shall not fail to hire, refuse to hire, discharge, constructively discharge, or harass any individual, otherwise discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, or retaliate against an individual in any form or manner, and a public agency shall not deny, reduce, or terminate the benefits of, otherwise sanction, or harass any individual, otherwise discriminate against any individual with respect to the amount, terms, or conditions of public assistance of the individual, or retaliate against an individual in any form or manner, because:

(1) the individual involved:

(A) is or is perceived to be a victim of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~;

(B) attended, participated in, prepared for, or requested leave to attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ of which the individual or a family or household member of the individual was a victim, or requested or took leave for any other reason provided under Section 20;

(C) requested an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, or implementation of a safety procedure or any other reasonable accommodation in response to actual or threatened domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~, regardless of whether the request was granted; or

(D) is an employee whose employer is subject to Section 21 of the Workplace Violence Prevention Act; or

(2) the workplace is disrupted or threatened by the action of a person whom the individual states has committed or threatened to commit domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ against the individual or the individual's family or household member.

(b) In this Section:

(1) "Discriminate", used with respect to the terms, conditions, or privileges of employment or with respect to the terms or conditions of public assistance, includes not making a reasonable accommodation to the known limitations resulting from circumstances relating to being a victim of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ or a family or household member being a victim of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ of an otherwise qualified individual:

(A) who is:

(i) an applicant or employee of the employer (including a public agency); or

(ii) an applicant for or recipient of public assistance from a public agency;

and

(B) who is:

(i) or is perceived to be a victim of domestic violence, sexual violence, or sexual harassment ~~a victim of domestic or sexual violence~~; or

(ii) with a family or household member who is a victim of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ whose interests are not adverse to the individual in subparagraph (A) as it relates to the domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~;

unless the employer or public agency can demonstrate that the accommodation would impose an undue hardship on the operation of the employer or public agency.

A reasonable accommodation must be made in a timely fashion. Any exigent circumstances or danger facing the employee or his or her family or household member shall be considered in determining whether the accommodation is reasonable.

(2) "Qualified individual" means:

(A) in the case of an applicant or employee described in paragraph (1)(A)(i), an individual who, but for being a victim of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ or with a family or household member who is a victim of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~, can perform the essential functions of the employment position that such individual holds or desires; or

(B) in the case of an applicant or recipient described in paragraph (1)(A)(ii), an

individual who, but for being a victim of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ or with a family or household member who is a victim of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~, can satisfy the essential requirements of the program providing the public assistance that the individual receives or desires.

(3) "Reasonable accommodation" may include, but is not limited to, an adjustment to a job structure, workplace

facility, or work requirement, including a transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, or implementation of a safety procedure, or assistance in documenting domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ that occurs at the workplace or in work-related settings, in response to actual or threatened domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~.

(4) Undue hardship.

(A) In general. "Undue hardship" means an action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph (B).

(B) Factors to be considered. In determining whether a reasonable accommodation would impose an undue hardship on the operation of an employer or public agency, factors to be considered include:

(i) the nature and cost of the reasonable accommodation needed under this Section;

(ii) the overall financial resources of the facility involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact otherwise of such accommodation on the operation of the facility;

(iii) the overall financial resources of the employer or public agency, the overall size of the business of an employer or public agency with respect to the number of employees of the employer or public agency, and the number, type, and location of the facilities of an employer or public agency; and

(iv) the type of operation of the employer or public agency, including the composition, structure, and functions of the workforce of the employer or public agency, the geographic separateness of the facility from the employer or public agency, and the administrative or fiscal relationship of the facility to the employer or public agency.

(c) An employer subject to Section 21 of the Workplace Violence Prevention Act shall not violate any provisions of the Workplace Violence Prevention Act.

(d) All information provided to the employer pursuant to subsection (b) or (c), including a statement of the employee and any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this Section, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is:

(1) requested or consented to in writing by the employee; or

(2) otherwise required by applicable federal or State law.

(Source: P.A. 98-766, eff. 7-16-14; 99-78, eff. 7-20-15.)

(820 ILCS 180/45)

Sec. 45. Effect on other laws and employment benefits.

(a) More protective laws, agreements, programs, and plans. Nothing in this Act shall be construed to supersede any provision of any federal, State, or local law, collective bargaining agreement, or employment benefits program or plan that provides:

(1) greater leave benefits for victims of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ than the rights established under this Act; or

(2) leave benefits for a larger population of victims of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ (as defined in such law, agreement, program, or plan) than the victims of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ covered under this Act.

(b) Less protective laws, agreements, programs, and plans. The rights established for employees who are victims of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ and employees with a family or household member who is a victim of domestic violence, sexual violence, or sexual harassment ~~or sexual violence~~ under this Act shall not be diminished by any federal, State or local law, collective bargaining agreement, or employment benefits program or plan.

(Source: P.A. 93-591, eff. 8-25-03.)

Article 3.

Section 3-1. Short title. This Article may be cited as the Stopping Predators from Evading Allegations of Abuse of Kids Act. References in this Article to "this Act" mean this Article.

Section 3-5. Definitions. As used in this Act:

"Minor" means any person under the age of 18 years.

"Youth recreational athletic entity" means a team, program, or event, including practice and competition, not associated with a school, during which youth athletes participate or practice to participate in an organized athletic game or competition against another team, club, entity, or individual.

"Youth recreational athletic entity" includes, but is not limited to, athletic activity sponsored by a recreation center, community center, or private sports club.

Section 3-10. Prohibition on sexual abuse of children in youth sports. A person who owns, is employed by, or volunteers with a youth recreational athletic entity shall not, in that capacity, employ, use, persuade, induce, entice, or coerce a minor to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of a minor, including actual or simulated:

(1) sexual contact in the manner of genital-genital, oral-genital, anal-genital, or oral-anal contact. For purposes of this Act, "sexual contact" means the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

(2) bestiality;

(3) masturbation;

(4) lascivious exhibition of the genitals or pubic area;

(5) sadistic or masochistic abuse; or

(6) any other sexual conduct or sexual penetration, as defined in Section 11-0.1 of the Criminal Code of 2012.

Section 3-15. Required reporting of child and sexual abuse in youth sports.

(a) Any person who owns, is employed by, or volunteers with a youth recreational athletic entity and is subject to the mandatory reporting requirements of the Abused and Neglected Child Reporting Act shall also make a confidential report of the suspected abuse to the relevant governing organization or league that regulates or oversees the youth recreational athletic entity as soon as practicable, but in no event later than 10 days after learning of the incident.

(b) Nothing in this Act shall be construed to require a victim of abuse to self-report the abuse.

Section 3-20. Posting of rights by youth recreational athletic entity. Each youth recreational athletic entity shall post in a clear and conspicuous place in its athletic facilities and on its website a notice stating a minor's rights under this Act as well as the toll-free number to the 24-hour child abuse hotline of the Department of Children and Family Services and contact information for all governing organizations or leagues that regulate or oversee the youth recreational athletic entity.

Section 3-25. Enforcement.

(a) Any person who, as a result of a violation of Section 3-10, suffers personal injury, regardless of whether the injury occurred when the person was a minor, has a right of action in State circuit court. A prevailing plaintiff may recover for each violation actual and compensatory damages, including, but not limited to, damages for emotional distress, punitive damages, reasonable attorney's fees and costs, including expert witness fees and other litigation expenses, and such equitable relief as may be appropriate.

(b) Any person who knowingly and willfully fails to notify the relevant governing organization or league that regulates or oversees the youth recreational athletic entity pursuant to Section 3-15 may be subject to a civil penalty as follows: for a first offense, a penalty not to exceed $250; for a second offense, a penalty not to exceed $500; for a third or subsequent offense, a penalty not to exceed $1,000. In determining the amount of the penalty, the appropriateness of the penalty and the gravity of the violation shall be considered. The penalty may be recovered in a civil action brought by the Director of the Department of Children and Family Services in any circuit court.

Article 4.

Section 4-1. Short title. This Act may be cited as the Sexual Harassment Victim Representation Act. References in this Article to "this Act" mean this Article.

Section 4-5. Definitions. In this Act:
"Perpetrator" means an individual who commits or is alleged to have committed an act or threat of sexual harassment.
"Sexual harassment" means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
"Union" means any organization defined as a "labor organization" under Section 2 of the National Labor Relations Act (29 U.S.C. 152).
"Union representative" means a person designated by a union to represent a member of the union in any disciplinary proceeding.
"Victim" means a victim of sexual harassment.

Section 4-10. Dual representation prohibited.
(a) In any proceeding in which a victim who is a member of a union has accused a perpetrator who is a member of the same union, the victim and the perpetrator may not be represented in the proceeding by the same union representative.
(b) The union must designate separate union representatives to represent the parties to the proceeding.".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Fine, **Senate Bill No. 2085** having been printed, was taken up, read by title a second time.
Floor Amendment No. 1 was referred to the Committee on Insurance earlier today.
There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Rose, **Senate Bill No. 2124** having been printed, was taken up, read by title a second time.
Senator Rose offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2124

AMENDMENT NO. 1 . Amend Senate Bill 2124 as follows:

on page 8, by replacing lines 7 through 10 with the following:
"B-B gun, irrespective of the type or size of projectile that can be fired or the gun's muzzle velocity.".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

At the hour of 7:39 o'clock p.m., the Chair announced that the Senate stands adjourned until Wednesday, April 10, 2019, at 1:00 o'clock p.m.