SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDRED FIRST GENERAL ASSEMBLY

33RD LEGISLATIVE DAY

THURSDAY, APRIL 11, 2019

11:14 O'CLOCK A.M.

NO. 33
[April 11, 2019]

SENATE
Daily Journal Index
33rd Legislative Day

The Senate met pursuant to adjournment.
The Honorable John J. Cullerton, President of the Senate, presiding.
Prayer by Dr. Maryam Moustoufi, Islamic Society of Greater Springfield, Springfield, Illinois.
Senator Cunningham led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, April 10, 2019, be postponed, pending arrival of the printed Journal.
The motion prevailed.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 341

Offered by Senator McGuire and all Senators:
Mourns the death of Patrick J. "Pat" O'Connell of Channahon.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 2118, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2170, sponsored by Senator Aquino, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2176, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2301, sponsored by Senator Manar, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2386, sponsored by Senator Tracy, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2487, sponsored by Senator Murphy, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2613, sponsored by Senator Curran, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2719, sponsored by Senator Bennett, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3039, sponsored by Senator Tracy, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3040, sponsored by Senator Tracy, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3168, sponsored by Senator Schimpf, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3263, sponsored by Senator Curran, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3534, sponsored by Senator Castro, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3576, sponsored by Senator Barickman, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3676, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Assignments.

At the hour of 11:32 o'clock a.m., Senator Koehler, presiding.

SENATE BILL RECALLED

On motion of Senator Brady, **Senate Bill No. 996** was recalled from the order of third reading to the order of second reading.

Senator Brady offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 996

AMENDMENT NO. 1. Amend Senate Bill 996 by replacing everything after the enacting clause with the following:

"Section 5. The Beer Industry Fair Dealing Act is amended by changing Section 3 as follows:
(815 ILCS 720/3) (from Ch. 43, par. 303)
Sec. 3. Termination and notice of cancellation.
(1) Except as provided in subsection (3) of this Section, no brewer or beer wholesaler may cancel, fail to renew, or otherwise terminate an agreement unless the brewer or wholesaler furnishes prior notification to the affected party in accordance with subsection (2).
(2) The notification required under subsection (1) shall be in writing and sent to the affected party by certified mail not less than 90 days before the date on which the agreement will be cancelled, not renewed, or otherwise terminated. The notification shall contain (a) a statement of intention to cancel, failure to renew, or otherwise terminate an agreement, (b) a complete statement of reasons therefor ~~therefore~~, including all data and documentation necessary to fully apprise the wholesaler of the reasons for the action, and (c) the date on which the action shall take effect.
(3) A brewer may cancel, fail to renew, or otherwise terminate an agreement without furnishing any prior notification for any of the following reasons:
(A) Wholesaler's failure to pay any account when due and upon demand by the brewer for such payment, in accordance with agreed payment terms.
(B) Wholesaler's assignment for the benefit of creditors, or similar disposition, of substantially all of the assets of such party's business.
(C) Insolvency of wholesaler, or the institution of proceedings in bankruptcy by or against the wholesaler.
(D) Dissolution or liquidation of the wholesaler.
(E) Wholesaler's conviction of, or plea of guilty or no contest, to a charge of violating a law or regulation, in this State which materially and adversely affects the ability of either party to continue to sell beer in this State, or, unless otherwise provided by agreement, the revocation or suspension of a license or permit to sell beer in this State for a period of not less than 30 days which has a material and adverse effect on the wholesaler's ability to sell beer in this State.
(F) Any attempted transfer of business assets of the wholesaler, voting stock of the wholesaler, voting stock of any parent corporation of the wholesaler, or any change in the beneficial ownership or control of any entity without obtaining the prior consent or approval as provided for under Section 6 unless the brewer neither approves, consents to, nor objects to the transfer within 60 days after receiving all requested information from the wholesaler regarding the proposed purchase, in which event the brewer shall be deemed to have consented to the proposed transaction.
(G) Fraudulent conduct by the wholesaler in its dealings with the brewer.
(Source: P.A. 88-410; revised 10-9-18.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Brady, **Senate Bill No. 996** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martinez	Sandoval
Aquino	Fowler	McClure	Schimpf
Barickman	Gillespie	McConchie	Sims
Belt	Glowiak	McGuire	Stadelman
Bennett	Harmon	Morrison	Steans
Bertino-Tarrant	Harris	Mulroe	Stewart
Brady	Hastings	Muñoz	Syverson
Bush	Holmes	Murphy	Van Pelt
Castro	Hunter	Oberweis	Villivalam
Crowe	Hutchinson	Peters	Weaver
Cullerton, T.	Koehler	Plummer	Wilcox
Cunningham	Landek	Rezin	Mr. President
DeWitte	Lightford	Righter	
Ellman	Manar	Rose	

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

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

SENATE BILL RECALLED

On motion of Senator Manar, **Senate Bill No. 10** was recalled from the order of third reading to the order of second reading.

Senator Manar offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 10

AMENDMENT NO. 1. Amend Senate Bill 10 as follows:

on page 2, immediately below line 3, by inserting the following:

"On or before January 31, 2020, the Professional Review Panel created under Section 18-8.15 must submit a report to the General Assembly on how State funds and funds distributed under the evidence-based funding formula under Section 18-8.15 may aid the financial effects of the changes made by this amendatory Act of the 101st General Assembly.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Manar, **Senate Bill No. 10** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 45; NAYS 11.

The following voted in the affirmative:

Anderson	Curran	Jones, E.	Peters
Aquino	Ellman	Koehler	Rose
Belt	Fine	Landek	Sandoval
Bennett	Fowler	Lightford	Sims
Bertino-Tarrant	Gillespie	Link	Stadelman
Brady	Glowiak	Manar	Steans
Bush	Harmon	Martinez	Van Pelt
Castro	Harris	McGuire	Villivalam
Collins	Hastings	Morrison	Mr. President
Crowe	Holmes	Mulroe	
Cullerton, T.	Hunter	Muñoz	
Cunningham	Hutchinson	Oberweis	

The following voted in the negative:

Barickman	McConchie	Schimpf	Weaver
DeWitte	Plummer	Stewart	Wilcox
McClure	Righter	Tracy	

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

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

Senator Rezin asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 10**.

On motion of Senator Link, **Senate Bill No. 24** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 35; NAYS 19.

The following voted in the affirmative:

Aquino	Fine	Koehler	Muñoz
Belt	Gillespie	Landek	Murphy
Bennett	Glowiak	Lightford	Peters
Bertino-Tarrant	Harmon	Link	Sandoval
Bush	Hastings	Manar	Stadelman
Castro	Holmes	Martinez	Van Pelt
Crowe	Hunter	McGuire	Villivalam
Cullerton, T.	Hutchinson	Morrison	Mr. President
Cunningham	Jones, E.	Mulroe	

The following voted in the negative:

Anderson	Fowler	Rezin	Syverson
Barickman	McClure	Righter	Tracy

Brady	McConchie	Rose	Weaver
Curran	Oberweis	Schimpf	Wilcox
DeWitte	Plummer	Stewart	

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

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

Senator Harris asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 24**.

Senator Sims asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 24**.

On motion of Senator Curran, **Senate Bill No. 161** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Link	Sandoval
Aquino	Fine	Manar	Schimpf
Barickman	Fowler	Martinez	Sims
Belt	Gillespie	McClure	Stadelman
Bennett	Glowiak	McConchie	Steans
Bertino-Tarrant	Harmon	McGuire	Syverson
Brady	Harris	Morrison	Tracy
Bush	Hastings	Mulroe	Van Pelt
Castro	Holmes	Muñoz	Villivalam
Collins	Hunter	Murphy	Weaver
Crowe	Hutchinson	Oberweis	Wilcox
Cullerton, T.	Jones, E.	Peters	Mr. President
Cunningham	Koehler	Rezin	
Curran	Landek	Righter	
DeWitte	Lightford	Rose	

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

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

On motion of Senator Muñoz, **Senate Bill No. 145** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 36; NAYS 19.

The following voted in the affirmative:

Aquino	Gillespie	Lightford	Sandoval
Belt	Glowiak	Link	Sims
Bennett	Harmon	Manar	Steans
Bush	Harris	Martinez	Van Pelt
Castro	Hastings	McGuire	Villivalam
Collins	Holmes	Morrison	Mr. President
Cullerton, T.	Hunter	Mulroe	

Cunningham	Hutchinson	Muñoz
Ellman	Jones, E.	Murphy
Fine	Koehler	Peters

The following voted in the negative:

Anderson	Landek	Rezin	Syverson
Barickman	McClure	Righter	Tracy
Brady	McConchie	Rose	Weaver
Crowe	Oberweis	Schimpf	Wilcox
Fowler	Plummer	Stewart	

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

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

SENATE BILL RECALLED

On motion of Senator Harris, **Senate Bill No. 177** was recalled from the order of third reading to the order of second reading.

Senator Harris offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 177

AMENDMENT NO. 2. Amend Senate Bill 177, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Motor Fuel Tax Law is amended by changing Section 8 as follows:

(35 ILCS 505/8) (from Ch. 120, par. 424)

Sec. 8. Except as provided in Section 8a, subdivision (h)(1) of Section 12a, Section 13a.6, and items 13, 14, 15, and 16 of Section 15, all money received by the Department under this Act, including payments made to the Department by member jurisdictions participating in the International Fuel Tax Agreement, shall be deposited in a special fund in the State treasury, to be known as the "Motor Fuel Tax Fund", and shall be used as follows:

(a) 2 1/2 cents per gallon of the tax collected on special fuel under paragraph (b) of Section 2 and Section 13a of this Act shall be transferred to the State Construction Account Fund in the State Treasury;

(b) $420,000 shall be transferred each month to the State Boating Act Fund to be used by the Department of Natural Resources for the purposes specified in Article X of the Boat Registration and Safety Act;

(c) $3,500,000 shall be transferred each month to the Grade Crossing Protection Fund to be used as follows: not less than $12,000,000 each fiscal year shall be used for the construction or reconstruction of rail highway grade separation structures; $2,250,000 in fiscal years 2004 through 2009 and $3,000,000 in fiscal year 2010 and each fiscal year thereafter shall be transferred to the Transportation Regulatory Fund and shall be accounted for as part of the rail carrier portion of such funds and shall be used to pay the cost of administration of the Illinois Commerce Commission's railroad safety program in connection with its duties under subsection (3) of Section 18c-7401 of the Illinois Vehicle Code, with the remainder to be used by the Department of Transportation upon order of the Illinois Commerce Commission, to pay that part of the cost apportioned by such Commission to the State to cover the interest of the public in the use of highways, roads, streets, or pedestrian walkways in the county highway system, township and district road system, or municipal street system as defined in the Illinois Highway Code, as the same may from time to time be amended, for separation of grades, for installation, construction or reconstruction of crossing protection or reconstruction, alteration, relocation including construction or improvement of any existing highway necessary for access to property or improvement of any grade crossing and grade crossing surface including the necessary highway approaches thereto of any railroad across the highway or public road, or for the installation, construction, reconstruction, or maintenance of a pedestrian walkway over or under a railroad right-of-way, as provided for in and in accordance with Section 18c-7401 of the Illinois Vehicle Code. The Commission may order up to $2,000,000 per year in Grade Crossing Protection Fund moneys for the improvement of grade crossing surfaces and up to $300,000 per year for the maintenance and renewal of 4-quadrant gate vehicle detection systems located at non-high speed rail grade

crossings. The Commission shall not order more than $2,000,000 per year in Grade Crossing Protection Fund moneys for pedestrian walkways. In entering orders for projects for which payments from the Grade Crossing Protection Fund will be made, the Commission shall account for expenditures authorized by the orders on a cash rather than an accrual basis. For purposes of this requirement an "accrual basis" assumes that the total cost of the project is expended in the fiscal year in which the order is entered, while a "cash basis" allocates the cost of the project among fiscal years as expenditures are actually made. To meet the requirements of this subsection, the Illinois Commerce Commission shall develop annual and 5-year project plans of rail crossing capital improvements that will be paid for with moneys from the Grade Crossing Protection Fund. The annual project plan shall identify projects for the succeeding fiscal year and the 5-year project plan shall identify projects for the 5 directly succeeding fiscal years. The Commission shall submit the annual and 5-year project plans for this Fund to the Governor, the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives on the first Wednesday in April of each year;

(d) of the amount remaining after allocations provided for in subsections (a), (b) and (c), a sufficient amount shall be reserved to pay all of the following:

(1) the costs of the Department of Revenue in administering this Act;

(2) the costs of the Department of Transportation in performing its duties imposed by the Illinois Highway Code for supervising the use of motor fuel tax funds apportioned to municipalities, counties and road districts;

(3) refunds provided for in Section 13, refunds for overpayment of decal fees paid under Section 13a.4 of this Act, and refunds provided for under the terms of the International Fuel Tax Agreement referenced in Section 14a;

(4) from October 1, 1985 until June 30, 1994, the administration of the Vehicle Emissions Inspection Law, which amount shall be certified monthly by the Environmental Protection Agency to the State Comptroller and shall promptly be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund to the Vehicle Inspection Fund, and for the period July 1, 1994 through June 30, 2000, one-twelfth of $25,000,000 each month, for the period July 1, 2000 through June 30, 2003, one-twelfth of $30,000,000 each month, and $15,000,000 on July 1, 2003, and $15,000,000 on January 1, 2004, and $15,000,000 on each July 1 and October 1, or as soon thereafter as may be practical, during the period July 1, 2004 through June 30, 2012, and $30,000,000 on June 1, 2013, or as soon thereafter as may be practical, and $15,000,000 on July 1 and October 1, or as soon thereafter as may be practical, during the period of July 1, 2013 through June 30, 2015, for the administration of the Vehicle Emissions Inspection Law of 2005, to be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund into the Vehicle Inspection Fund;

(5) amounts ordered paid by the Court of Claims; and

(6) payment of motor fuel use taxes due to member jurisdictions under the terms of the International Fuel Tax Agreement. The Department shall certify these amounts to the Comptroller by the 15th day of each month; the Comptroller shall cause orders to be drawn for such amounts, and the Treasurer shall administer those amounts on or before the last day of each month;

(e) after allocations for the purposes set forth in subsections (a), (b), (c) and (d), the remaining amount shall be apportioned as follows:

(1) Until January 1, 2000, 58.4%, and beginning January 1, 2000, 45.6% shall be deposited as follows:

(A) 37% into the State Construction Account Fund, and

(B) 63% into the Road Fund, $1,250,000 of which shall be reserved each month for the Department of Transportation to be used in accordance with the provisions of Sections 6-901 through 6-906 of the Illinois Highway Code;

(2) Until January 1, 2000, 41.6%, and beginning January 1, 2000, 54.4% shall be transferred to the Department of Transportation to be distributed as follows:

(A) 49.10% to the municipalities of the State,

(B) 16.74% to the counties of the State having 1,000,000 or more inhabitants,

(C) 18.27% to the counties of the State having less than 1,000,000 inhabitants,

(D) 15.89% to the road districts of the State.

As soon as may be after the first day of each month the Department of Transportation shall allot to each municipality its share of the amount apportioned to the several municipalities which shall be in proportion to the population of such municipalities as determined by the last preceding municipal census if conducted by the Federal Government or Federal census. If territory is annexed to any municipality subsequent to the time of the last preceding census the corporate authorities of such municipality may cause a census to be taken of such annexed territory and the population so ascertained for such territory shall be added to the

population of the municipality as determined by the last preceding census for the purpose of determining the allotment for that municipality. If the population of any municipality was not determined by the last Federal census preceding any apportionment, the apportionment to such municipality shall be in accordance with any census taken by such municipality. Any municipal census used in accordance with this Section shall be certified to the Department of Transportation by the clerk of such municipality, and the accuracy thereof shall be subject to approval of the Department which may make such corrections as it ascertains to be necessary.

As soon as may be after the first day of each month the Department of Transportation shall allot to each county its share of the amount apportioned to the several counties of the State as herein provided. Each allotment to the several counties having less than 1,000,000 inhabitants shall be in proportion to the amount of motor vehicle license fees received from the residents of such counties, respectively, during the preceding calendar year. The Secretary of State shall, on or before April 15 of each year, transmit to the Department of Transportation a full and complete report showing the amount of motor vehicle license fees received from the residents of each county, respectively, during the preceding calendar year. The Department of Transportation shall, each month, use for allotment purposes the last such report received from the Secretary of State.

As soon as may be after the first day of each month, the Department of Transportation shall allot to the several counties their share of the amount apportioned for the use of road districts. The allotment shall be apportioned among the several counties in the State in the proportion which the total mileage of township or district roads in the respective counties bears to the total mileage of all township and district roads in the State. Funds allotted to the respective counties for the use of road districts therein shall be allocated to the several road districts in the county in the proportion which the total mileage of such township or district roads in the respective road districts bears to the total mileage of all such township or district roads in the county. After July 1 of any year prior to 2011, no allocation shall be made for any road district unless it levied a tax for road and bridge purposes in an amount which will require the extension of such tax against the taxable property in any such road district at a rate of not less than either .08% of the value thereof, based upon the assessment for the year immediately prior to the year in which such tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less. Beginning July 1, 2011 and each July 1 thereafter, an allocation shall be made for any road district if it levied a tax for road and bridge purposes. In counties other than DuPage County, if the amount of the tax levy requires the extension of the tax against the taxable property in the road district at a rate that is less than 0.08% of the value thereof, based upon the assessment for the year immediately prior to the year in which the tax was levied and as equalized by the Department of Revenue, then the amount of the allocation for that road district shall be a percentage of the maximum allocation equal to the percentage obtained by dividing the rate extended by the district by 0.08%. In DuPage County, if the amount of the tax levy requires the extension of the tax against the taxable property in the road district at a rate that is less than the lesser of (i) 0.08% of the value of the taxable property in the road district, based upon the assessment for the year immediately prior to the year in which such tax was levied and as equalized by the Department of Revenue, or (ii) a rate that will yield an amount equal to $12,000 per mile of road under the jurisdiction of the road district, then the amount of the allocation for the road district shall be a percentage of the maximum allocation equal to the percentage obtained by dividing the rate extended by the district by the lesser of (i) 0.08% or (ii) the rate that will yield an amount equal to $12,000 per mile of road under the jurisdiction of the road district.

The Department of Central Management Services shall establish a model business enterprise program for the procurement of contracts by municipalities, counties, and road districts. The program shall take into account the size, geographic location, and general procurement needs of the various municipalities, counties, and road districts of the State. Notwithstanding any other provision of law, for each fiscal year beginning on or after July 1, 2021, if a municipality, county, or road district received a distribution under this Section totaling more than $1,000,000 in the previous fiscal year, then, in order to receive a distribution for the current fiscal year, that municipality, county, or road district must certify to the Department of Transportation that it has established a minority-owned, women-owned, and veteran-owned business enterprise program that meets or exceeds the requirements of the model program established by the Department of Central Management Services under this Section. The municipality, county, or road district shall accept vendor certification from the State of Illinois, the County of Cook, and the City of Chicago for minority-owned, women-owned or veteran-owned businesses. The Department of Transportation shall prepare a list of all affected municipalities, counties, and road districts that received a distribution of more than $1,000,000 in the last fiscal year and shall publish the list on its website. The Department of Central Management Services shall prepare and conduct all necessary studies, including an availability analysis and a disparity study for all affected municipalities, counties, and road districts, and

shall use all existing studies as much as possible. The Department of Central Management Services shall maximize economies of scale in these studies where local governments draw from the same pool of vendors. If the study does not support the establishment of a business enterprise program for any local municipality, county, or road district, the requirements of this Section shall not apply to that local municipality, county, or road district. The Department of Transportation and the Illinois Toll Highway Authority shall provide all data on their studies related to their business enterprise programs to the Department of Central Management Services to assist the Department of Central Management Services in the completion of the study.

Prior to 2011, if any road district has levied a special tax for road purposes pursuant to Sections 6-601, 6-602 and 6-603 of the Illinois Highway Code, and such tax was levied in an amount which would require extension at a rate of not less than .08% of the value of the taxable property thereof, as equalized or assessed by the Department of Revenue, or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less, such levy shall, however, be deemed a proper compliance with this Section and shall qualify such road district for an allotment under this Section. Beginning in 2011 and thereafter, if any road district has levied a special tax for road purposes under Sections 6-601, 6-602, and 6-603 of the Illinois Highway Code, and the tax was levied in an amount that would require extension at a rate of not less than 0.08% of the value of the taxable property of that road district, as equalized or assessed by the Department of Revenue or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less, that levy shall be deemed a proper compliance with this Section and shall qualify such road district for a full, rather than proportionate, allotment under this Section. If the levy for the special tax is less than 0.08% of the value of the taxable property, or, in DuPage County if the levy for the special tax is less than the lesser of (i) 0.08% or (ii) $12,000 per mile of road under the jurisdiction of the road district, and if the levy for the special tax is more than any other levy for road and bridge purposes, then the levy for the special tax qualifies the road district for a proportionate, rather than full, allotment under this Section. If the levy for the special tax is equal to or less than any other levy for road and bridge purposes, then any allotment under this Section shall be determined by the other levy for road and bridge purposes.

Prior to 2011, if a township has transferred to the road and bridge fund money which, when added to the amount of any tax levy of the road district would be the equivalent of a tax levy requiring extension at a rate of at least .08%, or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less, such transfer, together with any such tax levy, shall be deemed a proper compliance with this Section and shall qualify the road district for an allotment under this Section.

In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law, road districts may retain their entitlement to a motor fuel tax allotment or, beginning in 2011, their entitlement to a full allotment if, at the time the property tax extension limitation was imposed, the road district was levying a road and bridge tax at a rate sufficient to entitle it to a motor fuel tax allotment and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. Any road district may in all circumstances retain its entitlement to a motor fuel tax allotment or, beginning in 2011, its entitlement to a full allotment if it levied a road and bridge tax in an amount that will require the extension of the tax against the taxable property in the road district at a rate of not less than 0.08% of the assessed value of the property, based upon the assessment for the year immediately preceding the year in which the tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less.

As used in this Section the term "road district" means any road district, including a county unit road district, provided for by the Illinois Highway Code; and the term "township or district road" means any road in the township and district road system as defined in the Illinois Highway Code. For the purposes of this Section, "township or district road" also includes such roads as are maintained by park districts, forest preserve districts and conservation districts. The Department of Transportation shall determine the mileage of all township and district roads for the purposes of making allotments and allocations of motor fuel tax funds for use in road districts.

Payment of motor fuel tax moneys to municipalities and counties shall be made as soon as possible after the allotment is made. The treasurer of the municipality or county may invest these funds until their use is required and the interest earned by these investments shall be limited to the same uses as the principal funds.

(Source: P.A. 97-72, eff. 7-1-11; 97-333, eff. 8-12-11; 98-24, eff. 6-19-13; 98-674, eff. 6-30-14.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Harris, **Senate Bill No. 177** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 39; NAYS 10.

The following voted in the affirmative:

Aquino	Ellman	Jones, E.	Murphy
Barickman	Fine	Koehler	Peters
Belt	Fowler	Lightford	Sandoval
Bennett	Gillespie	Link	Sims
Bush	Harmon	Manar	Steans
Castro	Harris	Martinez	Tracy
Collins	Hastings	McGuire	Van Pelt
Crowe	Holmes	Morrison	Villivalam
Cullerton, T.	Hunter	Mulroe	Mr. President
Cunningham	Hutchinson	Muñoz	

The following voted in the negative:

DeWitte	Plummer	Stewart	Wilcox
McClure	Rezin	Syverson	
Oberweis	Schimpf	Weaver	

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

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

Senator Barickman asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the negative on **Senate Bill No. 177**.

SENATE BILL RECALLED

On motion of Senator Castro, **Senate Bill No. 222** was recalled from the order of third reading to the order of second reading.

Senator Castro offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 222

AMENDMENT NO. 1. Amend Senate Bill 222 on page 2, line 16, by replacing "post-issuance fees" with "post-issuance fees to the consumer".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Castro, **Senate Bill No. 222** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 40; NAYS 17.

The following voted in the affirmative:

Aquino	Fine	Landek	Sandoval
Belt	Gillespie	Lightford	Sims
Bennett	Glowiak	Link	Stadelman
Bertino-Tarrant	Harmon	Manar	Steans
Bush	Harris	Martinez	Van Pelt
Castro	Hastings	McGuire	Villivalam
Collins	Holmes	Morrison	Mr. President
Crowe	Hunter	Mulroe	
Cullerton, T.	Hutchinson	Muñoz	
Cunningham	Jones, E.	Murphy	
Ellman	Koehler	Peters	

The following voted in the negative:

Anderson	McClure	Righter	Weaver
Barickman	McConchie	Rose	Wilcox
Brady	Oberweis	Schimpf	
DeWitte	Plummer	Stewart	
Fowler	Rezin	Syverson	

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

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

SENATE BILL RECALLED

On motion of Senator Lightford, **Senate Bill No. 449** was recalled from the order of third reading to the order of second reading.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 449

AMENDMENT NO. 1. Amend Senate Bill 449 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 10-21.3a, 10-22.6, 10-22.6a, 13A-11, 22-60, 26-2a, 27A-5, and 34-18.24 and by adding Article 26A as follows:

(105 ILCS 5/10-21.3a)

Sec. 10-21.3a. Transfer of students.

(a) Each school board shall establish and implement a policy governing the transfer of a student from one attendance center to another within the school district upon the request of the student's parent or guardian. A student may not transfer to any of the following attendance centers, except by change in residence if the policy authorizes enrollment based on residence in an attendance area or unless approved by the board on an individual basis:

(1) An attendance center that exceeds or as a result of the transfer would exceed its attendance capacity.

(2) An attendance center for which the board has established academic criteria for

enrollment if the student does not meet the criteria.

(3) Any attendance center if the transfer would prevent the school district from meeting its obligations under a State or federal law, court order, or consent decree applicable to the school district.

(b) Each school board shall establish and implement a policy governing the transfer of students within a school district from a persistently dangerous school to another public school in that district that is not deemed to be persistently dangerous. In order to be considered a persistently dangerous school, the school must meet all of the following criteria for 2 consecutive years:

(1) Have greater than 3% of the students enrolled in the school expelled for violence-related conduct.

(2) Have one or more students expelled for bringing a firearm to school as defined in 18 U.S.C. 921.

(3) Have at least 3% of the students enrolled in the school exercise the individual option to transfer schools pursuant to subsection (c) of this Section.

(c) A student may transfer from one public school to another public school in that district if the student is a victim of a violent crime as defined in Section 3 of the Rights of Crime Victims and Witnesses Act. The violent crime must have occurred on school grounds during regular school hours or during a school-sponsored event.

(d) (Blank).

(e) Notwithstanding any other provision of this Code, a student who is a victim of gender-based violence, as defined in Article 26A, must be permitted to transfer schools immediately and as needed, including to a school in another school district, if the student's continued attendance at a particular attendance center, school facility, or school location poses a risk to the student's mental or physical well-being or safety. A transfer under this subsection within the student's current school district must be considered before a transfer into a different school district. A school district must waive tuition for a student who transfers under this subsection to the school district and is a nonresident. A student who transfers to another school under this subsection due to gender-based violence must have full and immediate access to extracurricular activities and any programs or activities offered by or under the auspices of the school to which the student has transferred. No adverse or prejudicial effects may result to any student who is a victim of gender-based violence because of the student availing himself or herself of or declining the provisions of this subsection.

(Source: P.A. 100-1046, eff. 8-23-18.)

(105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

Sec. 10-22.6. Suspension or expulsion of pupils; school searches.

(a) To expel pupils guilty of gross disobedience or misconduct, including gross disobedience or misconduct perpetuated by electronic means, pursuant to subsection (b-20) of this Section, and no action shall lie against them for such expulsion. Expulsion shall take place only after the parents have been requested to appear at a meeting of the board, or with a hearing officer appointed by it, to discuss their child's behavior. Such request shall be made by registered or certified mail and shall state the time, place and purpose of the meeting. The board, or a hearing officer appointed by it, at such meeting shall state the reasons for dismissal and the date on which the expulsion is to become effective. If a hearing officer is appointed by the board, he shall report to the board a written summary of the evidence heard at the meeting and the board may take such action thereon as it finds appropriate. If the board acts to expel a pupil, the written expulsion decision shall detail the specific reasons why removing the pupil from the learning environment is in the best interest of the school. The expulsion decision shall also include a rationale as to the specific duration of the expulsion. An expelled pupil may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the expulsion, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

(b) To suspend or by policy to authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of gross disobedience or misconduct, or to suspend pupils guilty of gross disobedience or misconduct on the school bus from riding the school bus, pursuant to subsections (b-15) and (b-20) of this Section, and no action shall lie against them for such suspension. The board may by policy authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend pupils guilty of such acts for a period not to exceed 10 school days. If a pupil is suspended due to gross disobedience or misconduct on a school bus, the board may suspend the pupil in excess of 10 school days for safety reasons.

Any suspension shall be reported immediately to the parents or guardian of a pupil along with a full statement of the reasons for such suspension and a notice of their right to a review. The school board must

be given a summary of the notice, including the reason for the suspension and the suspension length. Upon request of the parents or guardian, the school board or a hearing officer appointed by it shall review such action of the superintendent or principal, assistant principal, or dean of students. At such review, the parents or guardian of the pupil may appear and discuss the suspension with the board or its hearing officer. If a hearing officer is appointed by the board, he shall report to the board a written summary of the evidence heard at the meeting. After its hearing or upon receipt of the written report of its hearing officer, the board may take such action as it finds appropriate. If a student is suspended pursuant to this subsection (b), the board shall, in the written suspension decision, detail the specific act of gross disobedience or misconduct resulting in the decision to suspend. The suspension decision shall also include a rationale as to the specific duration of the suspension. A pupil who is suspended in excess of 20 school days may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the suspension, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

(b-5) Among the many possible disciplinary interventions and consequences available to school officials, school exclusions, such as out-of-school suspensions and expulsions, are the most serious. School officials shall limit the number and duration of expulsions and suspensions to the greatest extent practicable, and it is recommended that they use them only for legitimate educational purposes. To ensure that students are not excluded from school unnecessarily, it is recommended that school officials consider forms of non-exclusionary discipline prior to using out-of-school suspensions or expulsions.

(b-10) Unless otherwise required by federal law or this Code, school boards may not institute zero-tolerance policies by which school administrators are required to suspend or expel students for particular behaviors.

(b-15) Out-of-school suspensions of 3 days or less may be used only if the student's continuing presence in school would pose a threat to school safety or a disruption to other students' learning opportunities. For purposes of this subsection (b-15), "threat to school safety or a disruption to other students' learning opportunities" shall be determined on a case-by-case basis by the school board or its designee. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of suspensions to the greatest extent practicable.

(b-20) Unless otherwise required by this Code, out-of-school suspensions of longer than 3 days, expulsions, and disciplinary removals to alternative schools may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted and the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community or (ii) substantially disrupt, impede, or interfere with the operation of the school. For purposes of this subsection (b-20), "threat to the safety of other students, staff, or members of the school community" and "substantially disrupt, impede, or interfere with the operation of the school" shall be determined on a case-by-case basis by school officials. For purposes of this subsection (b-20), the determination of whether "appropriate and available behavioral and disciplinary interventions have been exhausted" shall be made by school officials. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of student exclusions to the greatest extent practicable. Within the suspension decision described in subsection (b) of this Section or the expulsion decision described in subsection (a) of this Section, it shall be documented whether other interventions were attempted or whether it was determined that there were no other appropriate and available interventions.

(b-25) Students who are suspended out-of-school for longer than 4 school days shall be provided appropriate and available support services during the period of their suspension. For purposes of this subsection (b-25), "appropriate and available support services" shall be determined by school authorities. Within the suspension decision described in subsection (b) of this Section, it shall be documented whether such services are to be provided or whether it was determined that there are no such appropriate and available services.

A school district may refer students who are expelled to appropriate and available support services.

A school district shall create a policy to facilitate the re-engagement of students who are suspended out-of-school, expelled, or returning from an alternative school setting.

(b-30) A school district shall create a policy by which suspended pupils, including those pupils suspended from the school bus who do not have alternate transportation to school, shall have the opportunity to make up work for equivalent academic credit. It shall be the responsibility of a pupil's parent or guardian to notify school officials that a pupil suspended from the school bus does not have alternate transportation to school.

(b-35) In all suspension or expulsion proceedings, a student may disclose his or her status as a parent, expectant parent, or victim of gender-based violence, as defined in Article 26A, which must be considered

as a mitigating factor in determining whether to suspend or expel the student or in deciding the nature or severity of the disciplinary action at any time throughout the proceedings. An advocate or representative of the student's choice must be permitted to represent the student throughout the proceedings and to consult with the school board if there is evidence that the student's status as a parent, expectant parent, or victim of gender-based violence may be a factor in the cause for expulsion or suspension. A student who discloses his or her status as a victim of gender-based violence may not be required to work out the problem directly with the perpetrator or the perpetrator's advocate or representative, be personally questioned or cross-examined by the perpetrator or the perpetrator's advocate or representative, have any direct contact with the perpetrator or the perpetrator's advocate or representative, or be in the same room as the perpetrator or the perpetrator's advocate or representative during the proceedings. A suspension or expulsion proceeding under this subsection must be conducted independently from any ongoing criminal investigation or proceeding, and a lack of pursuit of criminal investigations or proceedings may not be a factor in school disciplinary decisions.

(c) The Department of Human Services shall be invited to send a representative to consult with the board at such meeting whenever there is evidence that mental illness may be the cause for expulsion or suspension.

(c-5) School districts shall make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.

(d) The board may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis. A student who is determined to have brought one of the following objects to school, any school-sponsored activity or event, or any activity or event that bears a reasonable relationship to school shall be expelled for a period of not less than one year:

(1) A firearm. For the purposes of this Section, "firearm" means any gun, rifle, shotgun, weapon as defined by Section 921 of Title 18 of the United States Code, firearm as defined in Section 1.1 of the Firearm Owners Identification Card Act, or firearm as defined in Section 24-1 of the Criminal Code of 2012. The expulsion period under this subdivision (1) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

(2) A knife, brass knuckles or other knuckle weapon regardless of its composition, a billy club, or any other object if used or attempted to be used to cause bodily harm, including "look alikes" of any firearm as defined in subdivision (1) of this subsection (d). The expulsion requirement under this subdivision (2) may be modified by the superintendent, and the superintendent's determination may be modified by the board on a case-by-case basis.

Expulsion or suspension shall be construed in a manner consistent with the federal ~~Federal~~ Individuals with Disabilities Education Act. A student who is subject to suspension or expulsion as provided in this Section may be eligible for a transfer to an alternative school program in accordance with Article 13A of the School Code.

(d-5) The board may suspend or by regulation authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend a student for a period not to exceed 10 school days or may expel a student for a definite period of time not to exceed 2 calendar years, as determined on a case-by-case basis, if (i) that student has been determined to have made an explicit threat on an Internet website against a school employee, a student, or any school-related personnel, (ii) the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and (iii) the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school.

(e) To maintain order and security in the schools, school authorities may inspect and search places and areas such as lockers, desks, parking lots, and other school property and equipment owned or controlled by the school, as well as personal effects left in those places and areas by students, without notice to or the consent of the student, and without a search warrant. As a matter of public policy, the General Assembly finds that students have no reasonable expectation of privacy in these places and areas or in their personal effects left in these places and areas. School authorities may request the assistance of law enforcement officials for the purpose of conducting inspections and searches of lockers, desks, parking lots, and other school property and equipment owned or controlled by the school for illegal drugs, weapons, or other

illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs. If a search conducted in accordance with this Section produces evidence that the student has violated or is violating either the law, local ordinance, or the school's policies or rules, such evidence may be seized by school authorities, and disciplinary action may be taken. School authorities may also turn over such evidence to law enforcement authorities.

(f) Suspension or expulsion may include suspension or expulsion from school and all school activities and a prohibition from being present on school grounds.

(g) A school district may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire term of the suspension or expulsion in an alternative school program under Article 13A of this Code or an alternative learning opportunities program under Article 13B of this Code before being admitted into the school district if there is no threat to the safety of students or staff in the alternative program. A school district that adopts a policy under this subsection must include a provision allowing for consideration of a student's status as a parent, expectant parent, or victim of gender-based violence, as defined in Article 26A, as a mitigating factor in reviews during the disciplinary period and exempting, on a case-by-case basis, from suspension or expulsion those students whose status as a parent, expectant parent, or victim of gender-based violence is a factor in the behavior that gave rise to the suspension or expulsion.

(h) School officials shall not advise or encourage students to drop out voluntarily due to behavioral or academic difficulties.

(i) A student may not be issued a monetary fine or fee as a disciplinary consequence, though this shall not preclude requiring a student to provide restitution for lost, stolen, or damaged property.

(j) Subsections (a) through (i) and subsection (m) of this Section shall apply to elementary and secondary schools, charter schools, special charter districts, and school districts organized under Article 34 of this Code.

(k) The expulsion of children enrolled in programs funded under Section 1C-2 of this Code is subject to the requirements under paragraph (7) of subsection (a) of Section 2-3.71 of this Code.

(l) Beginning with the 2018-2019 school year, an in-school suspension program provided by a school district for any students in kindergarten through grade 12 may focus on promoting non-violent conflict resolution and positive interaction with other students and school personnel. A school district may employ a school social worker or a licensed mental health professional to oversee an in-school suspension program in kindergarten through grade 12.

(m) If a student is faced with either (i) suspension from school due to gross disobedience or misconduct or suspension from riding a school bus due to gross disobedience or misconduct on the school bus as provided in this Section or (ii) expulsion due to gross disobedience or misconduct as provided in this Section and if there is a relationship between the behavior that gave rise to the suspension or expulsion proceedings and the student's status as a parent, expectant parent, or victim of gender-based violence, as defined in Article 26A, then the suspension or expulsion requirement may be modified by the district superintendent on a case-by-case basis.

(Source: P.A. 99-456, eff. 9-15-16; 100-105, eff. 1-1-18; 100-810, eff. 1-1-19; 100-863, eff. 8-14-18; 100-1035, eff. 8-22-18; revised 10-1-18.)

(105 ILCS 5/10-22.6a) (from Ch. 122, par. 10-22.6a)

Sec. 10-22.6a. Home instruction; correspondence courses.

(a) To provide by home instruction, correspondence courses, or otherwise courses of instruction for a pupil who is ~~pupils who are~~ unable to attend school because of pregnancy or pregnancy-related conditions, the fulfillment of parenting obligations related to the health of the pupil's child, or health and safety concerns arising from gender-based violence, as defined in Article 26A. Such instruction shall be provided to the pupil (1) before the birth of the child when the pupil's physician, physician assistant, or advanced practice nurse has indicated to the district, in writing, that the pupil is medically unable to attend regular classroom instruction; ~~and~~ (2) for up to 3 months following the birth of the child or a miscarriage ; (3) when the pupil must care for his or her ill child if (i) the child's physician, physician assistant, or advanced practice registered nurse has indicated to the district, in writing, that the child has a serious health condition, (ii) the pupil or the pupil's parent or guardian indicates to the district, in writing, that the pupil is needed to provide care to the child, and (iii) alternative care for the child that is adequate and affordable is unavailable; or (4) when the pupil must treat physical or mental health complications or address safety concerns arising from gender-based violence if the pupil's domestic or sexual violence organization, as defined in Article 26A, or health care provider has indicated to the district, in writing, that the care is needed by the pupil and will cause the pupil's absence from school for one or more weeks. The instruction course shall be designed to offer educational experiences that are equivalent to those given to pupils at the same grade level in the district and that are designed to enable the pupil to return to the classroom. In this

subsection (a), "serious health condition" means an illness, injury, impairment, or physical or mental health condition that involves inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider.

(b) Notwithstanding any other provision of law to the contrary, if a pupil is unable to attend regular classes because of the reasons set forth in this Section and has participated in instruction under this Section that is administered by the school or school district, then the pupil may not be penalized for grading purposes or be denied course completion, a return to regular classroom instruction, grade level advancement, or graduation solely on the basis of the pupil's participation in instruction under this Section or the pupil's absence from the regular education program during the period of instruction under this Section. A school or school district may not use instruction under this Section to replace making reasonable accommodations so that pupils who are parents, expectant parents, or victims of gender-based violence may receive regular classroom instruction.

(Source: P.A. 100-443, eff. 8-25-17.)

(105 ILCS 5/13A-11)

Sec. 13A-11. Chicago public schools.

(a) The Chicago Board of Education may establish alternative schools within Chicago and may contract with third parties for services otherwise performed by employees, including those in a bargaining unit, in accordance with Sections 34-8.1, 34-18, and 34-49.

(b) Alternative schools operated by third parties within Chicago shall be exempt from all provisions of this Code, except provisions concerning:

(1) student civil rights;

(2) staff civil rights;

(3) health and safety;

(4) performance and financial audits;

(5) the assessments required under Section 2-3.64a-5 of this Code;

(6) Chicago learning outcomes;

(7) Sections 2-3.25a through 2-3.25j of this Code;

(8) the Inspector General; ~~and~~

(9) Section 34-2.4b of this Code; and ~~.~~

(10) Article 26A and any other provision of this Code concerning youth who are parents, expectant parents, or victims of gender-based violence, as defined in Article 26A.

(Source: P.A. 98-972, eff. 8-15-14.)

(105 ILCS 5/22-60)

Sec. 22-60. Unfunded mandates prohibited.

(a) No public school district or private school is obligated to comply with the following types of mandates unless a separate appropriation has been enacted into law providing full funding for the mandate for the school year during which the mandate is required:

(1) Any mandate in this Code enacted after the effective date of this amendatory Act of the 96th General Assembly.

(2) Any regulatory mandate promulgated by the State Board of Education and adopted by rule after the effective date of this amendatory Act of the 96th General Assembly other than those promulgated with respect to this Section or statutes already enacted on or before the effective date of this amendatory Act of the 96th General Assembly.

(b) If the amount appropriated to fund a mandate described in subsection (a) of this Section does not fully fund the mandated activity, then the school district or private school may choose to discontinue or modify the mandated activity to ensure that the costs of compliance do not exceed the funding received.

Before discontinuing or modifying the mandate, the school district shall petition its regional superintendent of schools on or before February 15 of each year to request to be exempt from implementing the mandate in a school or schools in the next school year. The petition shall include all legitimate costs associated with implementing and operating the mandate, the estimated reimbursement from State and federal sources, and any unique circumstances the school district can verify that exist that would cause the implementation and operation of such a mandate to be cost prohibitive.

The regional superintendent of schools shall review the petition. In accordance with the Open Meetings Act, he or she shall convene a public hearing to hear testimony from the school district and interested community members. The regional superintendent shall, on or before March 15 of each year, inform the school district of his or her decision, along with the reasons why the exemption was granted or denied, in writing. The regional superintendent must also send notification to the State Board of Education detailing which school districts requested an exemption and the results.

If the regional superintendent grants an exemption to the school district, then the school district is relieved from the requirement to establish and implement the mandate in the school or schools granted an exemption for the next school year. If the regional superintendent of schools does not grant an exemption, then the school district shall implement the mandate in accordance with the applicable law or rule by the first student attendance day of the next school year. However, the school district or a resident of the school district may on or before April 15 appeal the decision of the regional superintendent to the State Superintendent of Education. The State Superintendent shall hear appeals on the decisions of regional superintendents of schools no later than May 15 of each year. The State Superintendent shall make a final decision at the conclusion of the hearing on the school district's request for an exemption from the mandate. If the State Superintendent grants an exemption, then the school district is relieved from the requirement to implement a mandate in the school or schools granted an exemption for the next school year. If the State Superintendent does not grant an exemption, then the school district shall implement the mandate in accordance with the applicable law or rule by the first student attendance day of the next school year.

If a school district or private school discontinues or modifies a mandated activity due to lack of full funding from the State, then the school district or private school shall annually maintain and update a list of discontinued or modified mandated activities. The list shall be provided to the State Board of Education upon request.

(c) This Section does not apply to (i) any new statutory or regulatory mandates related to revised learning standards developed through the Common Core State Standards Initiative and assessments developed to align with those standards or actions specified in this State's Phase 2 Race to the Top Grant application if the application is approved by the United States Department of Education, ~~or~~ (ii) new statutory or regulatory mandates from the Race to the Top Grant through the federal American Recovery and Reinvestment Act of 2009 imposed on school districts designated as being in the lowest performing 5% of schools within the Race to the Top Grant application , or (iii) any changes made by this amendatory Act of the 101st General Assembly.

(d) In any instances in which this Section conflicts with the State Mandates Act, the State Mandates Act shall prevail.

(Source: P.A. 96-1441, eff. 8-20-10.)

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

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

"Valid cause" for absence shall be illness; attendance at a pregnancy-related medical appointment; ~~,~~ observance of a religious holiday ; ~~,~~ death in the immediate family ; ~~,~~ family emergency ; ~~,~~ fulfillment of a student's parenting responsibility, including, but not limited to, arranging and providing child care, caring for the student's sick child, or attending medical appointments for the student's child; or addressing circumstances resulting from gender-based violence, as defined in Article 26A, including, but not limited to, experiencing gender-based violence, recovering from physical or psychological injuries, seeking medical attention, seeking services from a domestic or sexual violence organization, as defined in Article 26A, seeking psychological or other counseling, participating in safety planning, temporarily or permanently relocating, seeking legal assistance or remedies, or taking any other action to increase the safety or health of the student or to protect the student from future gender-based violence and shall include such other situations beyond the control of the student as determined by the board of education in each district ~~,~~ or such other circumstances which cause reasonable concern to the parent for the mental, emotional, or physical health or safety of the student.

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

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

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

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

(Source: P.A. 100-810, eff. 1-1-19; 100-918, eff. 8-17-18; revised 10-4-18.)

(105 ILCS 5/Art. 26A heading new)

ARTICLE 26A. CHILDREN AND YOUTH WHO ARE PARENTS, EXPECTANT PARENTS, OR VICTIMS OF GENDER-BASED VIOLENCE

(105 ILCS 5/26A-1 new)

Sec. 26A-1. Short title and application. This Article may be referred to as the Ensuring Success in School Law. This Article applies to all school districts and schools governed by this Code, including those under Articles 13, 13A, 13B, 27A, 32, 33, and 34.

(105 ILCS 5/26A-5 new)

Sec. 26A-5. Purpose. The purpose of this Article is to ensure that Illinois schools have policies, procedures, and protocols in place that ensure children and youth who are parents, expectant parents, or victims of gender-based violence are identified by schools in a manner respectful of their privacy and safety, treated with dignity and regard, and provided the protection, instruction, and related accommodations and services necessary to enable them to meet State educational standards and successfully attain a high school diploma. This Article shall be interpreted liberally to aid in this purpose.

(105 ILCS 5/26A-10 new)

Sec. 26A-10. Definitions. In this Article:

"Consent" includes, at a minimum, a recognition that (i) consent is a freely given agreement to sexual activity or other gender-based violence activity, (ii) a youth's lack of verbal or physical resistance or submission resulting from the use of threat of force does not constitute consent, (iii) a youth's manner of dress does not constitute consent, (iv) a youth's consent to past sexual activity or other gender-based violence activity does not constitute consent to future sexual activity or gender-based violence activity, (v) a youth's consent to engage in sexual activity or other gender-based violence activity does not constitute consent to engage in sexual activity or other gender-based violence activity with another, (vi) a youth can withdraw consent at any time, and (vii) a youth cannot consent to sexual activity or other gender-based violence activity if that youth is unable to understand the nature of the activity or give knowing consent due to circumstances that include, but are not limited to, all of the following:

(1) The youth is incapacitated due to the use or influence of alcohol or drugs.

(2) The youth is asleep or unconscious.

(3) The youth is under age.

(4) The youth is incapacitated due to a mental disability.

"Domestic or sexual violence organization" means a nonprofit, nongovernmental organization that provides assistance to victims of gender-based violence or advocates for those victims, including an organization carrying out a domestic or sexual violence or other gender-based violence program, an organization operating a shelter or a rape crisis center or providing counseling services, or an organization seeking to eliminate gender-based violence or to address the consequences of that violence for its victims through legislative advocacy or policy change, public education, or service collaboration.

"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.

"Electronic communication" includes communication via telephone, mobile phone, computer, email, video recorder, fax machine, telex, pager, apps or applications, or any other electronic communication or cyberstalking as defined in Section 12-7.5 of the Criminal Code of 2012.

"Expectant parent" means a youth who is pregnant or a youth who intends to act as a parent and who has not yet received a diploma for completion of a secondary education as defined in Section 22-22.

"Gender-based violence" means domestic violence, harassment, sexual assault, sexual violence, or stalking. Gender-based violence may occur through electronic communication. Gender-based violence exists regardless of when or where the violence occurred, whether or not the violence is the subject of a criminal investigation or the perpetrator has been criminally charged or convicted of a crime, whether or not an order of protection or a no-contact order is pending before or has been issued by a court, or whether or not any gender-based violence took place on school grounds, during regular school hours, or during a school-sponsored event. Under federal and State law, children and youth under the age of 18 year may not consent to many of the acts or activities that constitute gender-based violence.

"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 unwelcome conduct, including verbal, nonverbal, or physical conduct that is not sexual in nature, but is related to a student's status as a parent, expectant parent, or victim of gender-based violence.

"Parent", as it relates to a student, means a student who is a custodial or a noncustodial parent taking an active role in the care and supervision of a child and who has not yet received a diploma for completion of a secondary education, as defined in Section 22-22.

"Perpetrator" means an individual who commits or is alleged to have committed any act of gender-based violence.

"Poor academic performance" means a student who has (i) scored in the 50th percentile or below on a school district-administered standardized test, (ii) received a score on a State assessment that does not meet standards in one or more of the fundamental learning areas under Section 27-1, as applicable for the student's grade level, or (iii) not met grade-level expectations on a school district-designed assessment.

"School", for purposes of the provisions of this Article relating to children and youth who are parents, expectant parents, or victims of gender-based violence, includes, but is not limited to, (i) a public or State-operated elementary or secondary school, (ii) a school operated pursuant to an agreement with a public school district, including a cooperative or joint agreement with a governing body or board of control, (iii) a charter school operating in compliance with the Charter Schools Law, (iv) a school operated under Section 13A-3, (v) an alternative school operated by third parties within the City of Chicago under Section 13A-11, (vi) an alternative learning opportunities program operated under Article 13B, (vii) a public school administered by a local public agency or the Department of Human Services operating pursuant to the authority of this Code, and (viii) any schools otherwise subject to Article 13, 13A, 13B, 27A, 32, 33, or 34.

"School district", for purposes of the provisions of this Article relating to youth who are parents, expectant parents, or victims of domestic or sexual violence, means any public entity responsible for administering schools, including school districts subject to Article 13, 13A, 13B, 27A, 32, 33, or 34, or any other entity responsible for administering public schools, such as cooperatives, joint agreements, charter schools, special charter districts, regional offices of education, local agencies, or the Department of Human Services.

"Sexual assault" means any conduct of an adult or minor child proscribed in Article 11 of the Criminal Code of 2012, except for Sections 11-35 and 11-45 of the Criminal Code of 2012, or similar provisions of the Criminal Code of 1961, including conduct committed by perpetrators who are strangers to the victim and conduct committed by perpetrators who are known or related by blood or marriage to the victim.

"Stalking" means any conduct proscribed in Section 12-7.3, 12-7.4, or 12-7.5 of the Criminal Code of 2012, or similar provisions of the Criminal Code of 1961, including stalking committed by perpetrators who are strangers to the victim and stalking committed by perpetrators who are known or related by blood or marriage to the victim.

"Student" or "pupil" means any child or youth enrolled, eligible to enroll, or previously enrolled in a school who has not yet received a diploma for completion of a secondary education, as defined in Section 22-22.

"Student at risk of academic failure" means a student who is at risk of failing to meet Illinois Learning Standards or failing to graduate from elementary or high school and who demonstrates a need for educational support or social services beyond those provided by the regular school program.

"Victim" means an individual who has been subjected to one or more acts of gender-based violence.

"Youth" means a child, pupil, student, or juvenile below the age of 21 years who has not yet completed his or her prescribed course of study or has not received a diploma for completion of a secondary education, as defined in Section 22-22. "Youth" includes, but is not limited to, unaccompanied youth not in the physical custody of a parent or guardian.

(105 ILCS 5/26A-15 new)

Sec. 26A-15. Ensuring Success in School working group.

(a) The State Board of Education must create the Ensuring Success in School working group comprised of all of the following members, representative of the geographic, racial, ethnic, and cultural diversity of this State and appointed by the State Board:

(1) Representatives of the State Board.

(2) Educators.

(3) School social workers.

(4) School counselors.

(5) Psychologists.

(6) Representatives of domestic or sexual violence organizations in this State, including those organizations that provide services to or advocate on behalf of youth who are lesbian, gay, bi-sexual, transgender, or gender nonconforming, or nonprofit, nongovernmental, community-based pregnant or parenting youth organizations.

(7) Youth who are parents or expectant parents.

(8) Youth who are victims of gender-based violence.

(b) The working group must advise the State Board on the implementation, monitoring, and evaluation of this Article by schools and school districts, including, but not limited to, the development of policies, procedures, and protocols to be implemented by schools and school districts.

(c) Members of the working group shall serve without compensation, but may be reimbursed for their travel expenses from appropriations to the State Board made available for that purpose and subject to the rules of the appropriate travel control board.

(105 ILCS 5/26A-20 new)

Sec. 26A-20. Review and revision of policies and procedures.

(a) No later than July 1, 2020, and every 2 years thereafter, each school district must review all existing policies and procedures and must revise any existing policies and procedures that may act as a barrier to the immediate enrollment and re-enrollment, attendance, graduation, and success in school of any youth who is a parent, expectant parent, or victim of gender-based violence or any policies or procedures that may compromise a criminal investigation relating to gender-based violence or may re-victimize the youth. A school district must adopt new policies and procedures, as needed, to implement this Section and to ensure that immediate and effective steps are taken to respond to youth who are parents, expectant parents, or victims of gender-based violence.

(b) A school district must confer with persons with expertise in youth who are parents or expectant parents and with persons with expertise in youth who are victims of gender-based violence, including domestic and sexual violence organizations, in (i) the review and revision and the adoption and implementation of new policies and procedures under this Section, including those policies and procedures related to confidentiality, parental involvement, and a youth's health-related or safety-related concerns in connection with notifying a parent or guardian and (ii) the development and distribution of materials related to those youth, including outreach to youth not in school. A school district must ensure that all materials distributed to youth are age appropriate and culturally responsive and that youth are notified of and understand the school district's policies and procedures, including how and to whom to report any incident of gender-based violence.

(c) A school district's policy on the procedures that a youth or his or her parent or guardian may follow if he or she chooses to report an incident of alleged gender-based violence must, at a minimum, include all of the following:

(1) The name and contact information for gender-based violence and parenting resource personnel and the Title IX coordinator, school and school district resource officers or security, local law enforcement officials, and a community-based domestic or sexual violence organization.

(2) The name, title, and contact information for confidential advisors or other confidential resources and a description of what confidential reporting means.

(3) Information regarding the various individuals, departments, or organizations to whom a youth may report an incident of gender-based violence, specifying for each individual or entity (i) the extent of the individual's or entity's reporting obligation to the school or school district's administration, Title IX coordinator, or other personnel or entity, (ii) the individual's or entity's ability to protect the youth's privacy, and (iii) the extent of the individual's or entity's ability to have confidential communications with the youth or his or her parent or guardian.

(4) An option for the youth or his or her parent or guardian to electronically report the incident.

(5) An option for the youth or his or her parent or guardian to anonymously report the incident.

(6) An option for the youth or his or her parent or guardian to confidentially report the incident.

(7) An option for reports by third parties and bystanders.

(8) The adoption of a complaint resolution procedure as provided in Section 26A-25.

(d) A school district must post its revised policies and procedures on its website, distribute them in written form at the beginning of each school year to each student, and make copies available to each student and his or her parent or guardian for inspection and copying at no cost to the student or parent or guardian at each school within a school district.

(105 ILCS 5/26A-25 new)

Sec. 26A-25. Complaint resolution procedure. On or before July 1, 2020, each school district must adopt one procedure to resolve complaints of alleged incidents of student-perpetrated, gender-based violence. These procedures shall comply with the confidentiality provisions of Sections 26A-20 and 26A-30. The procedure must include, at a minimum, all of the following:

(1) Complainants alleging incidents of student-perpetration of gender-based violence must have the opportunity to request that the complaint resolution procedure begin promptly and proceed in a timely manner.

(2) A school district must determine the individuals who will resolve complaints of alleged incidents of student-perpetrated, gender-based violence.

(3) All individuals whose duties include resolution of complaints of alleged incidents of student-perpetrated, gender-based violence must receive a minimum of 10 hours of annual training on issues related to gender-based violence and how to conduct the school district's complaint resolution procedure, in addition to the in-service training required under subsection (d) of Section 10-22.39.

(4) Each school district must have a sufficient number of individuals trained to resolve complaints so that (i) a substitution can occur in the case of a conflict of interest or recusal and (ii) an individual with no prior involvement in the initial determination or finding may hear any appeal brought by a party.

(5) An individual resolving a complaint must use a preponderance of the evidence standard to determine if the alleged incident of student-perpetrated, gender-based violence occurred.

(6) The complainant and respondent shall (i) receive notice of the name of the individual with authority to make a finding or impose a sanction in the proceeding before the individual may initiate contact with either party and (ii) have the opportunity to request a substitution if the participation of an individual with authority to make a finding or impose a sanction poses a conflict of interest.

(7) Each school district must have a procedure to determine interim protective measures and accommodations available pending the resolution of the complaint.

(8) Any proceeding, meeting, or hearing held to resolve complaints of alleged incidents of student perpetrated, gender-based violence must protect the privacy of the participating parties and witnesses.

(9) The complainant, regardless of his or her level of involvement in the complaint resolution procedure, and the respondent must have the opportunity to provide or present evidence and witnesses on their behalf during the complaint resolution procedure.

(10) The complainant and the respondent may not directly cross-examine one another, but may, at the discretion and direction of the individual resolving the complaint, suggest questions to be posed by the individual resolving the complaint and respond to the other party.

(11) Each party may request and must be allowed to have an advisor of his or her choice accompany him or her to any meeting or proceeding related to the alleged incident of student-perpetrated, gender-based violence if the involvement of the advisor does not result in undue delay of the meeting or proceeding. The advisor must comply with any rules of the school district's complaint resolution procedure regarding the advisor's role. If the advisor violates the rules or engages in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or an individual resolving the complaint, that advisor may be prohibited from further participation in the meeting or proceeding.

(12) If the complaint resolution procedure involves a hearing, the complainant and the respondent may not be compelled to testify in the presence of the other party. If a party invokes this right, the school district must provide a procedure by which each party may, at a minimum, hear the other party's testimony.

(13) The complainant and the respondent are entitled to simultaneous, written notification of the results of the complaint resolution procedure, including information regarding appeal rights, within 7 days after a decision or sooner if required by State or federal law.

(14) The complainant and the respondent must, at a minimum, have the right to timely appeal the complaint resolution procedure's findings or imposed sanctions if a party alleges that (i) a procedural error occurred, (ii) new information exists that would substantially change the outcome of the finding, or (iii) the sanction is disproportionate to the violation. An individual reviewing the findings or imposed sanctions may not have previously participated in the complaint resolution procedure and may not have a conflict of interest with either party. The complainant and the respondent must receive the appeal decision, in writing, within 7 days after the conclusion of the review of findings or sanctions or sooner if required by federal or State law.

(15) A school district may not disclose the identity of the victim of gender-based violence or the respondent, except as necessary to resolve the complaint or to implement interim protective measures and accommodations or when required by State or federal law.

(105 ILCS 5/26A-30 new)

Sec. 26A-30. Confidentiality.

(a) Each school district must adopt and implement a policy and protocol to ensure that all information concerning a youth's status and related experiences as a parent, expectant parent, or victim of gender-based violence provided to or otherwise obtained by the school district or its employees or agents pursuant to this Code or otherwise, including a statement of the youth or any other documentation, record, or corroborating evidence or that the youth has requested or obtained assistance, accommodations, or services pursuant to this Code, shall be retained in the strictest confidence by the school district or its employees or agents and may not be disclosed to any other individual, including any other employee, except to the extent that disclosure is (i) requested or consented to in writing by the youth or the youth's parent or

guardian if it is safe to obtain written consent from the youth's parent or guardian or (ii) otherwise required by applicable federal or State law, including the Abused and Neglected Child Reporting Act and professional ethics policies that govern school personnel.

(b) Prior to disclosing information about a youth's status as a parent, expectant parent, or victim of gender-based violence, a school must notify the youth and discuss and address any safety concerns related to the disclosure, including instances where the youth indicates or the school or school district or its employees or agents are otherwise aware that the youth's health or safety may be at risk if his or her status is disclosed to the youth's parent or guardian, except as otherwise required by applicable federal or State law, including the Abused and Neglected Child Reporting act and professional ethics policies that govern the professional school personnel.

(c) No youth may be required to testify publicly concerning his or her status as a victim of gender-based violence, allegations of gender-based violence, his or her status as a parent or expectant parent, or the youth's efforts to enforce any of his or her rights under provisions in this Code relating to youth who are parents, expectant parents, or victims of gender-based violence.

(d) In the case of gender-based violence, a school district may not contact the person named to be the perpetrator, the perpetrator's family, or any other person named by the youth or named by the youth's parent or guardian to be unsafe to contact to verify the violence. A school district may not contact the perpetrator, the perpetrator's family, or any other person named by the youth or the youth's parent or guardian to be unsafe for any other reason without written permission from the youth or his or her parent or guardian. Permission from the youth's parent or guardian may not be pursued if the youth alleges that his or her health or safety would be threatened if the school or school district contacts the youth's parent or guardian to obtain written permission.

(e) A school district must take all actions necessary to comply with this Section no later than January 1, 2020.

(105 ILCS 5/26A-35 new)

Sec. 26A-35. Gender-based violence and parenting resource personnel.

(a) Each school district shall designate or appoint at least one staff person at each school in the district who is employed at least part-time at the school and who is a school social worker, school psychologist, school counselor, school nurse, school teacher, or school administrator trained to address, in a culturally responsive, confidential, and sensitive manner, the needs of youth who are parents, expectant parents, or victims of gender-based violence. The designated or appointed staff person must have all of the following duties:

(1) Communicate with and listen to youth who are parents, expectant parents, or victims of gender-based violence.

(2) Connect youth described in paragraph (1) to appropriate, in-school services or other agencies, programs, or services as needed.

(3) Coordinate and monitor the implementation of the school's and school district's policies, procedures, and protocols in cases involving student allegations of gender-based violence.

(4) Coordinate and monitor the implementation of the school's and school district's policies, procedures, and protocols as set forth in provisions of this Code concerning youth who are parents, expectant parents, or victims of gender-based violence.

(5) Assist youth described in paragraph (1) in their efforts to exercise and preserve their rights as set forth in provisions of this Code concerning youth who are parents, expectant parents, or victims of gender-based violence.

(6) Assist in providing staff development to establish a positive and sensitive learning environment for youth described in paragraph (1).

(b) A member of staff who is designated or appointed under subsection (a) must (i) be trained to understand, provide information and referrals, and address issues pertaining to youth who are parents, expectant parents, or victims of gender-based violence, including the theories and dynamics of domestic and sexual violence, the necessity for confidentiality and the law, policy, procedures, and protocols implementing confidentiality, and the notification to the youth's parent or guardian regarding the youth's status as a parent, expectant parent, or victim of gender-based violence or the enforcement of the youth's rights under this Code if the notice of the youth's status or the involvement of the youth's parent or guardian may put the health or safety of the youth at risk, including the rights of minors to consent to counseling services and psychotherapy under the Mental Health and Developmental Disabilities Code, or (ii) at a minimum, have participated in an in-service training program under subsection (d) of Section 10-22.39 that includes training on the rights of minors to consent to counseling services and psychotherapy under the Mental Health and Developmental Disabilities Code within 12 months prior to his or her designation or appointment.

(c) A school district must designate or appoint and train all gender-based violence and parenting resource personnel, and the personnel must assist in implementing the duties described in this Section no later than April 1, 2020, except in those school districts in which there exists a collective bargaining agreement on the effective date of this amendatory Act of the 101st General Assembly and the implementation of this Section would be a violation of that collective bargaining agreement. If implementation of some activities required under this Section is prevented by an existing collective bargaining agreement, a school district must comply with this Section to the fullest extent allowed by the existing collective bargaining agreement no later than April 1, 2020. In those instances in which a collective bargaining agreement that either fully or partially prevents full implementation of this Section expires after April 1, 2020, a school district must designate or appoint and train all gender-based and parenting resource personnel, who shall implement the duties described in this Section no later than the effective date of the new collective bargaining agreement that immediately succeeds the collective bargaining agreement in effect at the time this Section becomes effective.

(105 ILCS 5/26A-40 new)

Sec. 26A-40. Accommodations, adjustments, and services.

(a) To facilitate the full participation of youth who are parents, expectant parents, or victims of gender-based violence, each school district must provide those youth with reasonable accommodations and adjustments in school policy and practice, in-school support services, access to non-school based support services, and the ability to make up work missed on account of circumstances related to the youth's status as a parent, expectant parent, or victim of gender-based violence. Victims of gender-based violence must have access to those accommodations, adjustments, and services regardless of when or where the violence for which they are seeking accommodations, adjustments, or services occurred. All accommodations, adjustments, and services must be continued for as long as necessary to maintain the mental and physical well-being and safety of the youth.

(b) Reasonable accommodations and adjustments provided under subsection (a) shall include, but are not limited to, (i) the provision of sufficiently private settings to ensure confidentiality and time off from class for meetings with counselors or other service providers, (ii) assisting the youth in creating a student success plan, (iii) transfer of a victim of gender-based violence or the student perpetrator to a different classroom or school, (iv) change of seating assignment, (v) implementation of in-school, school grounds, and bus safety procedures, (vi) honoring court orders, including orders of protection and no-contact orders, and (vii) any other accommodation that may facilitate the full participation in the regular education program of youth who are parents, expectant parents, or victims of gender-based violence.

(c) If a youth who is a parent, expectant parent, or victim of gender-based violence is a student at risk of academic failure or displays poor academic performance, the youth or the youth's parent or guardian may request that the school district provide the youth with or refer the youth to education and support services designed to assist the youth in meeting State learning standards. A school district may either provide education or support services directly or may collaborate with public or private State, local, or community-based organizations or agencies that provide these services. A school district must also assist those youth in accessing the support services of non-school based organizations and agencies where those youth typically receive services in the community.

(d) Any youth who is unable, because of circumstances related to the youth's status as a parent, expectant parent, or victim of gender-based violence, to participate in classes on a particular day or days or at a particular time of day must be excused from any examination or any study or work assignments on that particular day or days or at that particular time of day. It is the responsibility of the teachers and of the school administrative personnel and officials to make available to each youth who is unable to participate because of circumstances related to the youth's status as a parent, expectant parent, or victim of gender-based violence a meaningful opportunity to make up any examination, study, or work requirement that the youth has missed because of the inability to participate on any particular day or days or at any particular time of day. Costs assessed by a school district on the youth for participation in those activities shall be considered savable fees for any youth whose parent or guardian is unable to afford them, consistent with the provisions of Section 10-20.13. Each school district must adopt written policies and procedures for waiver of those fees in accordance with rules adopted by the State Board of Education.

(e) When a school or school district employee or agent becomes aware of or suspects a youth's status as a parent, expectant parent, or victim of gender-based violence, it is the responsibility of the employee or agent of the school or school district to inform the youth of the available services and accommodations at the school and in the community that may assist the youth in maintaining the youth's full educational participation and the youth's successful performance. The school or school district employee or agent must also refer the youth to the school district's specially trained personnel as set forth in Section 26A-35. A

school district must make respecting a youth's privacy, confidentiality, mental and physical health, and safety a paramount concern.

(f) Each school must honor a youth's decision to obtain education and support services, accommodations, and non-school based support services, to terminate the receipt of those education and support services, accommodations, or non-school based support services, or to decline participation in those education and support services, accommodations, and non-school based support services. No youth is obligated to use education and support services, accommodations, or non-school based support services. In developing accommodations, adjustments, or educational support services, the privacy, mental and physical health, and safety of the youth shall be the paramount concern. No adverse or prejudicial effects may result to any youth because of the youth's availing of or declining the provisions of this Section.

(g) Any support services to youth receiving education and support services must be available in any school or by home or hospital instruction.

(h) Individual, peer, group, and family counseling services or psychotherapy must be made available to youth who are parents, expectant parents, or victims of gender-based violence consistent with the provisions of the Mental Health and Developmental Disabilities Code. At least once every school year, each school district must inform in writing all school personnel and all students 12 years of age or older of the availability of counseling without parental or guardian consent under Section 3-5A-105 of the Mental Health and Developmental Disabilities Code. This information must also be provided to students immediately after any school personnel becomes aware that a student is a parent, expectant parent, or victim of gender-based violence.

(i) All domestic or sexual violence organizations and its staff and any other non-school organization and its staff shall maintain confidentiality pursuant to federal and State laws and their professional ethics policies regardless of when or where information, advice, counseling, or any other interaction with students takes place. A school or school district may not request or require those organizations or individuals to breach confidentiality.

(105 ILCS 5/26A-45 new)

Sec. 26A-45. Assertion of rights; verification.

(a) For purposes of youth asserting their rights under provisions relating to gender-based violence in Sections 10-21.3a, 10-22.6, 10-22.6a, 26-2a, 26A-40, and 34-18.24, a school district may require verification of the claim. Verification may not be required for a youth to be referred to or to receive in-school or out-of-school services. Any one of the following shall be acceptable as a form of verification of a youth's claim of gender-based violence, only one of which may be required by a school district, and the youth or the youth's parent or guardian shall choose which form of documentation to submit to the school district:

(1) A written statement from the youth or anyone who has knowledge of the circumstances that support the youth's claim. This may be in the form of a complaint.

(2) A police report, government agency record, or court record.

(3) A statement or other documentation from a domestic or sexual violence organization or any other organization from which the youth sought services or advice.

(4) Documentation from a lawyer, clergy person, medical professional, or other professional from whom the youth sought gender-based violence services or advice.

(5) Any other evidence, such as physical evidence of violence, that supports the claim.

All forms of verification received by a school district under this subsection must be kept in a temporary file.

(b) A youth or a youth's parent or guardian who has provided acceptable verification that the youth is or has been a victim of gender-based violence may not be required to provide any additional verification if the youth's efforts to assert rights under this Code stem from a claim involving the same perpetrator or the same incident of violence. No school or school district shall request or require additional documentation.

(c) The person named to be the perpetrator, the perpetrator's family, or any other person named by the youth or named by the youth's parent or guardian to be unsafe to contact may not be contacted to verify the violence. The perpetrator, the perpetrator's family, or any other person named by the youth or the youth's parent or guardian to be unsafe may not be contacted for any other reason without written permission of the youth or written permission of the youth's parent or guardian. Permission of the youth's parent or guardian may not be pursued when the youth alleges that his or her health or safety would be threatened if the school or school district contacts the youth's parent or guardian to obtain written permission.

(105 ILCS 5/26A-50 new)

Sec. 26A-50. Enforcement of provisions.

(a) Violations of this Article are actionable in civil court. A student who is a parent, expectant parent, or victim of gender-based violence has a cause of action against any school or school district that fails to exercise due diligence in responding to the student who is a parent, expectant parent, or victim of gender-based violence whose status it knew or should have known about.

(b) A prevailing student shall be entitled to all relief that would make him or her whole. This relief may include, but is not limited to, all of the following:

(1) Declaratory relief.

(2) Injunctive relief.

(3) Recovery of costs and attorney's fees, including, but not limited to, costs for expert testimony and witness fees.

(4) Compensatory damages, including, but not limited to:

(A) economic loss, including damage, destruction or loss of use of personal property, and loss of past or future earning capacity; and

(B) damages for personal injury, disease, or mental and emotional harm, including medical, rehabilitation, pain and suffering, and physical impairment.

(5) Punitive damages.

(105 ILCS 5/26A-55 new)

Sec. 26A-55. Prohibited practices. No school or school district may take any adverse action against a student who is a parent, expectant parent, or victim of gender-based violence because the student or his or her parent or guardian (i) exercises or attempts to exercise his or her rights under this Article, (ii) opposes practices that the student or his or her parent or guardian believes to be in violation of this Article, or (iii) supports the exercise of the rights of another under this Article. Exercising rights under this Article includes, but is not limited to, filing an action, instituting or causing to be instituted any proceeding under or related to this Article, or in any manner requesting, availing himself or herself of, or declining any of the provisions of this Article, including, but not limited to, accommodations or services.

(105 ILCS 5/27A-5)

Sec. 27A-5. Charter school; legal entity; requirements.

(a) A charter school shall be a public, nonsectarian, nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning on April 16, 2003 (the effective date of Public Act 93-3), in all new applications to establish a charter school in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this Section by Public Act 93-3 do not apply to charter schools existing or approved on or before April 16, 2003 (the effective date of Public Act 93-3).

(b-5) In this subsection (b-5), "virtual-schooling" means a cyber school where students engage in online curriculum and instruction via the Internet and electronic communication with their teachers at remote locations and with students participating at different times.

From April 1, 2013 through December 31, 2016, there is a moratorium on the establishment of charter schools with virtual-schooling components in school districts other than a school district organized under Article 34 of this Code. This moratorium does not apply to a charter school with virtual-schooling components existing or approved prior to April 1, 2013 or to the renewal of the charter of a charter school with virtual-schooling components already approved prior to April 1, 2013.

On or before March 1, 2014, the Commission shall submit to the General Assembly a report on the effect of virtual-schooling, including without limitation the effect on student performance, the costs associated with virtual-schooling, and issues with oversight. The report shall include policy recommendations for virtual-schooling.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act.

(d) For purposes of this subsection (d), "non-curricular health and safety requirement" means any health and safety requirement created by statute or rule to provide, maintain, preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or prevent threats to the health and safety of students and school personnel. "Non-curricular health and safety requirement" does not include any course of study or specialized instructional requirement for which the State Board has established goals and learning standards or which is designed primarily to impart knowledge and skills for students to master and apply as an outcome of their education.

A charter school shall comply with all non-curricular health and safety requirements applicable to public schools under the laws of the State of Illinois. On or before September 1, 2015, the State Board shall promulgate and post on its Internet website a list of non-curricular health and safety requirements that a charter school must meet. The list shall be updated annually no later than September 1. Any charter contract between a charter school and its authorizer must contain a provision that requires the charter school to follow the list of all non-curricular health and safety requirements promulgated by the State Board and any non-curricular health and safety requirements added by the State Board to such list during the term of the charter. Nothing in this subsection (d) precludes an authorizer from including non-curricular health and safety requirements in a charter school contract that are not contained in the list promulgated by the State Board, including non-curricular health and safety requirements of the authorizing local school board.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the management and operation of its fiscal affairs including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school. To ensure financial accountability for the use of public funds, on or before December 1 of every year of operation, each charter school shall submit to its authorizer and the State Board a copy of its audit and a copy of the Form 990 the charter school filed that year with the federal Internal Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

(g) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act, all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English learners, and its charter. A charter school is exempt from all other State laws and regulations in this Code governing public schools and local school board policies; however, a charter school is not exempt from the following:

(1) Sections 10-21.9 and 34-18.5 of this Code regarding criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database of applicants for employment;

(2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and 34-84a of this Code regarding discipline of students;

(3) the Local Governmental and Governmental Employees Tort Immunity Act;

(4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;

(5) the Abused and Neglected Child Reporting Act;

(5.5) subsection (b) of Section 10-23.12 and subsection (b) of Section 34-18.6 of this Code;

(6) the Illinois School Student Records Act;

(7) Section 10-17a of this Code regarding school report cards;

(8) the P-20 Longitudinal Education Data System Act;

(9) Section 27-23.7 of this Code regarding bullying prevention;

(10) Section 2-3.162 of this Code regarding student discipline reporting;

(11) Sections 22-80 and 27-8.1 of this Code;

(12) Sections 10-20.60 and 34-18.53 of this Code;

(13) Sections 10-20.63 and 34-18.56 of this Code; ~~and~~

(14) Section 26-18 of this Code; ~~and~~

(15) Section 22-30 of this Code; and ~~.~~

(16) Article 26A.

The change made by Public Act 96-104 to this subsection (g) is declaratory of existing law.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after April 16, 2003 (the effective date of Public Act 93-3) and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on April 16, 2003 (the effective date of Public Act 93-3) and concludes at the end of the 2004-

2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age or grade level.

(k) If the charter school is approved by the Commission, then the Commission charter school is its own local education agency.

(Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16; 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18; 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; revised 10-5-18.)

(105 ILCS 5/34-18.24)

Sec. 34-18.24. Transfer of students.

(a) The board shall establish and implement a policy governing the transfer of a student from one attendance center to another within the school district upon the request of the student's parent or guardian. A student may not transfer to any of the following attendance centers, except by change in residence if the policy authorizes enrollment based on residence in an attendance area or unless approved by the board on an individual basis:

(1) An attendance center that exceeds or as a result of the transfer would exceed its attendance capacity.

(2) An attendance center for which the board has established academic criteria for enrollment if the student does not meet the criteria.

(3) Any attendance center if the transfer would prevent the school district from meeting its obligations under a State or federal law, court order, or consent decree applicable to the school district.

(b) The board shall establish and implement a policy governing the transfer of students within the school district from a persistently dangerous attendance center to another attendance center in that district that is not deemed to be persistently dangerous. In order to be considered a persistently dangerous attendance center, the attendance center must meet all of the following criteria for 2 consecutive years:

(1) Have greater than 3% of the students enrolled in the attendance center expelled for violence-related conduct.

(2) Have one or more students expelled for bringing a firearm to school as defined in 18 U.S.C. 921.

(3) Have at least 3% of the students enrolled in the attendance center exercise the individual option to transfer attendance centers pursuant to subsection (c) of this Section.

(c) A student may transfer from one attendance center to another attendance center within the district if the student is a victim of a violent crime as defined in Section 3 of the Rights of Crime Victims and Witnesses Act. The violent crime must have occurred on school grounds during regular school hours or during a school-sponsored event.

(d) (Blank).

(e) Notwithstanding any other provision of this Code, a student who is a victim of gender-based violence, as defined in Article 26A, must be permitted to transfer schools immediately and as needed, including to a school in another school district, if the student's continued attendance at a particular attendance center, school facility, or school location poses a risk to the student's mental or physical well-being or safety. A transfer under this subsection within the school district must be considered before a transfer into a different school district. A school district must waive tuition for a student who transfers under this subsection to the school district and is a nonresident. A student who transfers to another school under this subsection due to gender-based violence must have full and immediate access to extracurricular activities and any programs or activities offered by or under the auspices of the school to which the student has transferred. No adverse or prejudicial effects may result to any student who is a victim of gender-based violence because of the student availing himself or herself of or declining the provisions of this subsection.

(Source: P.A. 100-1046, eff. 8-23-18.)

Section 10. The Illinois School Student Records Act is amended by changing Section 5 as follows:

(105 ILCS 10/5) (from Ch. 122, par. 50-5)

Sec. 5. (a) A parent or any person specifically designated as a representative by a parent shall have the right to inspect and copy all school student permanent and temporary records of that parent's child, except if the child is a parent, expectant parent, or victim of gender-based violence, as defined in Article 26A. All information concerning a student's status and related experiences as a parent, expectant parent, or victim of gender-based violence, including a statement of the student or any other documentation, record, or corroborating evidence and the fact that the student has requested or obtained assistance, accommodations, or services related to that status, must be retained by the school in the strictest confidence. The information contained in the student's permanent or temporary record may be disclosed if, prior to disclosing the information about a student's status as a parent, expectant parent, or victim of gender-based violence, the school notifies the student and discusses and addresses any health or safety concerns related to that disclosure. If the student's health or safety concerns are incapable of being satisfied to the student's satisfaction, the information concerning the student's status and related experiences as a parent, expectant parent, or victim of gender-based violence may not be disclosed as part of the student's permanent or temporary record. Enforcement of this exception is as provided in Section 26A-40. A student shall have the right to inspect and copy his or her school student permanent record. No person who is prohibited by an order of protection from inspecting or obtaining school records of a student pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, shall have any right of access to, or inspection of, the school records of that student. If a school's principal or person with like responsibilities or his designee has knowledge of such order of protection, the school shall prohibit access or inspection of the student's school records by such person.

(b) Whenever access to any person is granted pursuant to paragraph (a) of this Section, at the option of either the parent or the school a qualified professional, who may be a psychologist, counsellor or other advisor, and who may be an employee of the school or employed by the parent, may be present to interpret the information contained in the student temporary record. If the school requires that a professional be present, the school shall secure and bear any cost of the presence of the professional. If the parent so requests, the school shall secure and bear any cost of the presence of a professional employed by the school.

(c) A parent's or student's request to inspect and copy records, or to allow a specifically designated representative to inspect and copy records, must be granted within a reasonable time, and in no case later than 10 business days after the date of receipt of such request by the official records custodian.

(c-5) The time for response under this Section may be extended by the school district by not more than 5 business days from the original due date for any of the following reasons:

(1) the requested records are stored in whole or in part at other locations than the office having charge of the requested records;

(2) the request requires the collection of a substantial number of specified records;

(3) the request is couched in categorical terms and requires an extensive search for the records responsive to it;

(4) the requested records have not been located in the course of routine search and additional efforts are being made to locate them;

(5) the request for records cannot be complied with by the school district within the time limits prescribed by subsection (c) of this Section without unduly burdening or interfering with the operations of the school district; or

(6) there is a need for consultation, which shall be conducted with all practicable speed, with another public body or school district or among 2 or more components of a public body or school district having a substantial interest in the determination or in the subject matter of the request.

The person making a request and the school district may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the school district agree to extend the period for compliance, a failure by the school district to comply with any previous deadlines shall not be treated as a denial of the request for the records.

(d) The school may charge its reasonable costs for the copying of school student records, not to exceed the amounts fixed in schedules adopted by the State Board, to any person permitted to copy such records, except that no parent or student shall be denied a copy of school student records as permitted under this Section 5 for inability to bear the cost of such copying.

(e) Nothing contained in this Section 5 shall make available to a parent or student confidential letters and statements of recommendation furnished in connection with applications for employment to a post-secondary educational institution or the receipt of an honor or honorary recognition, provided such letters and statements are not used for purposes other than those for which they were specifically intended, and

(1) were placed in a school student record prior to January 1, 1975; or

(2) the student has waived access thereto after being advised of his right to obtain upon request the names of all such persons making such confidential recommendations.

(f) Nothing contained in this Act shall be construed to impair or limit the confidentiality of:

(1) Communications otherwise protected by law as privileged or confidential, including but not limited to, information communicated in confidence to a physician, psychologist or other psychotherapist, school social worker, school counselor, school psychologist, or school social worker, school counselor, or school psychologist intern who works under the direct supervision of a school social worker, school counselor, or school psychologist; or

(2) Information which is communicated by a student or parent in confidence to school personnel; or

(3) Information which is communicated by a student, parent, or guardian to a law enforcement professional working in the school, except as provided by court order.

(g) No school employee shall be subjected to adverse employment action, the threat of adverse employment action, or any manner of discrimination because the employee is acting or has acted to protect communications as privileged or confidential pursuant to applicable provisions of State or federal law or rule or regulation.

(Source: P.A. 100-532, eff. 9-22-17.)

Section 990. The State Mandates Act is amended by adding Section 8.43 as follows:

(30 ILCS 805/8.43 new)

Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 101st General Assembly.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Lightford, **Senate Bill No. 449** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 40; NAYS 17.

The following voted in the affirmative:

Aquino	Fine	Landek	Rezin
Belt	Gillespie	Lightford	Sandoval
Bennett	Glowiak	Link	Sims
Bertino-Tarrant	Harmon	Manar	Steans
Bush	Harris	Martinez	Van Pelt
Castro	Hastings	McGuire	Villivalam
Collins	Holmes	Morrison	Mr. President
Crowe	Hunter	Mulroe	
Cullerton, T.	Hutchinson	Muñoz	
Cunningham	Jones, E.	Murphy	
Ellman	Koehler	Peters	

The following voted in the negative:

Anderson	Fowler	Rose	Weaver

Barickman	McConchie	Schimpf	Wilcox
Brady	Oberweis	Stewart	
Curran	Plummer	Syverson	
DeWitte	Righter	Tracy	

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

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

SENATE BILL RECALLED

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

Senator Aquino offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 453

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

"Section 5. The School Code is amended by changing Section 34-2.1 as follows:

(105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

Sec. 34-2.1. Local School Councils - Composition - Voter-Eligibility - Elections - Terms.

(a) A local school council shall be established for each attendance center within the school district. Each local school council shall consist of the following 12 voting members: the principal of the attendance center, 2 teachers employed and assigned to perform the majority of their employment duties at the attendance center, 6 parents of students currently enrolled at the attendance center, one employee of the school district employed and assigned to perform the majority of his or her employment duties at the attendance center who is not a teacher, and 2 community residents. Neither the parents nor the community residents who serve as members of the local school council shall be employees of the Board of Education. In each secondary attendance center, the local school council shall consist of 13 voting members -- the 12 voting members described above and one full-time student member, appointed as provided in subsection (m) below. In the event that the chief executive officer of the Chicago School Reform Board of Trustees determines that a local school council is not carrying out its financial duties effectively, the chief executive officer is authorized to appoint a representative of the business community with experience in finance and management to serve as an advisor to the local school council for the purpose of providing advice and assistance to the local school council on fiscal matters. The advisor shall have access to relevant financial records of the local school council. The advisor may attend executive sessions. The chief executive officer shall issue a written policy defining the circumstances under which a local school council is not carrying out its financial duties effectively.

(b) Within 7 days of January 11, 1991, the Mayor shall appoint the members and officers (a Chairperson who shall be a parent member and a Secretary) of each local school council who shall hold their offices until their successors shall be elected and qualified. Members so appointed shall have all the powers and duties of local school councils as set forth in this amendatory Act of 1991. The Mayor's appointments shall not require approval by the City Council.

The membership of each local school council shall be encouraged to be reflective of the racial and ethnic composition of the student population of the attendance center served by the local school council.

(c) Beginning with the 1995-1996 school year and in every even-numbered year thereafter, the Board shall set second semester Parent Report Card Pick-up Day for Local School Council elections and may schedule elections at year-round schools for the same dates as the remainder of the school system. Elections shall be conducted as provided herein by the Board of Education in consultation with the local school council at each attendance center.

(d) Beginning with the 1995-96 school year, the following procedures shall apply to the election of local school council members at each attendance center:

(i) The elected members of each local school council shall consist of the 6 parent members and the 2 community resident members.

(ii) Each elected member shall be elected by the eligible voters of that attendance

center to serve for a two-year term commencing on July 1 immediately following the election described in subsection (c). Eligible voters for each attendance center shall consist of the parents and community residents for that attendance center.

(iii) Each eligible voter shall be entitled to cast one vote for up to a total of 5 candidates, irrespective of whether such candidates are parent or community resident candidates.

(iv) Each parent voter shall be entitled to vote in the local school council election at each attendance center in which he or she has a child currently enrolled. Each community resident voter shall be entitled to vote in the local school council election at each attendance center for which he or she resides in the applicable attendance area or voting district, as the case may be.

(v) Each eligible voter shall be entitled to vote once, but not more than once, in the local school council election at each attendance center at which the voter is eligible to vote.

(vi) The 2 teacher members and the non-teacher employee member of each local school council shall be appointed as provided in subsection (l) below each to serve for a two-year term coinciding with that of the elected parent and community resident members.

(vii) At secondary attendance centers, the voting student member shall be appointed as provided in subsection (m) below to serve for a one-year term coinciding with the beginning of the terms of the elected parent and community members of the local school council.

(e) The Council shall publicize the date and place of the election by posting notices at the attendance center, in public places within the attendance boundaries of the attendance center and by distributing notices to the pupils at the attendance center, and shall utilize such other means as it deems necessary to maximize the involvement of all eligible voters.

(f) Nomination. The Council shall publicize the opening of nominations by posting notices at the attendance center, in public places within the attendance boundaries of the attendance center and by distributing notices to the pupils at the attendance center, and shall utilize such other means as it deems necessary to maximize the involvement of all eligible voters. Not less than 2 weeks before the election date, persons eligible to run for the Council shall submit their name, date of birth, social security number, if available, and some evidence of eligibility to the Council. The Council shall encourage nomination of candidates reflecting the racial/ethnic population of the students at the attendance center. Each person nominated who runs as a candidate shall disclose, in a manner determined by the Board, any economic interest held by such person, by such person's spouse or children, or by each business entity in which such person has an ownership interest, in any contract with the Board, any local school council or any public school in the school district. Each person nominated who runs as a candidate shall also disclose, in a manner determined by the Board, if he or she ever has been convicted of any of the offenses specified in subsection (c) of Section 34-18.5; provided that neither this provision nor any other provision of this Section shall be deemed to require the disclosure of any information that is contained in any law enforcement record or juvenile court record that is confidential or whose accessibility or disclosure is restricted or prohibited under Section 5-901 or 5-905 of the Juvenile Court Act of 1987. Failure to make such disclosure shall render a person ineligible for election or to serve on the local school council. The same disclosure shall be required of persons under consideration for appointment to the Council pursuant to subsections (l) and (m) of this Section.

(f-5) An individual is ineligible for election or appointment to a local school council if he or she appears on the Dru Sjodin National Sex Offender Public Website or the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database under Section 34-18.5. If the general superintendent, upon a check, determines at any time that a local school council member or member-elect appears on the Dru Sjodin National Sex Offender Public Website or the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database, the general superintendent must notify the local school council member or member-elect of such determination and the local school council member or member-elect must be removed from the local school council by the board, subject to a hearing, convened pursuant to board rule, prior to removal.

Notwithstanding any other provision of law to the contrary, a local school council member must comply with all applicable board rules and policies regarding employees or volunteers if he or she engages in school activities beyond the scope of his or her official duty as a council member. ~~Notwithstanding disclosure, a person who has been convicted of any of the following offenses at any time shall be ineligible for election or appointment to a local school council and ineligible for appointment to a local school council pursuant to subsections (l) and (m) of this Section: (i) those defined in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of Section 11-14.3, of the Criminal Code of 1961 or the Criminal Code of 2012, or (ii) any offense committed or attempted in any other state or against the laws of the United States, which, if committed or attempted in this State, would~~

~~have been punishable as one or more of the foregoing offenses. Notwithstanding disclosure, a person who has been convicted of any of the following offenses within the 10 years previous to the date of nomination or appointment shall be ineligible for election or appointment to a local school council: (i) those defined in Section 401.1, 405.1, or 405.2 of the Illinois Controlled Substances Act or (ii) any offense committed or attempted in any other state or against the laws of the United States, which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses.~~

~~Immediately upon election or appointment, incoming local school council members shall be required to undergo a criminal background investigation, to be completed prior to the member taking office, in order to identify any criminal convictions under the offenses enumerated in Section 34-18.5. The investigation shall be conducted by the Department of State Police in the same manner as provided for in Section 34-18.5. However, notwithstanding Section 34-18.5, the social security number shall be provided only if available. If it is determined at any time that a local school council member or member-elect has been convicted of any of the offenses enumerated in this Section or failed to disclose a conviction of any of the offenses enumerated in Section 34-18.5, the general superintendent shall notify the local school council member or member-elect of such determination and the local school council member or member-elect shall be removed from the local school council by the Board, subject to a hearing, convened pursuant to Board rule, prior to removal.~~

(g) At least one week before the election date, the Council shall publicize, in the manner provided in subsection (e), the names of persons nominated for election.

(h) Voting shall be in person by secret ballot at the attendance center between the hours of 6:00 a.m. and 7:00 p.m.

(i) Candidates receiving the highest number of votes shall be declared elected by the Council. In cases of a tie, the Council shall determine the winner by lot.

(j) The Council shall certify the results of the election and shall publish the results in the minutes of the Council.

(k) The general superintendent shall resolve any disputes concerning election procedure or results and shall ensure that, except as provided in subsections (e) and (g), no resources of any attendance center shall be used to endorse or promote any candidate.

(l) Beginning with the 1995-1996 school year and in every even numbered year thereafter, the Board shall appoint 2 teacher members to each local school council. These appointments shall be made in the following manner:

(i) The Board shall appoint 2 teachers who are employed and assigned to perform the majority of their employment duties at the attendance center to serve on the local school council of the attendance center for a two-year term coinciding with the terms of the elected parent and community members of that local school council. These appointments shall be made from among those teachers who are nominated in accordance with subsection (f).

(ii) A non-binding, advisory poll to ascertain the preferences of the school staff regarding appointments of teachers to the local school council for that attendance center shall be conducted in accordance with the procedures used to elect parent and community Council representatives. At such poll, each member of the school staff shall be entitled to indicate his or her preference for up to 2 candidates from among those who submitted statements of candidacy as described above. These preferences shall be advisory only and the Board shall maintain absolute discretion to appoint teacher members to local school councils, irrespective of the preferences expressed in any such poll.

(iii) In the event that a teacher representative is unable to perform his or her employment duties at the school due to illness, disability, leave of absence, disciplinary action, or any other reason, the Board shall declare a temporary vacancy and appoint a replacement teacher representative to serve on the local school council until such time as the teacher member originally appointed pursuant to this subsection (l) resumes service at the attendance center or for the remainder of the term. The replacement teacher representative shall be appointed in the same manner and by the same procedures as teacher representatives are appointed in subdivisions (i) and (ii) of this subsection (l).

(m) Beginning with the 1995-1996 school year, and in every year thereafter, the Board shall appoint one student member to each secondary attendance center. These appointments shall be made in the following manner:

(i) Appointments shall be made from among those students who submit statements of candidacy to the principal of the attendance center, such statements to be submitted commencing on the first day of the twentieth week of school and continuing for 2 weeks thereafter. The form and manner of such candidacy statements shall be determined by the Board.

(ii) During the twenty-second week of school in every year, the principal of each attendance center shall conduct a non-binding, advisory poll to ascertain the preferences of the school students regarding the appointment of a student to the local school council for that attendance center. At such poll, each student shall be entitled to indicate his or her preference for up to one candidate from among those who submitted statements of candidacy as described above. The Board shall promulgate rules to ensure that these non-binding, advisory polls are conducted in a fair and equitable manner and maximize the involvement of all school students. The preferences expressed in these non-binding, advisory polls shall be transmitted by the principal to the Board. However, these preferences shall be advisory only and the Board shall maintain absolute discretion to appoint student members to local school councils, irrespective of the preferences expressed in any such poll.

(iii) For the 1995-96 school year only, appointments shall be made from among those students who submitted statements of candidacy to the principal of the attendance center during the first 2 weeks of the school year. The principal shall communicate the results of any nonbinding, advisory poll to the Board. These results shall be advisory only, and the Board shall maintain absolute discretion to appoint student members to local school councils, irrespective of the preferences expressed in any such poll.

(n) The Board may promulgate such other rules and regulations for election procedures as may be deemed necessary to ensure fair elections.

(o) In the event that a vacancy occurs during a member's term, the Council shall appoint a person eligible to serve on the Council, to fill the unexpired term created by the vacancy, except that any teacher vacancy shall be filled by the Board after considering the preferences of the school staff as ascertained through a non-binding advisory poll of school staff.

(p) If less than the specified number of persons is elected within each candidate category, the newly elected local school council shall appoint eligible persons to serve as members of the Council for two-year terms.

(q) The Board shall promulgate rules regarding conflicts of interest and disclosure of economic interests which shall apply to local school council members and which shall require reports or statements to be filed by Council members at regular intervals with the Secretary of the Board. Failure to comply with such rules or intentionally falsifying such reports shall be grounds for disqualification from local school council membership. A vacancy on the Council for disqualification may be so declared by the Secretary of the Board. Rules regarding conflicts of interest and disclosure of economic interests promulgated by the Board shall apply to local school council members. No less than 45 days prior to the deadline, the general superintendent shall provide notice, by mail, to each local school council member of all requirements and forms for compliance with economic interest statements.

(r) (1) If a parent member of a local school council ceases to have any child enrolled in the attendance center governed by the Local School Council due to the graduation or voluntary transfer of a child or children from the attendance center, the parent's membership on the Local School Council and all voting rights are terminated immediately as of the date of the child's graduation or voluntary transfer. If the child of a parent member of a local school council dies during the member's term in office, the member may continue to serve on the local school council for the balance of his or her term. Further, a local school council member may be removed from the Council by a majority vote of the Council as provided in subsection (c) of Section 34-2.2 if the Council member has missed 3 consecutive regular meetings, not including committee meetings, or 5 regular meetings in a 12 month period, not including committee meetings. If a parent member of a local school council ceases to be eligible to serve on the Council for any other reason, he or she shall be removed by the Board subject to a hearing, convened pursuant to Board rule, prior to removal. A vote to remove a Council member by the local school council shall only be valid if the Council member has been notified personally or by certified mail, mailed to the person's last known address, of the Council's intent to vote on the Council member's removal at least 7 days prior to the vote. The Council member in question shall have the right to explain his or her actions and shall be eligible to vote on the question of his or her removal from the Council. The provisions of this subsection shall be contained within the petitions used to nominate Council candidates.

(2) A person may continue to serve as a community resident member of a local school council as long as he or she resides in the attendance area served by the school and is not employed by the Board nor is a parent of a student enrolled at the school. If a community resident member ceases to be eligible to serve on the Council, he or she shall be removed by the Board subject to a hearing, convened pursuant to Board rule, prior to removal.

(3) A person may continue to serve as a teacher member of a local school council as long as he or she is employed and assigned to perform a majority of his or her duties at the school, provided that if the teacher representative resigns from employment with the Board or voluntarily transfers to another school,

the teacher's membership on the local school council and all voting rights are terminated immediately as of the date of the teacher's resignation or upon the date of the teacher's voluntary transfer to another school. If a teacher member of a local school council ceases to be eligible to serve on a local school council for any other reason, that member shall be removed by the Board subject to a hearing, convened pursuant to Board rule, prior to removal.

(s) As used in this Section only, "community resident" means a person, 17 years of age or older, residing within an attendance area served by a school, excluding any person who is a parent of a student enrolled in that school; provided that with respect to any multi-area school, community resident means any person, 17 years of age or older, residing within the voting district established for that school pursuant to Section 34-2.1c, excluding any person who is a parent of a student enrolled in that school. This definition does not apply to any provisions concerning school boards.

(Source: P.A. 99-597, eff. 1-1-17.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

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

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

YEAS 35; NAYS 19.

The following voted in the affirmative:

Aquino	Cunningham	Jones, E.	Muñoz
Belt	Fine	Koehler	Murphy
Bennett	Gillespie	Landek	Peters
Bertino-Tarrant	Glowiak	Lightford	Sandoval
Bush	Harmon	Manar	Sims
Castro	Harris	Martinez	Steans
Collins	Hastings	McGuire	Villivalam
Crowe	Hunter	Morrison	Mr. President
Cullerton, T.	Hutchinson	Mulroe	

The following voted in the negative:

Anderson	Fowler	Rezin	Syverson
Barickman	McClure	Righter	Tracy
Brady	McConchie	Rose	Weaver
Curran	Oberweis	Schimpf	Wilcox
DeWitte	Plummer	Stewart	

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

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

SENATE BILL RECALLED

On motion of Senator Castro, **Senate Bill No. 455** was recalled from the order of third reading to the order of second reading.

Senator Castro offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 455

AMENDMENT NO. 1. Amend Senate Bill 455 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 22-33 as follows:

(105 ILCS 5/22-33)

Sec. 22-33. Medical cannabis.

(a) This Section may be referred to as Ashley's Law.

(a-5) In this Section:

"Designated ~~, "designated~~ caregiver", "medical cannabis infused product", "qualifying patient", and "registered" have the meanings given to those terms under Section 10 of the Compassionate Use of Medical Cannabis Pilot Program Act.

"Self-administration" means a student's discretionary use of his or her medical cannabis infused product.

(b) Subject to the restrictions under subsections (c) through (g) of this Section, a school district, public school, charter school, or nonpublic school shall authorize a parent or guardian or any other individual registered with the Department of Public Health as a designated caregiver of a student who is a registered qualifying patient to administer a medical cannabis infused product to the student on the premises of the child's school or on the child's school bus if both the student (as a registered qualifying patient) and the parent or guardian or other individual (as a registered designated caregiver) have been issued registry identification cards under the Compassionate Use of Medical Cannabis Pilot Program Act. After administering the product, the parent or guardian or other individual shall remove the product from the school premises or the school bus.

(b-5) Notwithstanding subsection (b) and subject to the restrictions under subsections (c) through (g), a school district, public school, charter school, or nonpublic school must allow a school nurse or school administrator to administer a medical cannabis infused product to a student who is a registered qualifying patient (i) while on school premises, (ii) while at a school-sponsored activity, or (iii) before or after normal school activities, including while the student is in before-school or after-school care on school-operated property or while the student is being transported on a school bus. A school district, public school, charter school, or nonpublic school may authorize the self-administration of a medical cannabis infused product by a student who is a registered qualifying patient if the self-administration takes place under the direct supervision of a school nurse or school administrator.

Before allowing the administration of a medical cannabis infused product by a school nurse or school administrator or a student's self-administration of a medical cannabis infused product under the supervision of a school nurse or school administrator under this subsection, the parent or guardian of a student who is the registered qualifying patient must provide written authorization for its use, along with a copy of the registry identification card of the student (as a registered qualifying patient) and the parent or guardian (as a registered designated caregiver). The written authorization must specify the times where or the special circumstances under which the medical cannabis infused product must be administered. The written authorization and a copy of the registry identification cards must be kept on file in the office of the school nurse. The authorization for a student to self-administer medical cannabis infused products is effective for the school year in which it is granted and must be renewed each subsequent school year upon fulfillment of the requirements of this Section.

(b-10) Medical cannabis infused products that are to be administered under subsection (b-5) must be stored with the school nurse at all times in a manner consistent with storage of other student medication at the school and may be accessible only by the school nurse or a school administrator.

(c) A parent or guardian or other individual may not administer a medical cannabis infused product under this Section in a manner that, in the opinion of the school district or school, would create a disruption to the school's educational environment or would cause exposure of the product to other students.

(d) A school district or school may not discipline a student who is administered a medical cannabis infused product by a parent or guardian or other individual under this Section or who self-administers a medical cannabis infused product under the supervision of a school nurse or school administrator under this Section and may not deny the student's eligibility to attend school solely because the student requires the administration of the product.

(e) Nothing in this Section requires a member of a school's staff to administer a medical cannabis infused product to a student.

(f) A school district, public school, charter school, or nonpublic school may not authorize the use of a medical cannabis infused product under this Section if the school district or school would lose federal funding as a result of the authorization.

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(f-5) The State Board of Education, in consultation with the Department of Public Health, must develop a training curriculum for school nurses and school administrators on the administration of medical cannabis infused products. Prior to the administration of a medical cannabis infused product under subsection (b-5), a school nurse or school administrator must annually complete the training curriculum developed under this subsection and must submit to the school's administration proof of its completion. A school district, public school, charter school, or nonpublic school must maintain records related to the training curriculum and of the school nurses or school administrators who have completed the training.

(g) A school district, public school, charter school, or nonpublic school shall adopt a policy to implement this Section.

(Source: P.A. 100-660, eff. 8-1-18.)

Section 10. The Compassionate Use of Medical Cannabis Pilot Program Act is amended by changing Section 25 as follows:

(410 ILCS 130/25)

(Section scheduled to be repealed on July 1, 2020)

Sec. 25. Immunities and presumptions related to the medical use of cannabis.

(a) A registered qualifying patient is not subject to arrest, prosecution, or denial of any right or privilege, including but not limited to civil penalty or disciplinary action by an occupational or professional licensing board, for the medical use of cannabis in accordance with this Act, if the registered qualifying patient possesses an amount of cannabis that does not exceed an adequate supply as defined in subsection (a) of Section 10 of this Act of usable cannabis and, where the registered qualifying patient is a licensed professional, the use of cannabis does not impair that licensed professional when he or she is engaged in the practice of the profession for which he or she is licensed.

(b) A registered designated caregiver is not subject to arrest, prosecution, or denial of any right or privilege, including but not limited to civil penalty or disciplinary action by an occupational or professional licensing board, for acting in accordance with this Act to assist a registered qualifying patient to whom he or she is connected through the Department's registration process with the medical use of cannabis if the designated caregiver possesses an amount of cannabis that does not exceed an adequate supply as defined in subsection (a) of Section 10 of this Act of usable cannabis. A school nurse or school administrator is not subject to arrest, prosecution, or denial of any right or privilege, including, but not limited to, a civil penalty, for acting in accordance with Section 22-33 of the School Code relating to administering or assisting a student in self-administering a medical cannabis infused product. The total amount possessed between the qualifying patient and caregiver shall not exceed the patient's adequate supply as defined in subsection (a) of Section 10 of this Act.

(c) A registered qualifying patient or registered designated caregiver is not subject to arrest, prosecution, or denial of any right or privilege, including but not limited to civil penalty or disciplinary action by an occupational or professional licensing board for possession of cannabis that is incidental to medical use, but is not usable cannabis as defined in this Act.

(d)(1) There is a rebuttable presumption that a registered qualifying patient is engaged in, or a designated caregiver is assisting with, the medical use of cannabis in accordance with this Act if the qualifying patient or designated caregiver:

(A) is in possession of a valid registry identification card; and

(B) is in possession of an amount of cannabis that does not exceed the amount allowed under subsection (a) of Section 10.

(2) The presumption may be rebutted by evidence that conduct related to cannabis was not for the purpose of treating or alleviating the qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition in compliance with this Act.

(e) A physician is not subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by the Medical Disciplinary Board or by any other occupational or professional licensing board, solely for providing written certifications or for otherwise stating that, in the physician's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition, provided that nothing shall prevent a professional licensing or disciplinary board from sanctioning a physician for: (1) issuing a written certification to a patient who is not under the physician's care for a debilitating medical condition; or (2) failing to properly evaluate a patient's medical condition or otherwise violating the standard of care for evaluating medical conditions.

(f) No person may be subject to arrest, prosecution, or denial of any right or privilege, including but not limited to civil penalty or disciplinary action by an occupational or professional licensing board, solely

for: (1) selling cannabis paraphernalia to a cardholder upon presentation of an unexpired registry identification card in the recipient's name, if employed and registered as a dispensing agent by a registered dispensing organization; (2) being in the presence or vicinity of the medical use of cannabis as allowed under this Act; or (3) assisting a registered qualifying patient with the act of administering cannabis.

(g) A registered cultivation center is not subject to prosecution; search or inspection, except by the Department of Agriculture, Department of Public Health, or State or local law enforcement under Section 130; seizure; or penalty in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business licensing board or entity, for acting under this Act and Department of Agriculture rules to: acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or sell cannabis to registered dispensing organizations.

(h) A registered cultivation center agent is not subject to prosecution, search, or penalty in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business licensing board or entity, for working or volunteering for a registered cannabis cultivation center under this Act and Department of Agriculture rules, including to perform the actions listed under subsection (g).

(i) A registered dispensing organization is not subject to prosecution; search or inspection, except by the Department of Financial and Professional Regulation or State or local law enforcement pursuant to Section 130; seizure; or penalty in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business licensing board or entity, for acting under this Act and Department of Financial and Professional Regulation rules to: acquire, possess, or dispense cannabis, or related supplies, and educational materials to registered qualifying patients or registered designated caregivers on behalf of registered qualifying patients.

(j) A registered dispensing organization agent is not subject to prosecution, search, or penalty in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business licensing board or entity, for working or volunteering for a dispensing organization under this Act and Department of Financial and Professional Regulation rules, including to perform the actions listed under subsection (i).

(k) Any cannabis, cannabis paraphernalia, illegal property, or interest in legal property that is possessed, owned, or used in connection with the medical use of cannabis as allowed under this Act, or acts incidental to that use, may not be seized or forfeited. This Act does not prevent the seizure or forfeiture of cannabis exceeding the amounts allowed under this Act, nor shall it prevent seizure or forfeiture if the basis for the action is unrelated to the cannabis that is possessed, manufactured, transferred, or used under this Act.

(l) Mere possession of, or application for, a registry identification card or registration certificate does not constitute probable cause or reasonable suspicion, nor shall it be used as the sole basis to support the search of the person, property, or home of the person possessing or applying for the registry identification card. The possession of, or application for, a registry identification card does not preclude the existence of probable cause if probable cause exists on other grounds.

(m) Nothing in this Act shall preclude local or State law enforcement agencies from searching a registered cultivation center where there is probable cause to believe that the criminal laws of this State have been violated and the search is conducted in conformity with the Illinois Constitution, the Constitution of the United States, and all State statutes.

(n) Nothing in this Act shall preclude local or state law enforcement agencies from searching a registered dispensing organization where there is probable cause to believe that the criminal laws of this State have been violated and the search is conducted in conformity with the Illinois Constitution, the Constitution of the United States, and all State statutes.

(o) No individual employed by the State of Illinois shall be subject to criminal or civil penalties for taking any action in accordance with the provisions of this Act, when the actions are within the scope of his or her employment. Representation and indemnification of State employees shall be provided to State employees as set forth in Section 2 of the State Employee Indemnification Act.

(p) No law enforcement or correctional agency, nor any individual employed by a law enforcement or correctional agency, shall be subject to criminal or civil liability, except for willful and wanton misconduct, as a result of taking any action within the scope of the official duties of the agency or individual to prohibit or prevent the possession or use of cannabis by a cardholder incarcerated at a correctional facility, jail, or municipal lockup facility, on parole or mandatory supervised release, or otherwise under the lawful jurisdiction of the agency or individual.

(Source: P.A. 98-122, eff. 1-1-14; 99-96, eff. 7-22-15.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Castro, **Senate Bill No. 455** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Schimpf
Aquino	Fowler	Martinez	Sims
Barickman	Gillespie	McClure	Stadelman
Belt	Glowiak	McConchie	Steans
Bennett	Harmon	McGuire	Syverson
Bertino-Tarrant	Harris	Morrison	Tracy
Bush	Hastings	Mulroe	Van Pelt
Castro	Holmes	Muñoz	Villivalam
Collins	Hunter	Murphy	Wilcox
Crowe	Hutchinson	Oberweis	Mr. President
Cullerton, T.	Jones, E.	Peters	
Cunningham	Koehler	Rezin	
Curran	Lightford	Rose	
Ellman	Link	Sandoval	

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

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

SENATE BILL RECALLED

On motion of Senator Link, **Senate Bill No. 516** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 516

AMENDMENT NO. 1. Amend Senate Bill 516 by replacing everything after the enacting clause with the following:

"Section 5. The Riverboat Gambling Act is amended by changing Sections 2, 3, 4, 5, 5.1, 6, 7, 7.3, 8, 9, 11, 11.1, 12, 13, 18, 18.1, 19, and 20 as follows:

(230 ILCS 10/2) (from Ch. 120, par. 2402)

Sec. 2. Legislative Intent.

(a) This Act is intended to benefit the people of the State of Illinois by assisting economic development and promoting Illinois tourism and by increasing the amount of revenues available to the State to assist and support education.

(b) While authorization of riverboat and casino gambling will enhance investment, development and tourism in Illinois, it is recognized that it will do so successfully only if public confidence and trust in the credibility and integrity of the gambling operations and the regulatory process is maintained. Therefore, regulatory provisions of this Act are designed to strictly regulate the facilities, persons, associations and practices related to gambling operations pursuant to the police powers of the State, including comprehensive law enforcement supervision.

(c) The Illinois Gaming Board established under this Act should, as soon as possible, inform each applicant for an owners license of the Board's intent to grant or deny a license.
(Source: P.A. 93-28, eff. 6-20-03.)

(230 ILCS 10/3) (from Ch. 120, par. 2403)

Sec. 3. ~~Riverboat~~ Gambling Authorized.

(a) Riverboat and casino gambling operations and the system of wagering incorporated therein, as defined in this Act, are hereby authorized to the extent that they are carried out in accordance with the provisions of this Act.

(b) This Act does not apply to the pari-mutuel system of wagering used or intended to be used in connection with the horse-race meetings as authorized under the Illinois Horse Racing Act of 1975, lottery games authorized under the Illinois Lottery Law, bingo authorized under the Bingo License and Tax Act, charitable games authorized under the Charitable Games Act or pull tabs and jar games conducted under the Illinois Pull Tabs and Jar Games Act.

(c) Riverboat gambling conducted pursuant to this Act may be authorized upon any water within the State of Illinois or any water other than Lake Michigan which constitutes a boundary of the State of Illinois. A licensee may conduct riverboat gambling authorized under this Act regardless of whether it conducts excursion cruises. A licensee may permit the continuous ingress and egress of passengers for the purpose of gambling.
(Source: P.A. 91-40, eff. 6-25-99.)

(230 ILCS 10/4) (from Ch. 120, par. 2404)

Sec. 4. Definitions. As used in this Act:

~~(a)~~ "Board" means the Illinois Gaming Board.

~~(b)~~ "Occupational license" means a license issued by the Board to a person or entity to perform an occupation which the Board has identified as requiring a license to engage in riverboat gambling or casino gambling in Illinois.

~~(c)~~ "Gambling game" includes, but is not limited to, baccarat, twenty-one, poker, craps, slot machine, video game of chance, roulette wheel, klondike table, punchboard, faro layout, keno layout, numbers ticket, push card, jar ticket, or pull tab which is authorized by the Board as a wagering device under this Act.

~~(d)~~ "Riverboat" means a self-propelled excursion boat, a permanently moored barge, or permanently moored barges that are permanently fixed together to operate as one vessel, on which lawful gambling is authorized and licensed as provided in this Act.

~~(e)~~ "Managers license" means a license issued by the Board to a person or entity to manage gambling operations conducted by the State pursuant to Section 7.3.

~~(f)~~ "Dock" means the location where a riverboat moors for the purpose of embarking passengers for and disembarking passengers from the riverboat.

~~(g)~~ "Gross receipts" means the total amount of money exchanged for the purchase of chips, tokens , or electronic cards by riverboat patrons.

~~(h)~~ "Adjusted gross receipts" means the gross receipts less winnings paid to wagerers.

~~(i)~~ "Cheat" means to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game.

~~(j) (Blank).~~

~~(k)~~ "Gambling operation" means the conduct of ~~authorized~~ gambling games authorized under this Act upon a riverboat or in a casino.

~~(l)~~ "License bid" means the lump sum amount of money that an applicant bids and agrees to pay the State in return for an owners license that is re-issued on or after July 1, 2003.

~~(m)~~ The terms "minority person", "woman", and "person with a disability" shall have the same meaning as defined in Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

"Casino" means a facility at which lawful gambling is authorized as provided in this Act.

"Owners license" means a license to conduct riverboat or casino gambling operations.

"Licensed owner" means a person who holds an owners license.
(Source: P.A. 100-391, eff. 8-25-17.)

(230 ILCS 10/5) (from Ch. 120, par. 2405)

Sec. 5. Gaming Board.

(a) (1) There is hereby established the Illinois Gaming Board, which shall have the powers and duties specified in this Act, and all other powers necessary and proper to fully and effectively execute this Act for the purpose of administering, regulating, and enforcing the system of riverboat and casino gambling established by this Act. Its jurisdiction shall extend under this Act to every person, association,

corporation, partnership and trust involved in riverboat and casino gambling operations in the State of Illinois.

(2) The Board shall consist of 5 members to be appointed by the Governor with the advice and consent of the Senate, one of whom shall be designated by the Governor to be chairperson ~~chairman~~. Each member shall have a reasonable knowledge of the practice, procedure and principles of gambling operations. Each member shall either be a resident of Illinois or shall certify that he or she will become a resident of Illinois before taking office. At least one member shall be experienced in law enforcement and criminal investigation, at least one member shall be a certified public accountant experienced in accounting and auditing, and at least one member shall be a lawyer licensed to practice law in Illinois.

(3) The terms of office of the Board members shall be 3 years, except that the terms of office of the initial Board members appointed pursuant to this Act will commence from the effective date of this Act and run as follows: one for a term ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for a term ending July 1, 1993. Upon the expiration of the foregoing terms, the successors of such members shall serve a term for 3 years and until their successors are appointed and qualified for like terms. Vacancies in the Board shall be filled for the unexpired term in like manner as original appointments. Each member of the Board shall be eligible for reappointment at the discretion of the Governor with the advice and consent of the Senate.

(4) Each member of the Board shall receive $300 for each day the Board meets and for each day the member conducts any hearing pursuant to this Act. Each member of the Board shall also be reimbursed for all actual and necessary expenses and disbursements incurred in the execution of official duties.

(5) No person shall be appointed a member of the Board or continue to be a member of the Board who is, or whose spouse, child or parent is, a member of the board of directors of, or a person financially interested in, any gambling operation subject to the jurisdiction of this Board, or any race track, race meeting, racing association or the operations thereof subject to the jurisdiction of the Illinois Racing Board. No Board member shall hold any other public office. No person shall be a member of the Board who is not of good moral character or who has been convicted of, or is under indictment for, a felony under the laws of Illinois or any other state, or the United States.

(5.5) No member of the Board shall engage in any political activity. For the purposes of this Section, "political" means any activity in support of or in connection with any campaign for federal, State, or local elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official State duties or governmental and public service functions.

(6) Any member of the Board may be removed by the Governor for neglect of duty, misfeasance, malfeasance, or nonfeasance in office or for engaging in any political activity.

(7) Before entering upon the discharge of the duties of his office, each member of the Board shall take an oath that he will faithfully execute the duties of his office according to the laws of the State and the rules and regulations adopted therewith and shall give bond to the State of Illinois, approved by the Governor, in the sum of $25,000. Every such bond, when duly executed and approved, shall be recorded in the office of the Secretary of State. Whenever the Governor determines that the bond of any member of the Board has become or is likely to become invalid or insufficient, he shall require such member forthwith to renew his bond, which is to be approved by the Governor. Any member of the Board who fails to take oath and give bond within 30 days from the date of his appointment, or who fails to renew his bond within 30 days after it is demanded by the Governor, shall be guilty of neglect of duty and may be removed by the Governor. The cost of any bond given by any member of the Board under this Section shall be taken to be a part of the necessary expenses of the Board.

(7.5) For the examination of all mechanical, electromechanical, or electronic table games, slot machines, slot accounting systems, and other electronic gaming equipment for compliance with this Act, the Board may utilize the services of one or more independent outside testing laboratories that have been accredited by a national accreditation body and that, in the judgment of the Board, are qualified to perform such examinations.

(8) The Board shall employ such personnel as may be necessary to carry out its functions and shall determine the salaries of all personnel, except those personnel whose salaries are determined under the terms of a collective bargaining agreement. No person shall be employed to serve the Board who is, or whose spouse, parent or child is, an official of, or has a financial interest in or financial relation with, any operator engaged in gambling operations within this State or any organization engaged in conducting horse racing within this State. Any employee violating these prohibitions shall be subject to termination of employment.

(9) An Administrator shall perform any and all duties that the Board shall assign him. The salary of the Administrator shall be determined by the Board and, in addition, he shall be reimbursed for all actual and necessary expenses incurred by him in discharge of his official duties. The Administrator shall keep records of all proceedings of the Board and shall preserve all records, books, documents and other papers belonging to the Board or entrusted to its care. The Administrator shall devote his full time to the duties of the office and shall not hold any other office or employment.

(b) The Board shall have general responsibility for the implementation of this Act. Its duties include, without limitation, the following:

(1) To decide promptly and in reasonable order all license applications. Any party aggrieved by an action of the Board denying, suspending, revoking, restricting or refusing to renew a license may request a hearing before the Board. A request for a hearing must be made to the Board in writing within 5 days after service of notice of the action of the Board. Notice of the action of the Board shall be served either by personal delivery or by certified mail, postage prepaid, to the aggrieved party. Notice served by certified mail shall be deemed complete on the business day following the date of such mailing. The Board shall conduct all requested hearings promptly and in reasonable order;

(2) To conduct all hearings pertaining to civil violations of this Act or rules and regulations promulgated hereunder;

(3) To promulgate such rules and regulations as in its judgment may be necessary to protect or enhance the credibility and integrity of gambling operations authorized by this Act and the regulatory process hereunder;

(4) To provide for the establishment and collection of all license and registration fees and taxes imposed by this Act and the rules and regulations issued pursuant hereto. All such fees and taxes shall be deposited into the State Gaming Fund;

(5) To provide for the levy and collection of penalties and fines for the violation of provisions of this Act and the rules and regulations promulgated hereunder. All such fines and penalties shall be deposited into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois;

(6) To be present through its inspectors and agents any time gambling operations are conducted on any riverboat <u>or in any casino</u> for the purpose of certifying the revenue thereof, receiving complaints from the public, and conducting such other investigations into the conduct of the gambling games and the maintenance of the equipment as from time to time the Board may deem necessary and proper;

(7) To review and rule upon any complaint by a licensee regarding any investigative procedures of the State which are unnecessarily disruptive of gambling operations. The need to inspect and investigate shall be presumed at all times. The disruption of a licensee's operations shall be proved by clear and convincing evidence, and establish that: (A) the procedures had no reasonable law enforcement purposes, and (B) the procedures were so disruptive as to unreasonably inhibit gambling operations;

(8) To hold at least one meeting each quarter of the fiscal year. In addition, special meetings may be called by the Chairman or any 2 Board members upon 72 hours written notice to each member. All Board meetings shall be subject to the Open Meetings Act. Three members of the Board shall constitute a quorum, and 3 votes shall be required for any final determination by the Board. The Board shall keep a complete and accurate record of all its meetings. A majority of the members of the Board shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power which this Act requires the Board members to transact, perform or exercise en banc, except that, upon order of the Board, one of the Board members or an administrative law judge designated by the Board may conduct any hearing provided for under this Act or by Board rule and may recommend findings and decisions to the Board. The Board member or administrative law judge conducting such hearing shall have all powers and rights granted to the Board in this Act. The record made at the time of the hearing shall be reviewed by the Board, or a majority thereof, and the findings and decision of the majority of the Board shall constitute the order of the Board in such case;

(9) To maintain records which are separate and distinct from the records of any other State board or commission. Such records shall be available for public inspection and shall accurately reflect all Board proceedings;

(10) To file a written annual report with the Governor on or before July 1 each year and such additional reports as the Governor may request. The annual report shall include a statement of receipts and disbursements by the Board, actions taken by the Board, and any additional information and recommendations which the Board may deem valuable or which the Governor may request;

(11) (Blank);

(12) (Blank);

(13) To assume responsibility for administration and enforcement of the Video Gaming Act; and

(14) To adopt, by rule, a code of conduct governing Board members and employees that ensure, to the maximum extent possible, that persons subject to this Code avoid situations, relationships, or associations that may represent or lead to a conflict of interest.

(c) The Board shall have jurisdiction over and shall supervise all gambling operations governed by this Act. The Board shall have all powers necessary and proper to fully and effectively execute the provisions of this Act, including, but not limited to, the following:

(1) To investigate applicants and determine the eligibility of applicants for licenses and to select among competing applicants the applicants which best serve the interests of the citizens of Illinois.

(2) To have jurisdiction and supervision over all ~~riverboat~~ gambling operations authorized under this Act in this State and all persons in places ~~on riverboats~~ where gambling operations are conducted.

(3) To promulgate rules and regulations for the purpose of administering the provisions of this Act and to prescribe rules, regulations and conditions under which all ~~riverboat~~ gambling operations subject to this Act in the State shall be conducted. Such rules and regulations are to provide for the prevention of practices detrimental to the public interest and for the best interests of ~~riverboat~~ gambling, including rules and regulations regarding the inspection of casinos and ~~such~~ riverboats , and the review of any permits or licenses necessary to operate a riverboat or casino under any laws or regulations applicable to riverboats or casinos , and to impose penalties for violations thereof.

(4) To enter the office, riverboats, casinos, facilities, or other places of business of a licensee, where evidence of the compliance or noncompliance with the provisions of this Act is likely to be found.

(5) To investigate alleged violations of this Act or the rules of the Board and to take appropriate disciplinary action against a licensee or a holder of an occupational license for a violation, or institute appropriate legal action for enforcement, or both.

(6) To adopt standards for the licensing of all persons and entities under this Act, as well as for electronic or mechanical gambling games, and to establish fees for such licenses.

(7) To adopt appropriate standards for all riverboats, casinos, and facilities authorized under this Act.

(8) To require that the records, including financial or other statements of any licensee under this Act, shall be kept in such manner as prescribed by the Board and that any such licensee involved in the ownership or management of gambling operations submit to the Board an annual balance sheet and profit and loss statement, list of the stockholders or other persons having a 1% or greater beneficial interest in the gambling activities of each licensee, and any other information the Board deems necessary in order to effectively administer this Act and all rules, regulations, orders and final decisions promulgated under this Act.

(9) To conduct hearings, issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records and other pertinent documents in accordance with the Illinois Administrative Procedure Act, and to administer oaths and affirmations to the witnesses, when, in the judgment of the Board, it is necessary to administer or enforce this Act or the Board rules.

(10) To prescribe a form to be used by any licensee involved in the ownership or management of gambling operations as an application for employment for their employees.

(11) To revoke or suspend licenses, as the Board may see fit and in compliance with applicable laws of the State regarding administrative procedures, and to review applications for the renewal of licenses. The Board may suspend an owners license, without notice or hearing upon a determination that the safety or health of patrons or employees is jeopardized by continuing a gambling operation conducted under that license ~~riverboat's operation~~. The suspension may remain in effect until the Board determines that the cause for suspension has been abated. The Board may revoke the owners license upon a determination that the owner has not made satisfactory progress toward abating the hazard.

(12) To eject or exclude or authorize the ejection or exclusion of, any person from ~~riverboat~~ gambling facilities where that ~~such~~ person is in violation of this Act, rules and regulations thereunder, or final orders of the Board, or where such person's conduct or reputation is such that his or her presence within the ~~riverboat~~ gambling facilities may, in the opinion of the Board, call into question the honesty and integrity of the gambling operations or interfere with the orderly conduct thereof; provided that the propriety of such ejection or exclusion is subject to subsequent hearing by the Board.

(13) To require all licensees of gambling operations to utilize a cashless wagering

system whereby all players' money is converted to tokens, electronic cards, or chips which shall be used only for wagering in the gambling establishment.

(14) (Blank).

(15) To suspend, revoke or restrict licenses, to require the removal of a licensee or an employee of a licensee for a violation of this Act or a Board rule or for engaging in a fraudulent practice, and to impose civil penalties of up to $5,000 against individuals and up to $10,000 or an amount equal to the daily gross receipts, whichever is larger, against licensees for each violation of any provision of the Act, any rules adopted by the Board, any order of the Board or any other action which, in the Board's discretion, is a detriment or impediment to ~~riverboat~~ gambling operations.

(16) To hire employees to gather information, conduct investigations and carry out any other tasks contemplated under this Act.

(17) To establish minimum levels of insurance to be maintained by licensees.

(18) To authorize a licensee to sell or serve alcoholic liquors, wine or beer as defined in the Liquor Control Act of 1934 on board a riverboat or in a casino and to have exclusive authority to establish the hours for sale and consumption of alcoholic liquor on board a riverboat or in a casino, notwithstanding any provision of the Liquor Control Act of 1934 or any local ordinance, and regardless of whether the riverboat makes excursions. The establishment of the hours for sale and consumption of alcoholic liquor on board a riverboat or in a casino is an exclusive power and function of the State. A home rule unit may not establish the hours for sale and consumption of alcoholic liquor on board a riverboat or in a casino. This subdivision (18) ~~amendatory Act of 1991~~ is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(19) After consultation with the U.S. Army Corps of Engineers, to establish binding emergency orders upon the concurrence of a majority of the members of the Board regarding the navigability of water, relative to excursions, in the event of extreme weather conditions, acts of God or other extreme circumstances.

(20) To delegate the execution of any of its powers under this Act for the purpose of administering and enforcing this Act and its rules and regulations hereunder.

(20.5) To approve any contract entered into on its behalf.

(20.6) To appoint investigators to conduct investigations, searches, seizures, arrests, and other duties imposed under this Act, as deemed necessary by the Board. These investigators have and may exercise all of the rights and powers of peace officers, provided that these powers shall be limited to offenses or violations occurring or committed in a casino or on a riverboat or dock, as defined in subsections (d) and (f) of Section 4, or as otherwise provided by this Act or any other law.

(20.7) To contract with the Department of State Police for the use of trained and qualified State police officers and with the Department of Revenue for the use of trained and qualified Department of Revenue investigators to conduct investigations, searches, seizures, arrests, and other duties imposed under this Act and to exercise all of the rights and powers of peace officers, provided that the powers of Department of Revenue investigators under this subdivision (20.7) shall be limited to offenses or violations occurring or committed in a casino or on a riverboat or dock, as defined in subsections (d) and (f) of Section 4, or as otherwise provided by this Act or any other law. In the event the Department of State Police or the Department of Revenue is unable to fill contracted police or investigative positions, the Board may appoint investigators to fill those positions pursuant to subdivision (20.6).

(21) To have the same jurisdiction and supervision over casinos as the Board has over riverboats, including, but not limited to, the power to (i) investigate, review, and approve contracts as that power is applied to riverboats, (ii) adopt rules for administering the provisions of this Act, (iii) adopt standards for the licensing of all persons involved with a casino, (iv) investigate alleged violations of this Act by any person involved with a casino, and (v) require that records, including financial or other statements of any casino, shall be kept in such manner as prescribed by the Board.

(22) ~~(21)~~ To take any other action as may be reasonable or appropriate to enforce this Act and rules and regulations hereunder.

(d) The Board may seek and shall receive the cooperation of the Department of State Police in conducting background investigations of applicants and in fulfilling its responsibilities under this Section. Costs incurred by the Department of State Police as a result of such cooperation shall be paid by the Board in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400).

(e) The Board must authorize to each investigator and to any other employee of the Board exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized

by the Board and (ii) contains a unique identifying number. No other badge shall be authorized by the Board.

(Source: P.A. 100-1152, eff. 12-14-18.)

(230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

Sec. 5.1. Disclosure of records.

(a) Notwithstanding any applicable statutory provision to the contrary, the Board shall, on written request from any person, provide information furnished by an applicant or licensee concerning the applicant or licensee, his products, services or gambling enterprises and his business holdings, as follows:

(1) The name, business address and business telephone number of any applicant or licensee.

(2) An identification of any applicant or licensee including, if an applicant or licensee is not an individual, the state of incorporation or registration, the corporate officers, and the identity of all shareholders or participants. If an applicant or licensee has a pending registration statement filed with the Securities and Exchange Commission, only the names of those persons or entities holding interest of 5% or more must be provided.

(3) An identification of any business, including, if applicable, the state of incorporation or registration, in which an applicant or licensee or an applicant's or licensee's spouse or children has an equity interest of more than 1%. If an applicant or licensee is a corporation, partnership or other business entity, the applicant or licensee shall identify any other corporation, partnership or business entity in which it has an equity interest of 1% or more, including, if applicable, the state of incorporation or registration. This information need not be provided by a corporation, partnership or other business entity that has a pending registration statement filed with the Securities and Exchange Commission.

(4) Whether an applicant or licensee has been indicted, convicted, pleaded guilty or nolo contendere, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or misdemeanor (except for traffic violations), including the date, the name and location of the court, arresting agency and prosecuting agency, the case number, the offense, the disposition and the location and length of incarceration.

(5) Whether an applicant or licensee has had any license or certificate issued by a licensing authority in Illinois or any other jurisdiction denied, restricted, suspended, revoked or not renewed and a statement describing the facts and circumstances concerning the denial, restriction, suspension, revocation or non-renewal, including the licensing authority, the date each such action was taken, and the reason for each such action.

(6) Whether an applicant or licensee has ever filed or had filed against it a proceeding in bankruptcy or has ever been involved in any formal process to adjust, defer, suspend or otherwise work out the payment of any debt including the date of filing, the name and location of the court, the case and number of the disposition.

(7) Whether an applicant or licensee has filed, or been served with a complaint or other notice filed with any public body, regarding the delinquency in the payment of, or a dispute over the filings concerning the payment of, any tax required under federal, State or local law, including the amount, type of tax, the taxing agency and time periods involved.

(8) A statement listing the names and titles of all public officials or officers of any unit of government, and relatives of said public officials or officers who, directly or indirectly, own any financial interest in, have any beneficial interest in, are the creditors of or hold any debt instrument issued by, or hold or have any interest in any contractual or service relationship with, an applicant or licensee.

(9) Whether an applicant or licensee has made, directly or indirectly, any political contribution, or any loans, donations or other payments, to any candidate or office holder, within 5 years from the date of filing the application, including the amount and the method of payment.

(10) The name and business telephone number of the counsel representing an applicant or licensee in matters before the Board.

(11) A description of any proposed or approved gambling ~~riverboat gaming~~ operation, including the type of boat, home dock, or casino or gaming location, expected economic benefit to the community, anticipated or actual number of employees, any statement from an applicant or licensee regarding compliance with federal and State affirmative action guidelines, projected or actual admissions and projected or actual adjusted gross gaming receipts.

(12) A description of the product or service to be supplied by an applicant for a supplier's license.

(b) Notwithstanding any applicable statutory provision to the contrary, the Board shall, on written request from any person, also provide the following information:

(1) The amount of the wagering tax and admission tax paid daily to the State of Illinois by the holder of an owner's license.

(2) Whenever the Board finds an applicant for an owner's license unsuitable for licensing, a copy of the written letter outlining the reasons for the denial.

(3) Whenever the Board has refused to grant leave for an applicant to withdraw his application, a copy of the letter outlining the reasons for the refusal.

(c) Subject to the above provisions, the Board shall not disclose any information which would be barred by:

(1) Section 7 of the Freedom of Information Act; or

(2) The statutes, rules, regulations or intergovernmental agreements of any jurisdiction.

(d) The Board may assess fees for the copying of information in accordance with Section 6 of the Freedom of Information Act.

(Source: P.A. 96-1392, eff. 1-1-11.)

(230 ILCS 10/6) (from Ch. 120, par. 2406)

Sec. 6. Application for Owners License.

(a) A qualified person may apply to the Board for an owners license to conduct a riverboat gambling operation as provided in this Act. The application shall be made on forms provided by the Board and shall contain such information as the Board prescribes, including, but not limited to, the identity of the riverboat on which such gambling operation is to be conducted, if applicable, and the exact location where such riverboat or casino will be located ~~docked~~, a certification that the riverboat will be registered under this Act at all times during which gambling operations are conducted on board, detailed information regarding the ownership and management of the applicant, and detailed personal information regarding the applicant. Any application for an owners license to be re-issued on or after June 1, 2003 shall also include the applicant's license bid in a form prescribed by the Board. Information provided on the application shall be used as a basis for a thorough background investigation which the Board shall conduct with respect to each applicant. An incomplete application shall be cause for denial of a license by the Board.

(b) Applicants shall submit with their application all documents, resolutions, and letters of support from the governing body that represents the municipality or county wherein the licensee will be located ~~dock~~.

(c) Each applicant shall disclose the identity of every person or entity ~~, association, trust or corporation~~ having a greater than 1% direct or indirect pecuniary interest in the ~~riverboat~~ gambling operation with respect to which the license is sought. If the disclosed entity is a trust, the application shall disclose the names and addresses of all ~~the~~ beneficiaries; if a corporation, the names and addresses of all stockholders and directors; if a partnership, the names and addresses of all partners, both general and limited.

(d) An application shall be filed and considered in accordance with the rules of the Board. Each application shall be accompanied by a non-refundable ~~An~~ application fee of $100,000. In addition, a non-refundable fee of $50,000 shall be paid at the time of filing to defray the costs associated with the background investigation conducted by the Board. If the costs of the investigation exceed $50,000, the applicant shall pay the additional amount to the Board within 7 days after requested by the Board. If the costs of the investigation are less than $50,000, the applicant shall receive a refund of the remaining amount. All information, records, interviews, reports, statements, memoranda or other data supplied to or used by the Board in the course of its review or investigation of an application for a license or a renewal under this Act shall be privileged, strictly confidential and shall be used only for the purpose of evaluating an applicant for a license or a renewal. Such information, records, interviews, reports, statements, memoranda or other data shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person, except for any action deemed necessary by the Board.

(e) The Board shall charge each applicant a fee set by the Department of State Police to defray the costs associated with the search and classification of fingerprints obtained by the Board with respect to the applicant's application. These fees shall be paid into the State Police Services Fund.

(f) The licensed owner shall be the person primarily responsible for the boat or casino itself. Only one ~~riverboat~~ gambling operation may be authorized by the Board on any riverboat or in any casino. The applicant must identify the ~~each~~ riverboat or premises it intends to use and certify that the riverboat or premises: (1) has the authorized capacity required in this Act; (2) is accessible to persons with disabilities; and (3) is fully registered and licensed in accordance with any applicable laws.

(g) A person who knowingly makes a false statement on an application is guilty of a Class A misdemeanor.

(Source: P.A. 99-143, eff. 7-27-15.)

(230 ILCS 10/7) (from Ch. 120, par. 2407)

Sec. 7. Owners licenses.

(a) The Board shall issue owners licenses to persons, firms or corporations which apply for such licenses upon payment to the Board of the non-refundable license fee set by the Board, upon payment of a $25,000 license fee for the first year of operation and a $5,000 license fee for each succeeding year and upon a determination by the Board that the applicant is eligible for an owners license pursuant to this Act and the rules of the Board. From the effective date of this amendatory Act of the 95th General Assembly until (i) 3 years after the effective date of this amendatory Act of the 95th General Assembly, (ii) the date any organization licensee begins to operate a slot machine or video game of chance under the Illinois Horse Racing Act of 1975 or this Act, (iii) the date that payments begin under subsection (c-5) of Section 13 of the Act, or (iv) the wagering tax imposed under Section 13 of this Act is increased by law to reflect a tax rate that is at least as stringent or more stringent than the tax rate contained in subsection (a-3) of Section 13, whichever occurs first, as a condition of licensure and as an alternative source of payment for those funds payable under subsection (c-5) of Section 13 of the Riverboat Gambling Act, any owners licensee that holds or receives its owners license on or after the effective date of this amendatory Act of the 94th General Assembly, other than an owners licensee operating a riverboat with adjusted gross receipts in calendar year 2004 of less than $200,000,000, must pay into the Horse Racing Equity Trust Fund, in addition to any other payments required under this Act, an amount equal to 3% of the adjusted gross receipts received by the owners licensee. The payments required under this Section shall be made by the owners licensee to the State Treasurer no later than 3:00 o'clock p.m. of the day after the day when the adjusted gross receipts were received by the owners licensee. A person~~, firm~~ or entity ~~corporation~~ is ineligible to receive an owners license if:

(1) the person has been convicted of a felony under the laws of this State, any other state, or the United States;

(2) the person has been convicted of any violation of Article 28 of the Criminal Code of 1961 or the Criminal Code of 2012, or substantially similar laws of any other jurisdiction;

(3) the person has submitted an application for a license under this Act which contains false information;

(4) the person is a member of the Board;

(5) a person defined in (1), (2), (3) or (4) is an officer, director or managerial employee of the entity ~~firm or corporation~~;

(6) the entity ~~firm or corporation~~ employs a person defined in (1), (2), (3) or (4) who participates in the management or operation of gambling operations authorized under this Act;

(7) (blank); or

(8) a license of the person or entity ~~, firm or corporation~~ issued under this Act, or a license to own or operate gambling facilities in any other jurisdiction, has been revoked.

The Board is expressly prohibited from making changes to the requirement that licensees make payment into the Horse Racing Equity Trust Fund without the express authority of the Illinois General Assembly and making any other rule to implement or interpret this amendatory Act of the 95th General Assembly. For the purposes of this paragraph, "rules" is given the meaning given to that term in Section 1-70 of the Illinois Administrative Procedure Act.

(b) In determining whether to grant an owners license to an applicant, the Board shall consider:

(1) the character, reputation, experience and financial integrity of the applicants and of any other or separate person that either:

(A) controls, directly or indirectly, such applicant, or

(B) is controlled, directly or indirectly, by such applicant or by a person which controls, directly or indirectly, such applicant;

(2) the facilities or proposed facilities for the conduct of riverboat gambling;

(3) the highest prospective total revenue to be derived by the State from the conduct of riverboat gambling;

(4) the extent to which the ownership of the applicant reflects the diversity of the State by including minority persons, women, and persons with a disability and the good faith affirmative action plan of each applicant to recruit, train and upgrade minority persons, women, and persons with a disability in all employment classifications;

(4.5) the extent to which the ownership of the applicant includes veterans of service in

the armed forces of the United States, and the good faith affirmative action plan of each applicant to recruit, train, and upgrade veterans of service in the armed forces of the United States in all employment classifications;

(5) the financial ability of the applicant to purchase and maintain adequate liability and casualty insurance;

(6) whether the applicant has adequate capitalization to provide and maintain, for the duration of a license, a riverboat or casino;

(7) the extent to which the applicant exceeds or meets other standards for the issuance of an owners license which the Board may adopt by rule; ~~and~~

(8) the ~~The~~ amount of the applicant's license bid ; ~~.~~

(9) the extent to which the applicant or the proposed host municipality plans to enter into revenue sharing agreements with communities other than the host municipality; and

(10) the extent to which the ownership of an applicant includes the most qualified number of minority persons, females, and persons with a disability.

(c) Each owners license shall specify the place where the casino ~~riverboats~~ shall operate or the riverboat shall operate and dock.

(d) Each applicant shall submit with his application, on forms provided by the Board, 2 sets of his fingerprints.

(e) The Board may issue up to 10 licenses authorizing the holders of such licenses to own riverboats. In the application for an owners license, the applicant shall state the dock at which the riverboat is based and the water on which the riverboat will be located. A riverboat may relocate to a new location from where it was docked on the effective date of this amendatory Act of the 101st General Assembly with approval from the Board. The Board shall approve relocations based on those plans that provide for the least amount of cannibalization of existing licensees' revenues generated pursuant to this Act. As used in this subsection (e), "cannibalization" means the diversion of revenues generated pursuant to this Act from existing licensees by an owners licensee authorized to relocate under this subsection (e) and by taking into consideration the best interest of the State. In determining whether cannibalization exists, the Board shall also consider the extent to which the applicant can attract from market areas of neighboring states. ~~The Board shall issue 5 licenses to become effective not earlier than January 1, 1991. Three of such licenses shall authorize riverboat gambling on the Mississippi River, or, with approval by the municipality in which the riverboat was docked on August 7, 2003 and with Board approval, be authorized to relocate to a new location, in a municipality that (1) borders on the Mississippi River or is within 5 miles of the city limits of a municipality that borders on the Mississippi River and (2), on August 7, 2003, had a riverboat conducting riverboat gambling operations pursuant to a license issued under this Act; one of which shall authorize riverboat gambling from a home dock in the city of East St. Louis. One other license shall authorize riverboat gambling on the Illinois River south of Marshall County. The Board shall issue one additional license to become effective not earlier than March 1, 1992, which shall authorize riverboat gambling on the Des Plaines River in Will County. The Board may issue 4 additional licenses to become effective not earlier than March 1, 1992.~~ In determining the water upon which riverboats will operate, the Board shall consider the economic benefit which riverboat gambling confers on the State, and shall seek to assure that all regions of the State share in the economic benefits of riverboat gambling.

In granting all licenses, the Board may give favorable consideration to economically depressed areas of the State, to applicants presenting plans which provide for significant economic development over a large geographic area, and to applicants who currently operate non-gambling riverboats in Illinois. The Board shall review all applications for owners licenses, and shall inform each applicant of the Board's decision. The Board may grant an owners license to an applicant that has not submitted the highest license bid, but if it does not select the highest bidder, the Board shall issue a written decision explaining why another applicant was selected and identifying the factors set forth in this Section that favored the winning bidder. The fee for issuance or renewal of a license pursuant to this subsection (e) shall be $100,000.

In addition to any other revocation powers granted to the Board under this Act, the Board may revoke the owners license of a licensee which fails to begin conducting gambling within 15 months of receipt of the Board's approval of the application if the Board determines that license revocation is in the best interests of the State.

(f) The first 10 owners licenses issued under this Act shall permit the holder to own up to 2 riverboats and equipment thereon for a period of 3 years after the effective date of the license. Holders of the first 10 owners licenses must pay the annual license fee for each of the 3 years during which they are authorized to own riverboats.

(g) Upon the termination, expiration, or revocation of each of the first 10 licenses, which shall be issued for a 3 year period, all licenses are renewable annually upon payment of the fee and a determination by

the Board that the licensee continues to meet all of the requirements of this Act and the Board's rules. However, for licenses renewed on or after May 1, 1998, renewal shall be for a period of 4 years, unless the Board sets a shorter period.

(h) An owners license shall entitle the licensee to own up to 2 riverboats. A licensee shall limit the number of gambling participants to 1,200 for any such owners license. A licensee may operate both of its riverboats concurrently, provided that the total number of gambling participants on both riverboats does not exceed 1,200. Riverboats licensed to operate on the Mississippi River and the Illinois River south of Marshall County shall have an authorized capacity of at least 500 persons. Any other riverboat licensed under this Act shall have an authorized capacity of at least 400 persons.

(i) A licensed owner is authorized to apply to the Board for and, if approved therefor, to receive all licenses from the Board necessary for the operation of a riverboat or casino, including a liquor license, a license to prepare and serve food for human consumption, and other necessary licenses. All use, occupation and excise taxes which apply to the sale of food and beverages in this State and all taxes imposed on the sale or use of tangible personal property apply to such sales aboard the riverboat or in the casino.

(j) The Board may issue or re-issue a license authorizing a riverboat to dock in a municipality or approve a relocation under Section 11.2 only if, prior to the issuance or re-issuance of the license or approval, the governing body of the municipality in which the riverboat will dock has by a majority vote approved the docking of riverboats in the municipality. The Board may issue or re-issue a license authorizing a riverboat to dock in areas of a county outside any municipality or approve a relocation under Section 11.2 only if, prior to the issuance or re-issuance of the license or approval, the governing body of the county has by a majority vote approved of the docking of riverboats within such areas.

(k) An owners licensee may conduct land-based gambling operations upon approval by the Board.

(l) An owners licensee may conduct gaming at a temporary facility pending the construction of a permanent facility or the remodeling or relocation of an existing facility to accommodate gaming participants for up to 24 months after the temporary facility begins to conduct gaming. Upon request by an owners licensee and upon a showing of good cause by the owners licensee, the Board shall extend the period during which the licensee may conduct gaming at a temporary facility by up to 12 months. The Board shall make rules concerning the conduct of gaming from temporary facilities.

(Source: P.A. 100-391, eff. 8-25-17; 100-1152, eff. 12-14-18.)

(230 ILCS 10/7.3)

Sec. 7.3. State conduct of gambling operations.

(a) If, after reviewing each application for a re-issued license, the Board determines that the highest prospective total revenue to the State would be derived from State conduct of the gambling operation in lieu of re-issuing the license, the Board shall inform each applicant of its decision. The Board shall thereafter have the authority, without obtaining an owners license, to conduct casino or riverboat gambling operations as previously authorized by the terminated, expired, revoked, or nonrenewed license through a licensed manager selected pursuant to an open and competitive bidding process as set forth in Section 7.5 and as provided in Section 7.4.

(b) The Board may locate any casino or riverboat on which a gambling operation is conducted by the State in any home dock or other location authorized by Section 3(c) upon receipt of approval from a majority vote of the governing body of the municipality or county, as the case may be, in which the riverboat will dock.

(c) The Board shall have jurisdiction over and shall supervise all gambling operations conducted by the State provided for in this Act and shall have all powers necessary and proper to fully and effectively execute the provisions of this Act relating to gambling operations conducted by the State.

(d) The maximum number of owners licenses authorized under Section 7 ~~7(c)~~ shall be reduced by one for each instance in which the Board authorizes the State to conduct a casino or riverboat gambling operation under subsection (a) in lieu of re-issuing a license to an applicant under Section 7.1.

(Source: P.A. 93-28, eff. 6-20-03.)

(230 ILCS 10/8) (from Ch. 120, par. 2408)

Sec. 8. Suppliers licenses.

(a) The Board may issue a suppliers license to such persons, firms or corporations which apply therefor upon the payment of a non-refundable application fee set by the Board, upon a determination by the Board that the applicant is eligible for a suppliers license and upon payment of a $5,000 annual license fee.

(b) The holder of a suppliers license is authorized to sell or lease, and to contract to sell or lease, gambling equipment and supplies to any licensee involved in the ownership or management of gambling operations.

(c) Gambling supplies and equipment may not be distributed unless supplies and equipment conform to standards adopted by rules of the Board.

(d) A person, firm or corporation is ineligible to receive a suppliers license if:

(1) the person has been convicted of a felony under the laws of this State, any other state, or the United States;

(2) the person has been convicted of any violation of Article 28 of the Criminal Code of 1961 or the Criminal Code of 2012, or substantially similar laws of any other jurisdiction;

(3) the person has submitted an application for a license under this Act which contains false information;

(4) the person is a member of the Board;

(5) the entity ~~firm or corporation~~ is one in which a person defined in (1), (2), (3) or (4), is an officer, director or managerial employee;

(6) the firm or corporation employs a person who participates in the management or operation of riverboat gambling authorized under this Act;

(7) the license of the person, firm or corporation issued under this Act, or a license to own or operate gambling facilities in any other jurisdiction, has been revoked.

(e) Any person that supplies any equipment, devices, or supplies to a licensed ~~riverboat~~ gambling operation must first obtain a suppliers license. A supplier shall furnish to the Board a list of all equipment, devices and supplies offered for sale or lease in connection with gambling games authorized under this Act. A supplier shall keep books and records for the furnishing of equipment, devices and supplies to gambling operations separate and distinct from any other business that the supplier might operate. A supplier shall file a quarterly return with the Board listing all sales and leases. A supplier shall permanently affix its name or a distinctive logo or other mark or design element identifying the manufacturer or supplier to all its equipment, devices, and supplies, except gaming chips without a value impressed, engraved, or imprinted on it, for gambling operations. The Board may waive this requirement for any specific product or products if it determines that the requirement is not necessary to protect the integrity of the game. Items purchased from a licensed supplier may continue to be used even though the supplier subsequently changes its name, distinctive logo, or other mark or design element; undergoes a change in ownership; or ceases to be licensed as a supplier for any reason. Any supplier's equipment, devices or supplies which are used by any person in an unauthorized gambling operation shall be forfeited to the State. A licensed owner may own its own equipment, devices and supplies. Each holder of an owners license under the Act shall file an annual report listing its inventories of gambling equipment, devices and supplies.

(f) Any person who knowingly makes a false statement on an application is guilty of a Class A misdemeanor.

(g) Any gambling equipment, devices and supplies provided by any licensed supplier may either be repaired on the riverboat or in the casino or removed from the riverboat or casino to a ~~an on-shore~~ facility owned by the holder of an owners license for repair.

(Source: P.A. 97-1150, eff. 1-25-13; 98-12, eff. 5-10-13; 98-756, eff. 7-16-14.)

(230 ILCS 10/9) (from Ch. 120, par. 2409)

Sec. 9. Occupational licenses.

(a) The Board may issue an occupational license to an applicant upon the payment of a non-refundable fee set by the Board, upon a determination by the Board that the applicant is eligible for an occupational license and upon payment of an annual license fee in an amount to be established. To be eligible for an occupational license, an applicant must:

(1) be at least 21 years of age if the applicant will perform any function involved in gaming by patrons. Any applicant seeking an occupational license for a non-gaming function shall be at least 18 years of age;

(2) not have been convicted of a felony offense, a violation of Article 28 of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar statute of any other jurisdiction;

(2.5) not have been convicted of a crime, other than a crime described in item (2) of this subsection (a), involving dishonesty or moral turpitude, except that the Board may, in its discretion, issue an occupational license to a person who has been convicted of a crime described in this item (2.5) more than 10 years prior to his or her application and has not subsequently been convicted of any other crime;

(3) have demonstrated a level of skill or knowledge which the Board determines to be necessary in order to operate gambling aboard a riverboat or in a casino; and

(4) have met standards for the holding of an occupational license as adopted by rules of the Board. Such rules shall provide that any person or entity seeking an occupational license to manage gambling operations hereunder shall be subject to background inquiries and further requirements similar to those required of applicants for an owners license. Furthermore, such rules shall provide that each such entity shall be permitted to manage gambling operations for only one licensed owner.

(b) Each application for an occupational license shall be on forms prescribed by the Board and shall contain all information required by the Board. The applicant shall set forth in the application: whether he has been issued prior gambling related licenses; whether he has been licensed in any other state under any other name, and, if so, such name and his age; and whether or not a permit or license issued to him in any other state has been suspended, restricted or revoked, and, if so, for what period of time.

(c) Each applicant shall submit with his application, on forms provided by the Board, 2 sets of his fingerprints. The Board shall charge each applicant a fee set by the Department of State Police to defray the costs associated with the search and classification of fingerprints obtained by the Board with respect to the applicant's application. These fees shall be paid into the State Police Services Fund.

(d) The Board may in its discretion refuse an occupational license to any person: (1) who is unqualified to perform the duties required of such applicant; (2) who fails to disclose or states falsely any information called for in the application; (3) who has been found guilty of a violation of this Act or whose prior gambling related license or application therefor has been suspended, restricted, revoked or denied for just cause in any other state; or (4) for any other just cause.

(e) The Board may suspend, revoke or restrict any occupational licensee: (1) for violation of any provision of this Act; (2) for violation of any of the rules and regulations of the Board; (3) for any cause which, if known to the Board, would have disqualified the applicant from receiving such license; or (4) for default in the payment of any obligation or debt due to the State of Illinois; or (5) for any other just cause.

(f) A person who knowingly makes a false statement on an application is guilty of a Class A misdemeanor.

(g) Any license issued pursuant to this Section shall be valid for a period of one year from the date of issuance.

(h) Nothing in this Act shall be interpreted to prohibit a licensed owner from entering into an agreement with a public community college or a school approved under the Private Business and Vocational Schools Act of 2012 for the training of any occupational licensee. Any training offered by such a school shall be in accordance with a written agreement between the licensed owner and the school.

(i) Any training provided for occupational licensees may be conducted either at the site of the gambling facility ~~on the riverboat~~ or at a school with which a licensed owner has entered into an agreement pursuant to subsection (h).

(Source: P.A. 96-1392, eff. 1-1-11; 97-650, eff. 2-1-12; 97-1150, eff. 1-25-13.)

(230 ILCS 10/11) (from Ch. 120, par. 2411)

Sec. 11. Conduct of gambling. Gambling may be conducted by licensed owners or licensed managers on behalf of the State aboard riverboats or at casinos, subject to the following standards:

(1) A licensee may conduct riverboat gambling authorized under this Act regardless of whether it conducts excursion cruises. A licensee may permit the continuous ingress and egress of patrons ~~passengers~~ on a riverboat not used for excursion cruises for the purpose of gambling. Excursion cruises shall not exceed 4 hours for a round trip. However, the Board may grant express approval for an extended cruise on a case-by-case basis.

(2) (Blank).

(3) Minimum and maximum wagers on games shall be set by the licensee.

(4) Agents of the Board and the Department of State Police may board and inspect any riverboat or enter and inspect any portion of a casino at any time for the purpose of determining whether this Act is being complied with. Every riverboat, if under way and being hailed by a law enforcement officer or agent of the Board, must stop immediately and lay to.

(5) Employees of the Board shall have the right to be present on the riverboat or in the casino or on adjacent facilities under the control of the licensee.

(6) Gambling equipment and supplies customarily used in conducting ~~riverboat~~ gambling must be purchased or leased only from suppliers licensed for such purpose under this Act. The Board may approve the transfer, sale, or lease of gambling equipment and supplies by a licensed owner from or to an affiliate of the licensed owner as long as the gambling equipment and supplies were initially acquired from a supplier licensed in Illinois.

(7) Persons licensed under this Act shall permit no form of wagering on gambling games except as permitted by this Act.

(8) Wagers may be received only from a person present on a licensed riverboat or in a casino. No person present on a licensed riverboat or in a casino shall place or attempt to place a wager on behalf of another person who is not present on the riverboat or in a casino.

(9) Wagering shall not be conducted with money or other negotiable currency.

(10) A person under age 21 shall not be permitted on an area of a riverboat or casino where

gambling is being conducted, except for a person at least 18 years of age who is an employee of the riverboat or casino gambling operation. No employee under age 21 shall perform any function involved in gambling by the patrons. No person under age 21 shall be permitted to make a wager under this Act, and any winnings that are a result of a wager by a person under age 21, whether or not paid by a licensee, shall be treated as winnings for the privilege tax purposes, confiscated, and forfeited to the State and deposited into the Education Assistance Fund.

(11) Gambling excursion cruises are permitted only when the waterway for which the riverboat is licensed is navigable, as determined by the Board in consultation with the U.S. Army Corps of Engineers. This paragraph (11) does not limit the ability of a licensee to conduct gambling authorized under this Act when gambling excursion cruises are not permitted.

(12) All tokens, chips or electronic cards used to make wagers must be purchased (i) from a licensed owner or manager, in the case of a riverboat, either aboard a riverboat or at an onshore facility which has been approved by the Board and which is located where the riverboat docks or (ii) in the case of a casino, from a licensed owner at the casino. The tokens, chips or electronic cards may be purchased by means of an agreement under which the owner or manager extends credit to the patron. Such tokens, chips or electronic cards may be used while aboard the riverboat or in the casino only for the purpose of making wagers on gambling games.

(13) Notwithstanding any other Section of this Act, in addition to the other licenses authorized under this Act, the Board may issue special event licenses allowing persons who are not otherwise licensed to conduct riverboat gambling to conduct such gambling on a specified date or series of dates. Riverboat gambling under such a license may take place on a riverboat not normally used for riverboat gambling. The Board shall establish standards, fees and fines for, and limitations upon, such licenses, which may differ from the standards, fees, fines and limitations otherwise applicable under this Act. All such fees shall be deposited into the State Gaming Fund. All such fines shall be deposited into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois.

(14) In addition to the above, gambling must be conducted in accordance with all rules adopted by the Board.

(Source: P.A. 96-1392, eff. 1-1-11.)

(230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

Sec. 11.1. Collection of amounts owing under credit agreements. Notwithstanding any applicable statutory provision to the contrary, a licensed owner or manager who extends credit to a ~~riverboat~~ gambling patron pursuant to paragraph (12) of Section 11 ~~Section 11 (a) (12)~~ of this Act is expressly authorized to institute a cause of action to collect any amounts due and owing under the extension of credit, as well as the owner's or manager's costs, expenses and reasonable attorney's fees incurred in collection.

(Source: P.A. 93-28, eff. 6-20-03.)

(230 ILCS 10/12) (from Ch. 120, par. 2412)

Sec. 12. Admission tax; fees.

(a) A tax is hereby imposed upon admissions to riverboat and casino gambling facilities ~~riverboats~~ operated by licensed owners authorized pursuant to this Act. Until July 1, 2002, the rate is $2 per person admitted. From July 1, 2002 until July 1, 2003, the rate is $3 per person admitted. From July 1, 2003 until August 23, 2005 (the effective date of Public Act 94-673), for a licensee that admitted 1,000,000 persons or fewer in the previous calendar year, the rate is $3 per person admitted; for a licensee that admitted more than 1,000,000 but no more than 2,300,000 persons in the previous calendar year, the rate is $4 per person admitted; and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is $5 per person admitted. Beginning on August 23, 2005 (the effective date of Public Act 94-673), for a licensee that admitted 1,000,000 persons or fewer in calendar year 2004, the rate is $2 per person admitted, and for all other licensees, including licensees that were not conducting gambling operations in 2004, the rate is $3 per person admitted. This admission tax is imposed upon the licensed owner conducting gambling.

(1) The admission tax shall be paid for each admission, except that a person who exits a riverboat gambling facility and reenters that riverboat gambling facility within the same gaming day shall be subject only to the initial admission tax.

(2) (Blank).

(3) The riverboat licensee may issue tax-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the riverboat.

(4) The number and issuance of tax-free passes is subject to the rules of the Board, and a list of all persons to whom the tax-free passes are issued shall be filed with the Board.

(a-5) A fee is hereby imposed upon admissions operated by licensed managers on behalf of the State pursuant to Section 7.3 at the rates provided in this subsection (a-5). For a licensee that admitted 1,000,000

persons or fewer in the previous calendar year, the rate is $3 per person admitted; for a licensee that admitted more than 1,000,000 but no more than 2,300,000 persons in the previous calendar year, the rate is $4 per person admitted; and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is $5 per person admitted.

(1) The admission fee shall be paid for each admission.

(2) (Blank).

(3) The licensed manager may issue fee-free passes to actual and necessary officials and employees of the manager or other persons actually working on the riverboat.

(4) The number and issuance of fee-free passes is subject to the rules of the Board, and a list of all persons to whom the fee-free passes are issued shall be filed with the Board.

(b) From the tax imposed under subsection (a) and the fee imposed under subsection (a-5), a municipality shall receive from the State $1 for each person embarking on a riverboat docked within the municipality or entering a casino located within the municipality, and a county shall receive $1 for each person entering a casino or embarking on a riverboat docked within the county but outside the boundaries of any municipality. The municipality's or county's share shall be collected by the Board on behalf of the State and remitted quarterly by the State, subject to appropriation, to the treasurer of the unit of local government for deposit in the general fund.

(c) The licensed owner shall pay the entire admission tax to the Board and the licensed manager shall pay the entire admission fee to the Board. Such payments shall be made daily. Accompanying each payment shall be a return on forms provided by the Board which shall include other information regarding admissions as the Board may require. Failure to submit either the payment or the return within the specified time may result in suspension or revocation of the owners or managers license.

(d) The Board shall administer and collect the admission tax imposed by this Section, to the extent practicable, in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act.

(Source: P.A. 95-663, eff. 10-11-07; 96-1392, eff. 1-1-11.)

(230 ILCS 10/13) (from Ch. 120, par. 2413)

Sec. 13. Wagering tax; rate; distribution.

(a) Until January 1, 1998, a tax is imposed on the adjusted gross receipts received from gambling games authorized under this Act at the rate of 20%.

(a-1) From January 1, 1998 until July 1, 2002, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;

20% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;

25% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;

30% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;

35% of annual adjusted gross receipts in excess of $100,000,000.

(a-2) From July 1, 2002 until July 1, 2003, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;

22.5% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;

27.5% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;

32.5% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;

37.5% of annual adjusted gross receipts in excess of $100,000,000 but not exceeding $150,000,000;

45% of annual adjusted gross receipts in excess of $150,000,000 but not exceeding $200,000,000;

50% of annual adjusted gross receipts in excess of $200,000,000.

(a-3) Beginning July 1, 2003, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;

27.5% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $37,500,000;

32.5% of annual adjusted gross receipts in excess of $37,500,000 but not exceeding $50,000,000;

37.5% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;

45% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;

50% of annual adjusted gross receipts in excess of $100,000,000 but not exceeding $250,000,000;

70% of annual adjusted gross receipts in excess of $250,000,000.

An amount equal to the amount of wagering taxes collected under this subsection (a-3) that are in addition to the amount of wagering taxes that would have been collected if the wagering tax rates under subsection (a-2) were in effect shall be paid into the Common School Fund.

The privilege tax imposed under this subsection (a-3) shall no longer be imposed beginning on the earlier of (i) July 1, 2005; (ii) the first date after June 20, 2003 that riverboat gambling operations are conducted pursuant to a dormant license; or (iii) the first day that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under this Act. For the purposes of this subsection (a-3), the term "dormant license" means an owners license that is authorized by this Act under which no riverboat gambling operations are being conducted on June 20, 2003.

(a-4) Beginning on the first day on which the tax imposed under subsection (a-3) is no longer imposed, a privilege tax is imposed on persons engaged in the business of conducting ~~riverboat~~ gambling operations, other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;

22.5% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;

27.5% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;

32.5% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;

37.5% of annual adjusted gross receipts in excess of $100,000,000 but not exceeding $150,000,000;

45% of annual adjusted gross receipts in excess of $150,000,000 but not exceeding $200,000,000;

50% of annual adjusted gross receipts in excess of $200,000,000.

(a-8) Riverboat gambling operations conducted by a licensed manager on behalf of the State are not subject to the tax imposed under this Section.

(a-10) The taxes imposed by this Section shall be paid by the licensed owner to the Board not later than 5:00 o'clock p.m. of the day after the day when the wagers were made.

(a-15) If the privilege tax imposed under subsection (a-3) is no longer imposed pursuant to item (i) of the last paragraph of subsection (a-3), then by June 15 of each year, each owners licensee, other than an owners licensee that admitted 1,000,000 persons or fewer in calendar year 2004, must, in addition to the payment of all amounts otherwise due under this Section, pay to the Board a reconciliation payment in the amount, if any, by which the licensed owner's base amount exceeds the amount of net privilege tax paid by the licensed owner to the Board in the then current State fiscal year. A licensed owner's net privilege tax obligation due for the balance of the State fiscal year shall be reduced up to the total of the amount paid by the licensed owner in its June 15 reconciliation payment. The obligation imposed by this subsection (a-15) is binding on any person, firm, corporation, or other entity that acquires an ownership interest in any such owners license. The obligation imposed under this subsection (a-15) terminates on the earliest of: (i) July 1, 2007, (ii) the first day after the effective date of this amendatory Act of the 94th General Assembly that riverboat gambling operations are conducted pursuant to a dormant license, (iii)

the first day that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under this Act, or (iv) the first day that a licensee under the Illinois Horse Racing Act of 1975 conducts gaming operations with slot machines or other electronic gaming devices. The Board must reduce the obligation imposed under this subsection (a-15) by an amount the Board deems reasonable for any of the following reasons: (A) an act or acts of God, (B) an act of bioterrorism or terrorism or a bioterrorism or terrorism threat that was investigated by a law enforcement agency, or (C) a condition beyond the control of the owners licensee that does not result from any act or omission by the owners licensee or any of its agents and that poses a hazardous threat to the health and safety of patrons. If an owners licensee pays an amount in excess of its liability under this Section, the Board shall apply the overpayment to future payments required under this Section.

For purposes of this subsection (a-15):

"Act of God" means an incident caused by the operation of an extraordinary force that cannot be foreseen, that cannot be avoided by the exercise of due care, and for which no person can be held liable.

"Base amount" means the following:

For a riverboat in Alton, $31,000,000.

For a riverboat in East Peoria, $43,000,000.

For the Empress riverboat in Joliet, $86,000,000.

For a riverboat in Metropolis, $45,000,000.

For the Harrah's riverboat in Joliet, $114,000,000.

For a riverboat in Aurora, $86,000,000.

For a riverboat in East St. Louis, $48,500,000.

For a riverboat in Elgin, $198,000,000.

"Dormant license" has the meaning ascribed to it in subsection (a-3).

"Net privilege tax" means all privilege taxes paid by a licensed owner to the Board under this Section, less all payments made from the State Gaming Fund pursuant to subsection (b) of this Section.

The changes made to this subsection (a-15) by Public Act 94-839 are intended to restate and clarify the intent of Public Act 94-673 with respect to the amount of the payments required to be made under this subsection by an owners licensee to the Board.

(b) Until January 1, 1998, 25% of the tax revenue deposited in the State Gaming Fund under this Section shall be paid, subject to appropriation by the General Assembly, to the unit of local government which is designated as the home dock of the riverboat. Beginning January 1, 1998, from the tax revenue <u>from riverboat or casino gambling</u> deposited in the State Gaming Fund under this Section, an amount equal to 5% of adjusted gross receipts generated by a riverboat <u>or a casino</u> shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government <u>in which the casino is located or</u> that is designated as the home dock of the riverboat. From the tax revenue deposited in the State Gaming Fund pursuant to riverboat <u>or casino</u> gambling operations conducted by a licensed manager on behalf of the State, an amount equal to 5% of adjusted gross receipts generated pursuant to those riverboat <u>or casino</u> gambling operations shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat upon which those riverboat gambling operations are conducted <u>or in which the casino is located</u>.

(c) Appropriations, as approved by the General Assembly, may be made from the State Gaming Fund to the Board (i) for the administration and enforcement of this Act and the Video Gaming Act, (ii) for distribution to the Department of State Police and to the Department of Revenue for the enforcement of this Act, and (iii) to the Department of Human Services for the administration of programs to treat problem gambling.

(c-5) Before May 26, 2006 (the effective date of Public Act 94-804) and beginning on the effective date of this amendatory Act of the 95th General Assembly, unless any organization licensee under the Illinois Horse Racing Act of 1975 begins to operate a slot machine or video game of chance under the Illinois Horse Racing Act of 1975 or this Act, after the payments required under subsections (b) and (c) have been made, an amount equal to 15% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3, whichever comes first, shall be paid from the State Gaming Fund into the Horse Racing Equity Fund.

(c-10) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid into the Horse Racing Equity Fund pursuant to subsection (c-5) in the prior calendar year.

(c-15) After the payments required under subsections (b), (c), and (c-5) have been made, an amount equal to 2% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2,

(2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3, whichever comes first, shall be paid, subject to appropriation from the General Assembly, from the State Gaming Fund to each home rule county with a population of over 3,000,000 inhabitants for the purpose of enhancing the county's criminal justice system.

(c-20) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid to each home rule county with a population of over 3,000,000 inhabitants pursuant to subsection (c-15) in the prior calendar year.

(c-25) On July 1, 2013 and each July 1 thereafter, $1,600,000 shall be transferred from the State Gaming Fund to the Chicago State University Education Improvement Fund.

(c-30) On July 1, 2013 or as soon as possible thereafter, $92,000,000 shall be transferred from the State Gaming Fund to the School Infrastructure Fund and $23,000,000 shall be transferred from the State Gaming Fund to the Horse Racing Equity Fund.

(c-35) Beginning on July 1, 2013, in addition to any amount transferred under subsection (c-30) of this Section, $5,530,000 shall be transferred monthly from the State Gaming Fund to the School Infrastructure Fund.

(d) From time to time, the Board shall transfer the remainder of the funds generated by this Act into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois.

(e) Nothing in this Act shall prohibit the unit of local government designated as the home dock of the riverboat from entering into agreements with other units of local government in this State or in other states to share its portion of the tax revenue.

(f) To the extent practicable, the Board shall administer and collect the wagering taxes imposed by this Section in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act.

(Source: P.A. 98-18, eff. 6-7-13.)

(230 ILCS 10/18) (from Ch. 120, par. 2418)

Sec. 18. Prohibited Activities - Penalty.

(a) A person is guilty of a Class A misdemeanor for doing any of the following:

(1) Conducting gambling where wagering is used or to be used without a license issued by the Board.

(2) Conducting gambling where wagering is permitted other than in the manner specified by Section 11.

(b) A person is guilty of a Class B misdemeanor for doing any of the following:

(1) permitting a person under 21 years to make a wager; or

(2) violating paragraph (12) of subsection (a) of Section 11 of this Act.

(c) A person wagering or accepting a wager at any location outside the riverboat or casino is subject to the penalties in paragraphs (1) or (2) of subsection (a) of Section 28-1 of the Criminal Code of 2012.

(d) A person commits a Class 4 felony and, in addition, shall be barred for life from gambling operations ~~riverboats~~ under the jurisdiction of the Board, if the person does any of the following:

(1) Offers, promises, or gives anything of value or benefit to a person who is connected with a riverboat or casino owner including, but not limited to, an officer or employee of a licensed owner or holder of an occupational license pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the Board.

(2) Solicits or knowingly accepts or receives a promise of anything of value or benefit while the person is connected with a riverboat or casino including, but not limited to, an officer or employee of a licensed owner, or holder of an occupational license, pursuant to an understanding or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the Board.

(3) Uses or possesses with the intent to use a device to assist:

(i) In projecting the outcome of the game.

(ii) In keeping track of the cards played.

(iii) In analyzing the probability of the occurrence of an event relating to the gambling game.

(iv) In analyzing the strategy for playing or betting to be used in the game except as permitted by the Board.

(4) Cheats at a gambling game.

(5) Manufactures, sells, or distributes any cards, chips, dice, game or device which is intended to be used to violate any provision of this Act.

(6) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before it is revealed to the players.

(7) Places a bet after acquiring knowledge, not available to all players, of the outcome of the gambling game which is subject of the bet or to aid a person in acquiring the knowledge for the purpose of placing a bet contingent on that outcome.

(8) Claims, collects, or takes, or attempts to claim, collect, or take, money or anything of value in or from the gambling games, with intent to defraud, without having made a wager contingent on winning a gambling game, or claims, collects, or takes an amount of money or thing of value of greater value than the amount won.

(9) Uses counterfeit chips or tokens in a gambling game.

(10) Possesses any key or device designed for the purpose of opening, entering, or affecting the operation of a gambling game, drop box, or an electronic or mechanical device connected with the gambling game or for removing coins, tokens, chips or other contents of a gambling game. This paragraph (10) does not apply to a gambling licensee or employee of a gambling licensee acting in furtherance of the employee's employment.

(e) The possession of more than one of the devices described in subsection (d), paragraphs (3), (5), or (10) permits a rebuttable presumption that the possessor intended to use the devices for cheating.

(f) A person under the age of 21 who, except as authorized under paragraph (10) of Section 11, enters upon a riverboat or in a casino commits a petty offense and is subject to a fine of not less than $100 or more than $250 for a first offense and of not less than $200 or more than $500 for a second or subsequent offense.

An action to prosecute any crime occurring on a riverboat shall be tried in the county of the dock at which the riverboat is based. An action to prosecute any crime occurring in a casino shall be tried in the county in which the casino is located.

(Source: P.A. 96-1392, eff. 1-1-11; 97-1150, eff. 1-25-13.)

(230 ILCS 10/18.1)

Sec. 18.1. Distribution of certain fines. If a fine is imposed on an owner licensee for knowingly sending marketing or promotional materials to any person placed on the self-exclusion list, then the Board shall distribute an amount equal to 15% of the fine imposed to the unit of local government in which the casino or riverboat is located for the purpose of awarding grants to non-profit entities that assist gambling addicts.

(Source: P.A. 96-224, eff. 8-11-09.)

(230 ILCS 10/19) (from Ch. 120, par. 2419)

Sec. 19. Forfeiture of property.

(a) Except as provided in subsection (b), any riverboat or casino used for the conduct of gambling games in violation of this Act shall be considered a gambling place in violation of Section 28-3 of the Criminal Code of 2012. Every gambling device found on a riverboat or in a casino operating gambling games in violation of this Act shall be subject to seizure, confiscation and destruction as provided in Section 28-5 of the Criminal Code of 2012.

(b) It is not a violation of this Act for a riverboat or other watercraft which is licensed for gaming by a contiguous state to dock on the shores of this State if the municipality having jurisdiction of the shores, or the county in the case of unincorporated areas, has granted permission for docking and no gaming is conducted on the riverboat or other watercraft while it is docked on the shores of this State. No gambling device shall be subject to seizure, confiscation or destruction if the gambling device is located on a riverboat or other watercraft which is licensed for gaming by a contiguous state and which is docked on the shores of this State if the municipality having jurisdiction of the shores, or the county in the case of unincorporated areas, has granted permission for docking and no gaming is conducted on the riverboat or other watercraft while it is docked on the shores of this State.

(Source: P.A. 97-1150, eff. 1-25-13.)

(230 ILCS 10/20) (from Ch. 120, par. 2420)

Sec. 20. Prohibited activities - civil penalties. Any person who conducts a gambling operation without first obtaining a license to do so, or who continues to conduct such games after revocation of his license, or any licensee who conducts or allows to be conducted any unauthorized gambling games on a riverboat or in a casino where it is authorized to conduct its ~~riverboat~~ gambling operation, in addition to other penalties provided, shall be subject to a civil penalty equal to the amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted on that day as well as

confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games.
(Source: P.A. 86-1029.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Link, **Senate Bill No. 516** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 44; NAYS 5.

The following voted in the affirmative:

Anderson	Gillespie	Manar	Sims
Aquino	Glowiak	Martinez	Stadelman
Belt	Harmon	McConchie	Steans
Bennett	Hastings	McGuire	Syverson
Bertino-Tarrant	Holmes	Morrison	Tracy
Brady	Hunter	Mulroe	Van Pelt
Bush	Hutchinson	Muñoz	Villivalam
Castro	Jones, E.	Oberweis	Mr. President
Cunningham	Koehler	Peters	
Curran	Landek	Rezin	
DeWitte	Lightford	Sandoval	
Fine	Link	Schimpf	

The following voted in the negative:

Barickman	Fowler	Rose
Collins	Righter	

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

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

SENATE BILL RECALLED

On motion of Senator Muñoz, **Senate Bill No. 637** was recalled from the order of third reading to the order of second reading.

Senator Muñoz offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 637

AMENDMENT NO. 1. Amend Senate Bill 637 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by adding Section 5-36 as follows:
(305 ILCS 5/5-36 new)

Sec. 5-36. Custom prosthetic and orthotic devices.

(a) Coverage for custom prosthetic and orthotic devices under the fee-for-service medical assistance program and under any Medicaid managed care plan shall be no less favorable than the terms and conditions that apply to substantially all medical and surgical benefits provided under the fee-for-service medical assistance program or the Medicaid managed care plan.

(b) The Department shall set a rate of reimbursement under the fee-for-service medical assistance program for custom prosthetic and orthotic devices at a rate no less than the Medicare rate for the year minus 6%.

(c) The Department must ensure that all Medicaid managed care plans comply with network adequacy requirements for custom prosthetic and orthotic device services.

(d) The Department and contracted managed care organizations must comply with the Orthotics, Prosthetics, and Pedorthics Practice Act when making payments for custom orthotic and custom prosthetic devices.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Muñoz, **Senate Bill No. 637** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 42; NAYS 4; Present 2.

The following voted in the affirmative:

Bennett	Gillespie	Lightford	Schimpf
Bertino-Tarrant	Glowiak	Link	Sims
Bush	Harmon	Manar	Stadelman
Castro	Harris	Martinez	Steans
Collins	Hastings	McGuire	Tracy
Crowe	Holmes	Morrison	Van Pelt
Cunningham	Hunter	Muñoz	Villivalam
DeWitte	Hutchinson	Murphy	Wilcox
Ellman	Jones, E.	Oberweis	Mr. President
Fine	Koehler	Peters	
Fowler	Landek	Sandoval	

The following voted in the negative:

Barickman	Rose
Righter	Syverson

The following voted present:

Brady
McConchie

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

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

SENATE BILL RECALLED

On motion of Senator McClure, **Senate Bill No. 946** was recalled from the order of third reading to the order of second reading.

Senator McClure offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 946

AMENDMENT NO. 1. Amend Senate Bill 946 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.891 as follows:
(30 ILCS 105/5.891 new)
Sec. 5.891. The Pediatric Cancer Awareness Fund.

Section 10. The Illinois Vehicle Code is amended by changing Section 3-699.14 as follows:
(625 ILCS 5/3-699.14)
Sec. 3-699.14. Universal special license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue Universal special license plates to residents of Illinois on behalf of organizations that have been authorized by the General Assembly to issue decals for Universal special license plates. Appropriate documentation, as determined by the Secretary, shall accompany each application. Authorized organizations shall be designated by amendment to this Section. When applying for a Universal special license plate the applicant shall inform the Secretary of the name of the authorized organization from which the applicant will obtain a decal to place on the plate. The Secretary shall make a record of that organization and that organization shall remain affiliated with that plate until the plate is surrendered, revoked, or otherwise cancelled. The authorized organization may charge a fee to offset the cost of producing and distributing the decal, but that fee shall be retained by the authorized organization and shall be separate and distinct from any registration fees charged by the Secretary. No decal, sticker, or other material may be affixed to a Universal special license plate other than a decal authorized by the General Assembly in this Section or a registration renewal sticker. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, including motorcycles and autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure under Section 3-414.1 of this Code.

(b) The design, color, and format of the Universal special license plate shall be wholly within the discretion of the Secretary. Universal special license plates are not required to designate "Land of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The design shall allow for the application of a decal to the plate. Organizations authorized by the General Assembly to issue decals for Universal special license plates shall comply with rules adopted by the Secretary governing the requirements for and approval of Universal special license plate decals. The Secretary may, in his or her discretion, allow Universal special license plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The Secretary of State must make a version of the special registration plates authorized under this Section in a form appropriate for motorcycles and autocycles.

(c) When authorizing a Universal special license plate, the General Assembly shall set forth whether an additional fee is to be charged for the plate and, if a fee is to be charged, the amount of the fee and how the fee is to be distributed. When necessary, the authorizing language shall create a special fund in the State treasury into which fees may be deposited for an authorized Universal special license plate. Additional fees may only be charged if the fee is to be paid over to a State agency or to a charitable entity that is in compliance with the registration and reporting requirements of the Charitable Trust Act and the Solicitation for Charity Act. Any charitable entity receiving fees for the sale of Universal special license plates shall annually provide the Secretary of State a letter of compliance issued by the Attorney General verifying that the entity is in compliance with the Charitable Trust Act and the Solicitation for Charity Act.

(d) Upon original issuance and for each registration renewal period, in addition to the appropriate registration fee, if applicable, the Secretary shall collect any additional fees, if required, for issuance of Universal special license plates. The fees shall be collected on behalf of the organization designated by the applicant when applying for the plate. All fees collected shall be transferred to the State agency on whose behalf the fees were collected, or paid into the special fund designated in the law authorizing the

organization to issue decals for Universal special license plates. All money in the designated fund shall be distributed by the Secretary subject to appropriation by the General Assembly.

(e) The following organizations may issue decals for Universal special license plates with the original and renewal fees and fee distribution as follows:

(1) The Illinois Department of Natural Resources.

(A) Original issuance: $25; with $10 to the Roadside Monarch Habitat Fund and $15 to the Secretary of State Special License Plate Fund.

(B) Renewal: $25; with $23 to the Roadside Monarch Habitat Fund and $2 to the Secretary of State Special License Plate Fund.

(2) Illinois Veterans' Homes.

(A) Original issuance: $26, which shall be deposited into the Illinois Veterans' Homes Fund.

(B) Renewal: $26, which shall be deposited into the Illinois Veterans' Homes Fund.

(3) The Illinois Department of Human Services for volunteerism decals.

(A) Original issuance: $25, which shall be deposited into the Secretary of State Special License Plate Fund.

(B) Renewal: $25, which shall be deposited into the Secretary of State Special License Plate Fund.

(4) The Illinois Department of Public Health.

(A) Original issuance: $25; with $10 to the Prostate Cancer Awareness Fund and $15 to the Secretary of State Special License Plate Fund.

(B) Renewal: $25; with $23 to the Prostate Cancer Awareness Fund and $2 to the Secretary of State Special License Plate Fund.

(5) Horsemen's Council of Illinois.

(A) Original issuance: $25; with $10 to the Horsemen's Council of Illinois Fund and $15 to the Secretary of State Special License Plate Fund.

(B) Renewal: $25; with $23 to the Horsemen's Council of Illinois Fund and $2 to the Secretary of State Special License Plate Fund.

(6) The Illinois Department of Human Services for pediatric cancer awareness decals.

(A) Original issuance: $25; with $10 to the Pediatric Cancer Awareness Fund and $15 to the Secretary of State Special License Plate Fund.

(B) Renewal: $25; with $23 to the Pediatric Cancer Awareness Fund and $2 to the Secretary of State Special License Plate Fund.

(f) The following funds are created as special funds in the State treasury:

(1) The Roadside Monarch Habitat Fund. All moneys to be paid as grants to the Illinois Department of Natural Resources to fund roadside monarch and other pollinator habitat development, enhancement, and restoration projects in this State.

(2) The Prostate Cancer Awareness Fund. All moneys to be paid as grants to the Prostate Cancer Foundation of Chicago.

(3) The Horsemen's Council of Illinois Fund. All moneys shall be paid as grants to the Horsemen's Council of Illinois.

(4) The Pediatric Cancer Awareness Fund. All moneys to be paid as grants to the University of Illinois Cancer Center for pediatric cancer treatment and research.

(Source: P.A. 99-483, eff. 7-1-16; 99-723, eff. 8-5-16; 99-814, eff. 1-1-17; 100-57, eff. 1-1-18; 100-60, eff. 1-1-18; 100-78, eff. 1-1-18; 100-201, eff. 8-18-17; 100-863, eff. 8-14-18.)".

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.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator McClure, **Senate Bill No. 946** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Gillespie	McClure	Sims
Aquino	Glowiak	McConchie	Stadelman
Barickman	Harmon	McGuire	Steans
Belt	Harris	Morrison	Stewart
Bennett	Hastings	Mulroe	Syverson
Bertino-Tarrant	Holmes	Muñoz	Tracy
Brady	Hunter	Murphy	Van Pelt
Bush	Hutchinson	Oberweis	Villivalam
Castro	Jones, E.	Peters	Weaver
Crowe	Koehler	Plummer	Wilcox
Cunningham	Landek	Rezin	Mr. President
DeWitte	Lightford	Righter	
Ellman	Link	Rose	
Fine	Manar	Sandoval	
Fowler	Martinez	Schimpf	

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

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

On motion of Senator Holmes, **Senate Bill No. 1226** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 40; NAYS 11; Present 1.

The following voted in the affirmative:

Anderson	Ellman	Koehler	Rezin
Aquino	Fine	Landek	Rose
Belt	Fowler	Lightford	Schimpf
Bennett	Gillespie	Link	Sims
Bertino-Tarrant	Glowiak	Manar	Stadelman
Castro	Harmon	McClure	Villivalam
Collins	Hastings	McGuire	Mr. President
Crowe	Holmes	Morrison	
Cullerton, T.	Hunter	Mulroe	
Cunningham	Hutchinson	Murphy	
DeWitte	Jones, E.	Peters	

The following voted in the negative:

Barickman	McConchie	Righter	Weaver
Brady	Oberweis	Stewart	Wilcox
Martinez	Plummer	Syverson	

The following voted present:

Van Pelt

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

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

On motion of Senator Hastings, **Senate Bill No. 1255** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Rose
Aquino	Fowler	Martinez	Sandoval
Barickman	Gillespie	McClure	Schimpf
Belt	Glowiak	McConchie	Sims
Bennett	Harmon	McGuire	Stadelman
Bertino-Tarrant	Hastings	Morrison	Steans
Brady	Holmes	Mulroe	Stewart
Bush	Hunter	Muñoz	Syverson
Castro	Hutchinson	Murphy	Van Pelt
Collins	Jones, E.	Oberweis	Villivalam
Crowe	Koehler	Peters	Weaver
Cullerton, T.	Landek	Plummer	Wilcox
Cunningham	Lightford	Rezin	Mr. President
DeWitte	Link	Righter	

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

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

On motion of Senator Link, **Senate Bill No. 1536**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Pending roll call, on motion of Senator Link, further consideration of **Senate Bill No. 1536** was postponed.

On motion of Senator Hunter, **Senate Bill No. 1473** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 44; NAYS 10.

The following voted in the affirmative:

Anderson	Fine	Landek	Rose
Aquino	Fowler	Lightford	Sims
Belt	Gillespie	Link	Stadelman
Bennett	Glowiak	Martinez	Steans
Bertino-Tarrant	Harmon	McGuire	Tracy
Bush	Harris	Morrison	Van Pelt
Castro	Hastings	Mulroe	Villivalam
Collins	Holmes	Muñoz	Mr. President
Crowe	Hunter	Murphy	
Cullerton, T.	Hutchinson	Oberweis	
Cunningham	Jones, E.	Peters	
Ellman	Koehler	Rezin	

The following voted in the negative:

Barickman	McClure	Sandoval	Wilcox
Curran	McConchie	Schimpf	
DeWitte	Plummer	Syverson	

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

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

SENATE BILL RECALLED

On motion of Senator Bush, **Senate Bill No. 1828** was recalled from the order of third reading to the order of second reading.

Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1828

AMENDMENT NO. 1. Amend Senate Bill 1828 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Overdose Prevention and Harm Reduction Act.

Section 5. Needle and hypodermic syringe access program.

(a) Any governmental or nongovernmental organization, including a local health department, community-based organization, or a person or entity, that promotes scientifically proven ways of mitigating health risks associated with drug use and other high-risk behaviors may establish and operate a needle and hypodermic syringe access program. The objective of the program shall be accomplishing all of the following:

(1) reducing the spread of HIV, AIDS, viral hepatitis, and other bloodborne diseases;

(2) reducing the potential for needle stick injuries from discarded contaminated equipment; and

(3) facilitating connections or linkages to evidence-based treatment.

(b) Programs established under this Act shall provide all of the following:

(1) Disposal of used needles and hypodermic syringes.

(2) Needles, hypodermic syringes, and other safer drug consumption supplies, at no cost and in quantities sufficient to ensure that needles, hypodermic syringes, or other supplies are not shared or reused.

(3) Educational materials or training on:

(A) overdose prevention and intervention; and

(B) the prevention of HIV, AIDS, viral hepatitis, and other common bloodborne diseases resulting from shared drug consumption equipment and supplies.

(4) Access to opioid antagonists approved for the reversal of an opioid overdose, or referrals to programs that provide access to opioid antagonists approved for the reversal of an opioid overdose.

(5) Linkages to needed services, including mental health treatment, housing programs, substance use disorder treatment, and other relevant community services.

(6) Individual consultations from a trained employee tailored to individual needs.

(7) If feasible, a hygienic, separate space for individuals who need to administer a prescribed injectable medication that can also be used as a quiet space to gather composure in the event of an adverse on-site incident, such as a nonfatal overdose.

(8) If feasible, access to on-site drug adulterant testing supplies such as reagents, test strips, or quantification instruments that provide critical real-time information on the composition of substances obtained for consumption.

(c) Notwithstanding any provision of the Illinois Controlled Substances Act, the Drug Paraphernalia Control Act, or any other law, no employee or volunteer of or participant in a program established under this Act shall be charged with or prosecuted for possession of any of the following:

(1) Needles, hypodermic syringes, or other drug consumption paraphernalia obtained from

or returned, directly or indirectly, to a program established under this Act.

(2) Residual amounts of a controlled substance contained in used needles, used hypodermic syringes, or other used drug consumption paraphernalia obtained from or returned, directly or indirectly, to a program established under this Act.

(3) Drug adulterant testing supplies such as reagents, test strips, or quantification instruments obtained from or returned, directly or indirectly, to a program established under this Act.

(4) Any residual amounts of controlled substances used in the course of testing the controlled substance to determine the chemical composition and potential threat of the substances obtained for consumption that are obtained from or returned, directly or indirectly, to a program established under this Act.

In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer who, acting on good faith, arrests or charges a person who is thereafter determined to be entitled to immunity from prosecution under this subsection (c) shall not be subject to civil liability for the arrest or filing of charges.

(d) Prior to the commencing of operations of a program established under this Act, the governmental or nongovernmental organization shall submit to the Illinois Department of Public Health all of the following information:

(1) the name of the organization, agency, group, person, or entity operating the program;

(2) the areas and populations to be served by the program; and

(3) the methods by which the program will meet the requirements of subsection (b) of this Section.

The Department of Public Health may adopt rules to implement this subsection.

Section 100. The Substance Use Disorder Act is amended by changing Section 5-23 as follows:
(20 ILCS 301/5-23)

Sec. 5-23. Drug Overdose Prevention Program.

(a) Reports ~~of drug overdose~~.

(1) The Department may publish annually a report on drug overdose trends statewide that reviews State death rates from available data to ascertain changes in the causes or rates of fatal and nonfatal drug overdose. The report shall also provide information on interventions that would be effective in reducing the rate of fatal or nonfatal drug overdose and <u>on the current substance use disorder treatment capacity within the State. The report</u> shall include an analysis of drug overdose information reported to the Department of Public Health pursuant to subsection (e) of Section 3-3013 of the Counties Code, Section 6.14g of the Hospital Licensing Act, and subsection (j) of Section 22-30 of the School Code.

(2) The report may include:

(A) Trends in drug overdose death rates.

(B) Trends in emergency room utilization related to drug overdose and the cost impact of emergency room utilization.

(C) Trends in utilization of pre-hospital and emergency services and the cost impact of emergency services utilization.

(D) Suggested improvements in data collection.

(E) A description of other interventions effective in reducing the rate of fatal or nonfatal drug overdose.

(F) A description of efforts undertaken to educate the public about unused medication and about how to properly dispose of unused medication, including the number of registered collection receptacles in this State, mail-back programs, and drug take-back events.

<u>(G) An inventory of the State's substance use disorder treatment capacity, including, but not limited to:</u>

<u>(i) The number and type of licensed treatment programs in each geographic area of the State.</u>

<u>(ii) The availability of medication-assisted treatment at each licensed program and which types of medication-assisted treatment are available.</u>

<u>(iii) The number of recovery homes that accept individuals using medication-assisted treatment in their recovery.</u>

<u>(iv) The number of medical professionals currently authorized to prescribe buprenorphine and the number of individuals who fill prescriptions for that medication at retail pharmacies as prescribed.</u>

<u>(v) Any partnerships between programs licensed by the Department and other providers of medication-assisted treatment.</u>

(vi) Any challenges in providing medication-assisted treatment reported by programs licensed by the Department and any potential solutions.

(b) Programs; drug overdose prevention.

(1) The Department may establish a program to provide for the production and publication, in electronic and other formats, of drug overdose prevention, recognition, and response literature. The Department may develop and disseminate curricula for use by professionals, organizations, individuals, or committees interested in the prevention of fatal and nonfatal drug overdose, including, but not limited to, drug users, jail and prison personnel, jail and prison inmates, drug treatment professionals, emergency medical personnel, hospital staff, families and associates of drug users, peace officers, firefighters, public safety officers, needle exchange program staff, and other persons. In addition to information regarding drug overdose prevention, recognition, and response, literature produced by the Department shall stress that drug use remains illegal and highly dangerous and that complete abstinence from illegal drug use is the healthiest choice. The literature shall provide information and resources for substance use disorder treatment.

The Department may establish or authorize programs for prescribing, dispensing, or distributing opioid antagonists for the treatment of drug overdose. Such programs may include the prescribing of opioid antagonists for the treatment of drug overdose to a person who is not at risk of opioid overdose but who, in the judgment of the health care professional, may be in a position to assist another individual during an opioid-related drug overdose and who has received basic instruction on how to administer an opioid antagonist.

(2) The Department may provide advice to State and local officials on the growing drug overdose crisis, including the prevalence of drug overdose incidents, programs promoting the disposal of unused prescription drugs, trends in drug overdose incidents, and solutions to the drug overdose crisis.

(3) The Department may support drug overdose prevention, recognition, and response projects by facilitating the acquisition of opioid antagonist medication approved for opioid overdose reversal, facilitating the acquisition of opioid antagonist medication approved for opioid overdose reversal, providing trainings in overdose prevention best practices, connecting programs to medical resources, establishing a statewide standing order for the acquisition of needed medication, establishing learning collaboratives between localities and programs, and assisting programs in navigating any regulatory requirements for establishing or expanding such programs.

(4) In supporting best practices in drug overdose prevention programming, the Department may promote the following programmatic elements:

(A) Training individuals who currently use drugs in the administration of opioid antagonists approved for the reversal of an opioid overdose.

(B) Directly distributing opioid antagonists approved for the reversal of an opioid overdose rather than providing prescriptions to be filled at a pharmacy.

(C) Conducting street and community outreach to work directly with individuals who are using drugs.

(D) Employing community health workers or peer recovery specialists who are familiar with the communities served and can provide culturally competent services.

(E) Collaborating with other community-based organizations, substance use disorder treatment centers, or other health care providers engaged in treating individuals who are using drugs.

(F) Providing linkages for individuals to obtain evidence-based substance use disorder treatment.

(G) Engaging individuals exiting jails or prisons who are at a high risk of overdose.

(H) Providing education and training to community-based organizations who work directly with individuals who are using drugs and those individuals' families and communities.

(I) Providing education and training on drug overdose prevention and response to emergency personnel and law enforcement.

(J) Informing communities of the important role emergency personnel play in responding to accidental overdose.

(K) Producing and distributing targeted mass media materials on drug overdose prevention and response, the potential dangers of leaving unused prescription drugs in the home, and the proper methods for disposing of unused prescription drugs.

(c) Grants.

(1) The Department may award grants, in accordance with this subsection, to create or support local drug overdose prevention, recognition, and response projects. Local health departments, correctional institutions, hospitals, universities, community-based organizations, and faith-based

organizations may apply to the Department for a grant under this subsection at the time and in the manner the Department prescribes.

(2) In awarding grants, the Department shall consider the necessity for overdose prevention projects in various settings and shall encourage all grant applicants to develop interventions that will be effective and viable in their local areas.

(3) (Blank). ~~The Department shall give preference for grants to proposals that, in addition to providing life-saving interventions and responses, provide information to drug users on how to access substance use disorder treatment or other strategies for abstaining from illegal drugs. The Department shall give preference to proposals that include one or more of the following elements:~~

~~(A) Policies and projects to encourage persons, including drug users, to call 911 when they witness a potentially fatal drug overdose.~~

~~(B) Drug overdose prevention, recognition, and response education projects in drug treatment centers, outreach programs, and other organizations that work with, or have access to, drug users and their families and communities.~~

~~(C) Drug overdose recognition and response training, including rescue breathing, in drug treatment centers and for other organizations that work with, or have access to, drug users and their families and communities.~~

~~(D) The production and distribution of targeted or mass media materials on drug overdose prevention and response, the potential dangers of keeping unused prescription drugs in the home, and methods to properly dispose of unused prescription drugs.~~

~~(E) Prescription and distribution of opioid antagonists.~~

~~(F) The institution of education and training projects on drug overdose response and treatment for emergency services and law enforcement personnel.~~

~~(G) A system of parent, family, and survivor education and mutual support groups.~~

(4) In addition to moneys appropriated by the General Assembly, the Department may seek grants from private foundations, the federal government, and other sources to fund the grants under this Section and to fund an evaluation of the programs supported by the grants.

(d) Health care professional prescription of opioid antagonists.

(1) A health care professional who, acting in good faith, directly or by standing order, prescribes or dispenses an opioid antagonist to: (a) a patient who, in the judgment of the health care professional, is capable of administering the drug in an emergency, or (b) a person who is not at risk of opioid overdose but who, in the judgment of the health care professional, may be in a position to assist another individual during an opioid-related drug overdose and who has received basic instruction on how to administer an opioid antagonist shall not, as a result of his or her acts or omissions, be subject to: (i) any disciplinary or other adverse action under the Medical Practice Act of 1987, the Physician Assistant Practice Act of 1987, the Nurse Practice Act, the Pharmacy Practice Act, or any other professional licensing statute or (ii) any criminal liability, except for willful and wanton misconduct.

(2) A person who is not otherwise licensed to administer an opioid antagonist may in an emergency administer without fee an opioid antagonist if the person has received the patient information specified in paragraph (4) of this subsection and believes in good faith that another person is experiencing a drug overdose. The person shall not, as a result of his or her acts or omissions, be (i) liable for any violation of the Medical Practice Act of 1987, the Physician Assistant Practice Act of 1987, the Nurse Practice Act, the Pharmacy Practice Act, or any other professional licensing statute, or (ii) subject to any criminal prosecution or civil liability, except for willful and wanton misconduct.

(3) A health care professional prescribing an opioid antagonist to a patient shall ensure that the patient receives the patient information specified in paragraph (4) of this subsection. Patient information may be provided by the health care professional or a community-based organization, substance use disorder program, or other organization with which the health care professional establishes a written agreement that includes a description of how the organization will provide patient information, how employees or volunteers providing information will be trained, and standards for documenting the provision of patient information to patients. Provision of patient information shall be documented in the patient's medical record or through similar means as determined by agreement between the health care professional and the organization. The Department, in consultation with statewide organizations representing physicians, pharmacists, advanced practice registered nurses, physician assistants, substance use disorder programs, and other interested groups, shall develop and disseminate to health care professionals, community-based organizations, substance use disorder programs, and other organizations training materials in video, electronic, or other formats to facilitate the provision of such patient information.

(4) For the purposes of this subsection:

"Opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration.

"Health care professional" means a physician licensed to practice medicine in all its branches, a licensed physician assistant with prescriptive authority, a licensed advanced practice registered nurse with prescriptive authority, an advanced practice registered nurse or physician assistant who practices in a hospital, hospital affiliate, or ambulatory surgical treatment center and possesses appropriate clinical privileges in accordance with the Nurse Practice Act, or a pharmacist licensed to practice pharmacy under the Pharmacy Practice Act.

"Patient" includes a person who is not at risk of opioid overdose but who, in the judgment of the physician, advanced practice registered nurse, or physician assistant, may be in a position to assist another individual during an overdose and who has received patient information as required in paragraph (2) of this subsection on the indications for and administration of an opioid antagonist.

"Patient information" includes information provided to the patient on drug overdose prevention and recognition; how to perform rescue breathing and resuscitation; opioid antagonist dosage and administration; the importance of calling 911; care for the overdose victim after administration of the overdose antagonist; and other issues as necessary.

(e) Drug overdose response policy.

(1) Every State and local government agency that employs a law enforcement officer or fireman as those terms are defined in the Line of Duty Compensation Act must possess opioid antagonists and must establish a policy to control the acquisition, storage, transportation, and administration of such opioid antagonists and to provide training in the administration of opioid antagonists. A State or local government agency that employs a fireman as defined in the Line of Duty Compensation Act but does not respond to emergency medical calls or provide medical services shall be exempt from this subsection.

(2) Every publicly or privately owned ambulance, special emergency medical services vehicle, non-transport vehicle, or ambulance assist vehicle, as described in the Emergency Medical Services (EMS) Systems Act, that responds to requests for emergency services or transports patients between hospitals in emergency situations must possess opioid antagonists.

(3) Entities that are required under paragraphs (1) and (2) to possess opioid antagonists may also apply to the Department for a grant to fund the acquisition of opioid antagonists and training programs on the administration of opioid antagonists.

(Source: P.A. 99-173, eff. 7-29-15; 99-480, eff. 9-9-15; 99-581, eff. 1-1-17; 99-642, eff. 7-28-16; 100-201, eff. 8-18-17; 100-513, eff. 1-1-18; 100-759, eff. 1-1-19.)

Section 200. The Hypodermic Syringes and Needles Act is amended by changing Sections 1 and 2 as follows:

(720 ILCS 635/1) (from Ch. 38, par. 22-50)

Sec. 1. Possession of hypodermic syringes and needles.

(a) Except as provided in subsection (b), no person, not being a physician, dentist, chiropodist or veterinarian licensed under the laws of this State or of the state where he resides, or a registered professional nurse, or a registered embalmer, manufacturer or dealer in embalming supplies, wholesale druggist, manufacturing pharmacist, registered pharmacist, manufacturer of surgical instruments, industrial user, official of any government having possession of the articles hereinafter mentioned by reason of his or her official duties, nurse or a medical laboratory technician acting under the direction of a physician or dentist, employee of an incorporated hospital acting under the direction of its superintendent or officer in immediate charge, or a carrier or messenger engaged in the transportation of the articles, or the holder of a permit issued under Section 5 of this Act, or a farmer engaged in the use of the instruments on livestock, or a person engaged in chemical, clinical, pharmaceutical or other scientific research, <u>or a staff person, volunteer, or participant in a needle or hypodermic syringe access program,</u> shall have in his or her possession a hypodermic syringe, hypodermic needle, or any instrument adapted for the use of controlled substances or cannabis by subcutaneous injection.

(b) A person who is at least 18 years of age may purchase from a pharmacy and have in his or her possession up to 100 hypodermic syringes or needles.

(Source: P.A. 100-326, eff. 1-1-18.)

(720 ILCS 635/2) (from Ch. 38, par. 22-51)

Sec. 2. Sale of hypodermic syringes and needles.

(a) Except as provided in subsection (b), no syringe, needle or instrument shall be delivered or sold to, or exchanged with, any person except a registered pharmacist, physician, dentist, veterinarian, registered embalmer, manufacturer or dealer in embalming supplies, wholesale druggist, manufacturing pharmacist, industrial user, a nurse upon the written order of a physician or dentist, the holder of a permit issued under Section 5 of this Act, a registered chiropodist, or an employee of an incorporated hospital upon the written order of its superintendent or officer in immediate charge; provided that the provisions of this Act shall not prohibit the sale, possession or use of hypodermic syringes or hypodermic needles for treatment of livestock or poultry by the owner or keeper thereof or a person engaged in chemical, clinical, pharmaceutical or other scientific research, or a staff person, volunteer, or participant in a needle or hypodermic syringe access program.

(b) A pharmacist may sell up to 100 sterile hypodermic syringes or needles to a person who is at least 18 years of age. A syringe or needle sold under this subsection (b) must be stored at a pharmacy and in a manner that limits access to the syringes or needles to pharmacists employed at the pharmacy and any persons designated by the pharmacists. A syringe or needle sold at a pharmacy under this subsection (b) may be sold only from the pharmacy department of the pharmacy.
(Source: P.A. 100-326, eff. 1-1-18.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Bush, **Senate Bill No. 1828** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 46; NAYS 3.

The following voted in the affirmative:

Anderson	Fine	Lightford	Rezin
Aquino	Fowler	Link	Rose
Barickman	Gillespie	Martinez	Schimpf
Belt	Glowiak	McClure	Sims
Bertino-Tarrant	Harmon	McConchie	Stadelman
Brady	Harris	McGuire	Steans
Bush	Hastings	Morrison	Van Pelt
Collins	Holmes	Mulroe	Villivalam
Cullerton, T.	Hunter	Muñoz	Weaver
Cunningham	Hutchinson	Murphy	Mr. President
Curran	Jones, E.	Oberweis	
DeWitte	Koehler	Peters	

The following voted in the negative:

Plummer
Syverson
Tracy

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

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

SENATE BILL RECALLED

On motion of Senator Villivalam, **Senate Bill No. 75** was recalled from the order of third reading to the order of second reading.

Senator Villivalam offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 75

AMENDMENT NO. _2_. Amend Senate Bill 75, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 3, by inserting immediately below line 19 the following:

""Sexual assault" means: (1) an act of sexual conduct, as defined in Section 11-0.1 of the Criminal Code of 2012; or (2) any act of sexual penetration, as defined in Section 11-0.1 of the Criminal Code of 2012 and includes, without limitation, acts prohibited under Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Villivalam, **Senate Bill No. 75** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 51; NAYS 3.

The following voted in the affirmative:

Anderson	Ellman	Landek	Peters
Aquino	Fine	Lightford	Rose
Belt	Fowler	Link	Sandoval
Bennett	Gillespie	Manar	Schimpf
Bertino-Tarrant	Glowiak	Martinez	Sims
Brady	Harmon	McClure	Stadelman
Bush	Harris	McConchie	Steans
Castro	Hastings	McGuire	Van Pelt
Crowe	Holmes	Morrison	Villivalam
Cullerton, T.	Hunter	Mulroe	Weaver
Cunningham	Hutchinson	Muñoz	Wilcox
Curran	Jones, E.	Murphy	Mr. President
DeWitte	Koehler	Oberweis	

The following voted in the negative:

Barickman
Plummer
Tracy

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

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

On motion of Senator Bush, **Senate Bill No. 1829** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Schimpf
Aquino	Fowler	Martinez	Sims
Barickman	Gillespie	McClure	Stadelman
Belt	Glowiak	McConchie	Steans
Bennett	Harmon	McGuire	Syverson
Bertino-Tarrant	Harris	Morrison	Tracy
Brady	Hastings	Mulroe	Van Pelt
Bush	Holmes	Muñoz	Villivalam
Castro	Hunter	Murphy	Weaver
Crowe	Hutchinson	Oberweis	Wilcox
Cullerton, T.	Jones, E.	Peters	Mr. President
Cunningham	Koehler	Rezin	
Curran	Landek	Righter	
DeWitte	Lightford	Rose	
Ellman	Link	Sandoval	

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

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

SENATE BILL RECALLED

On motion of Senator Castro, **Senate Bill No. 1909** was recalled from the order of third reading to the order of second reading.

Senator Castro offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 1909

AMENDMENT NO. _4__. Amend Senate Bill 1909, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. This Act may be referred to as the Improving Health Care for Pregnant and Postpartum Individuals Act.

Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.11 as follows:

(5 ILCS 375/6.11)

(Text of Section before amendment by P.A. 100-1170)

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356g, 356g.5, 356g.5-1, 356m, 356u, 356w, 356x, 356z.2, 356z.4, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.22, 356z.25, ~~and~~ 356z.26, ~~and~~ 356z.29 , 356z.32, and 356z.33 of the Illinois Insurance Code. The program of health benefits must comply with Sections 155.22a, 155.37, 355b, 356z.19, 370c, and 370c.1 of the Illinois Insurance Code. The Department of Insurance shall enforce the requirements of this Section.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and

procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.
(Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17; 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised 1-8-19.)

(Text of Section after amendment by P.A. 100-1170)

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356g, 356g.5, 356g.5-1, 356m, 356u, 356w, 356x, 356z.2, 356z.4, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.22, 356z.25, 356z.26, 356z.29, ~~and~~ 356z.32 , and 356z.33 of the Illinois Insurance Code. The program of health benefits must comply with Sections 155.22a, 155.37, 355b, 356z.19, 370c, and 370c.1 of the Illinois Insurance Code. The Department of Insurance shall enforce the requirements of this Section with respect to Sections 370c and 370c.1 of the Illinois Insurance Code; all other requirements of this Section shall be enforced by the Department of Central Management Services.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.
(Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17; 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; 100-1170, eff. 6-1-19.)

Section 10. The Department of Human Services Act is amended by adding Sections 10-23 and 10-24 as follows:

(20 ILCS 1305/10-23 new)

Sec. 10-23. High-risk pregnant or postpartum women. The Department shall expand and update its maternal child health programs to serve any pregnant or postpartum woman identified as high-risk by her primary care provider or hospital according to standards developed by the Department of Public Health under Section 3 of the Developmental Disability Prevention Act. The services shall be provided by registered nurses, licensed social workers, or other staff with behavioral health or medical training, as approved by the Department. The persons providing the services may collaborate with other providers, including, but not limited to, obstetricians, gynecologists, or pediatricians, when providing services to a patient.

(20 ILCS 1305/10-24 new)

Sec. 10-24. Nurse-Family Partnership Pilot Program. Subject to the availability of funds provided for this purpose by public or private sources, the Department may, in its discretion, establish an evidence-based, voluntary, nurse home visitation program that improves the health and well-being of low-income, first-time pregnant women and their children. The program shall be known as the Nurse-Family Partnership Pilot Program and shall include, but not be limited to, the following components:

(1) Eligibility criteria. Program participants must be first-time pregnant women who have yet to reach the 28th week of pregnancy and who are eligible for medical assistance under Article V of the Illinois Public Aid Code.

(2) Maternal health education. Registered nurses shall make home visits to program participants and shall provide education, support, and guidance regarding pregnancy and maternal health, child health and development, parenting, the mother's life course development, and instruction on how to identify and use family and community supports.

(3) Pre-natal and post-natal care. Home visits to program participants shall begin before their 28th week of pregnancy and shall continue on a weekly or biweekly basis until their children reach the age of 2.

Section 15. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-455 as follows:

(20 ILCS 2310/2310-455 new)

Sec. 2310-455. High Risk Infant Follow-up. The Department, in collaboration with the Department of Human Services, the Department of Healthcare and Family Services, and other key providers of maternal child health services, shall revise or add to the rules of the Maternal and Child Health Services Code (77 Ill. Adm. Code 630) that govern the High Risk Infant Follow-up, using current scientific and national and State outcomes data, to expand existing services to improve both maternal and infant outcomes overall

and to reduce racial disparities in outcomes and services provided. The rules shall be revised or adopted on or before June 1, 2021.

Section 20. The Counties Code is amended by changing Section 5-1069.3 as follows:
(55 ILCS 5/5-1069.3)

Sec. 5-1069.3. Required health benefits. If a county, including a home rule county, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g, 356g.5, 356g.5-1, 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, ~~and~~ 356z.26, ~~and~~ 356z.29 , 356z.32, and 356z.33 of the Illinois Insurance Code. The coverage shall comply with Sections 155.22a, 355b, 356z.19, and 370c of the Illinois Insurance Code. The Department of Insurance shall enforce the requirements of this Section. The requirement that health benefits be covered as provided in this Section is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule county to which this Section applies must comply with every provision of this Section.

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

(Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17; 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised 10-3-18.)

Section 25. The Illinois Municipal Code is amended by changing Section 10-4-2.3 as follows:
(65 ILCS 5/10-4-2.3)

Sec. 10-4-2.3. Required health benefits. If a municipality, including a home rule municipality, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g, 356g.5, 356g.5-1, 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, ~~and~~ 356z.26, ~~and~~ 356z.29 , 356z.32, and 356z.33 of the Illinois Insurance Code. The coverage shall comply with Sections 155.22a, 355b, 356z.19, and 370c of the Illinois Insurance Code. The Department of Insurance shall enforce the requirements of this Section. The requirement that health benefits be covered as provided in this is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule municipality to which this Section applies must comply with every provision of this Section.

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

(Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17; 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised 10-4-18.)

Section 30. The School Code is amended by changing Section 10-22.3f as follows:
(105 ILCS 5/10-22.3f)

Sec. 10-22.3f. Required health benefits. Insurance protection and benefits for employees shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g, 356g.5, 356g.5-1, 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, ~~and~~ 356z.26, ~~and~~ 356z.29 , 356z.32, and 356z.33 of the Illinois Insurance Code. Insurance policies shall comply with Section 356z.19 of the Illinois Insurance Code. The coverage shall comply with Sections 155.22a, 355b, and 370c of the Illinois Insurance Code. The Department of Insurance shall enforce the requirements of this Section.

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

(Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised 10-4-18.)

Section 35. The Illinois Insurance Code is amended by adding Sections 356z.4a and 356z.33 as follows: (215 ILCS 5/356z.4a new)

Sec. 356z.4a. Billing for long-acting reversible contraceptives.

(a) "Long-acting reversible contraceptive device" means any intrauterine device or contraceptive implant.

(b) Any group health insurance policy, individual health policy, group policy of accident and health insurance, group health benefit plan, or qualified health plan that is offered through the health insurance marketplace, a small employer group health plan, or a large employer group health plan that is amended, delivered, issued, or renewed on or after the effective date of this amendatory Act of the 101st General Assembly shall allow hospitals separate reimbursement for a long-acting reversible contraceptive device provided immediately postpartum in the inpatient hospital setting before hospital discharge. The payment shall be made in addition to a bundled or Diagnostic Related Group reimbursement for labor and delivery.

(215 ILCS 5/356z.33 new)

Sec. 356z.33. Pregnancy and postpartum coverage.

(a) A group health insurance policy, individual health policy, group policy of accident and health insurance, group health benefit plan, qualified health plan that is offered through the health insurance marketplace, small employer group health plan, or large employer group health plan that is amended, delivered, issued, or renewed on or after the effective date of this amendatory Act of the 101st General Assembly shall provide coverage for medically necessary treatment for postpartum complications, including, but not limited to, infection, depression, and hemorrhaging, up to one year after the woman has given birth to a child as set forth in this Section and consistent with other Sections of this Code, including, but not limited to, Sections 370c and 370c.1. The coverage under this Section shall be subject to other general exclusions, limitations, and financial requirements of the policy, including coordination of benefits, participating provider requirements, and utilization review of health care services, including review of medical necessity, case management, experimental and investigational treatments, managed care provisions, and other terms and conditions.

(b) A group health insurance policy, individual health policy, group policy of accident and health insurance, group health benefit plan, qualified health plan that is offered through the health insurance marketplace, small employer group health plan, or large employer group health plan that is amended, delivered, issued, or renewed on or after the effective date of this amendatory Act of the 101st General Assembly shall provide coverage for medically necessary treatment of mental, emotional, nervous, or substance use disorder or conditions at in-network facilities for a pregnant or postpartum woman up to one year after giving birth to a child consistent with the requirements set forth in this Section and in Sections 370c and 370c.1 of this Code. The services for the treatment of mental, emotional, nervous, or substance use disorder or condition shall be prescribed or ordered by a licensed physician, licensed psychologist, licensed psychiatrist, or licensed advanced practice registered nurse and provided by licensed health care professionals or licensed or certified mental, emotional, nervous, or substance use disorder or conditions providers in licensed, certified, or otherwise State-approved facilities.

As used in this subsection (b), "provider" includes licensed physicians, licensed psychologists, licensed psychiatrists, licensed advanced practice registered nurses, and licensed and certified mental, emotional, nervous, and substance use disorder and conditions providers.

Benefits under this subsection (b) shall be as follows:

(1) The benefits provided for inpatient and outpatient services for the treatment of mental, emotional, nervous, or substance use disorder or conditions related to pregnancy or postpartum complications shall be provided when determined to be medically necessary consistent with the requirements of Sections 370c and 370c.1 of this Code. The facility or provider shall notify the insurer of both the admission and the initial treatment plan within 48 hours after admission or initiation of treatment. Nothing shall prevent an insurer from applying concurrent and post-service utilization review of health care services, including review of medical necessity, case management, experimental and investigational treatments, managed care provisions, and other terms and conditions of the insurance policy.

(2) The benefits for the first 48 hours of initiation of services for an inpatient admission, detoxification/withdrawal management program, or a partial hospitalization admission for the treatment of mental, emotional, nervous, or substance use disorder or conditions related to pregnancy or postpartum complications shall be provided without post-service or concurrent review of medical necessity, as the medical necessity for the first 48 hours of such services shall be determined solely by the covered pregnant or postpartum woman's provider. Nothing shall prevent an insurer from applying concurrent and post-service utilization review, including the review of medical necessity, case management, experimental and investigational treatments, managed care provisions, and other terms and conditions of the insurance

policy of any inpatient admission, detoxification/withdrawal management program admission, or a partial hospitalization admission services for the treatment of mental emotional, nervous, or substance use disorder or conditions related to pregnancy or postpartum complications received 48 hours after the initiation of such services. If an insurer determines that the services are no longer medically necessary, then the covered person shall have the right to external review pursuant to the requirements of the Health Carrier External Review Act.

(3) If an insurer determines that continued inpatient care, detoxification/withdrawal management, partial hospitalization, intensive outpatient treatment, or outpatient treatment in a facility is no longer medically necessary, the insurer shall, within 24 hours, provide written notice to the covered pregnant or postpartum woman and the covered pregnant or postpartum woman's provider of its decision and the right to file an expedited internal appeal of the determination. The insurer shall review and make a determination with respect to the internal appeal within 24 hours and communicate such determination to the covered pregnant or postpartum woman and the covered pregnant or postpartum woman's provider. If the determination is to uphold the denial, the covered pregnant or postpartum woman and the covered pregnant or postpartum woman's provider have the right to file an expedited external appeal. An independent utilization review organization shall make a determination within 72 hours. If the insurer's determination is upheld and it is determined continued inpatient care, detoxification/withdrawal management, partial hospitalization, intensive outpatient treatment, or outpatient treatment is not medically necessary, the insurer shall remain responsible to provide benefits for the inpatient care, detoxification/withdrawal management, partial hospitalization, intensive outpatient treatment, or outpatient treatment through the day following the date the determination is made and the covered pregnant or postpartum woman shall only be responsible for any applicable copayment, deductible, and coinsurance for the stay through that date as applicable under the policy. The covered pregnant or postpartum woman shall not be discharged or released from the inpatient facility, detoxification/withdrawal management, partial hospitalization, intensive outpatient treatment, or outpatient treatment until all internal appeals and independent utilization review organization appeals are exhausted. A decision to reverse an adverse determination shall comply with the Health Carrier External Review Act.

(4) Except as otherwise stated in this subsection (b), the benefits and cost-sharing shall be provided to the same extent as for any other medical condition covered under the policy.

(5) The benefits required by this subsection (b) are to be provided to all covered pregnant or postpartum woman with a diagnosis of mental, emotional, nervous, or substance use disorder or conditions. The presence of additional related or unrelated diagnoses shall not be a basis to reduce or deny the benefits required by this subsection (b).

(c) A group health insurance policy, individual health policy, group policy of accident and health insurance, group health benefit plan, qualified health plan that is offered through the health insurance marketplace, small employer group health plan, or large employer group health plan that is amended, delivered, issued, executed, or renewed in this State or approved for issuance or renewal in this State on or after the effective date of this amendatory Act of the 101st General Assembly shall provide coverage for case management and outreach for a postpartum woman that had a high-risk pregnancy. The coverage under this subsection (c) shall take into consideration the cultural differences of the covered postpartum woman in case coordination. As used in this subsection (c), "high-risk pregnancy" means a pregnancy in which the mother or baby is at increased risk for poor health or complications during pregnancy or childbirth.

Section 40. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows: (215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 136, 137, 139, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a, 355.2, 355.3, 355b, 356g.5-1, 356m, 356v, 356w, 356x, 356y, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.18, 356z.19, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30, 356z.32, 356z.33, 364, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 370c, 370c.1, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health

Services Plans Act;

(2) a corporation organized under the laws of this State; or

(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's

unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section.

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

(Source: P.A. 99-761, eff. 1-1-18; 100-24, eff. 7-18-17; 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1026, eff. 8-22-18; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised 10-4-18.)

Section 45. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

(215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 136, 139, 140, 143, 143c, 149, 155.22a, 155.37, 354, 355.2, 355.3, 355b, 356g, 356g.5, 356g.5-1, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.18, 356z.19, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30, 356z.32, 356z.33, 364.01, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

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

(Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1026, eff. 8-22-18; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised 10-4-18.)

Section 50. The Illinois Public Aid Code is amended by changing Sections 5-2, 5-5, and 5-5.24 and by adding Section 5-5.27 as follows:

(305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

Sec. 5-2. Classes of Persons Eligible.

Medical assistance under this Article shall be available to any of the following classes of persons in respect to whom a plan for coverage has been submitted to the Governor by the Illinois Department and approved by him. If changes made in this Section 5-2 require federal approval, they shall not take effect until such approval has been received:

1. Recipients of basic maintenance grants under Articles III and IV.

2. Beginning January 1, 2014, persons otherwise eligible for basic maintenance under Article III, excluding any eligibility requirements that are inconsistent with any federal law or federal regulation, as interpreted by the U.S. Department of Health and Human Services, but who fail to qualify thereunder on the basis of need, and who have insufficient income and resources to meet the costs of necessary medical care, including but not limited to the following:

(a) All persons otherwise eligible for basic maintenance under Article III but who fail to qualify under that Article on the basis of need and who meet either of the following requirements:

(i) their income, as determined by the Illinois Department in accordance with any federal requirements, is equal to or less than 100% of the federal poverty level; or

(ii) their income, after the deduction of costs incurred for medical care and for other types of remedial care, is equal to or less than 100% of the federal poverty level.

(b) (Blank).

3. (Blank).

4. Persons not eligible under any of the preceding paragraphs who fall sick, are injured, or die, not having sufficient money, property or other resources to meet the costs of necessary medical care or funeral and burial expenses.

5.(a) Women during pregnancy and during the 12-month ~~60-day~~ period beginning on the last day of the pregnancy, together with their infants, whose income is at or below 200% of the federal poverty level. Until September 30, 2019, or sooner if the maintenance of effort requirements under the Patient Protection and Affordable Care Act are eliminated or may be waived before then, women during pregnancy and during the 12-month ~~60-day~~ period beginning on the last day of the pregnancy, whose

countable monthly income, after the deduction of costs incurred for medical care and for other types of remedial care as specified in administrative rule, is equal to or less than the Medical Assistance-No Grant(C) (MANG(C)) Income Standard in effect on April 1, 2013 as set forth in administrative rule.

(b) The plan for coverage shall provide ambulatory prenatal care to pregnant women during a presumptive eligibility period and establish an income eligibility standard that is equal to 200% of the federal poverty level, provided that costs incurred for medical care are not taken into account in determining such income eligibility.

(c) The Illinois Department may conduct a demonstration in at least one county that will provide medical assistance to pregnant women, together with their infants and children up to one year of age, where the income eligibility standard is set up to 185% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget. The Illinois Department shall seek and obtain necessary authorization provided under federal law to implement such a demonstration. Such demonstration may establish resource standards that are not more restrictive than those established under Article IV of this Code.

6. (a) Children younger than age 19 when countable income is at or below 133% of the federal poverty level. Until September 30, 2019, or sooner if the maintenance of effort requirements under the Patient Protection and Affordable Care Act are eliminated or may be waived before then, children younger than age 19 whose countable monthly income, after the deduction of costs incurred for medical care and for other types of remedial care as specified in administrative rule, is equal to or less than the Medical Assistance-No Grant(C) (MANG(C)) Income Standard in effect on April 1, 2013 as set forth in administrative rule.

(b) Children and youth who are under temporary custody or guardianship of the Department of Children and Family Services or who receive financial assistance in support of an adoption or guardianship placement from the Department of Children and Family Services.

7. (Blank).

8. As required under federal law, persons who are eligible for Transitional Medical Assistance as a result of an increase in earnings or child or spousal support received. The plan for coverage for this class of persons shall:

(a) extend the medical assistance coverage to the extent required by federal law; and

(b) offer persons who have initially received 6 months of the coverage provided in paragraph (a) above, the option of receiving an additional 6 months of coverage, subject to the following:

(i) such coverage shall be pursuant to provisions of the federal Social Security Act;

(ii) such coverage shall include all services covered under Illinois' State Medicaid Plan;

(iii) no premium shall be charged for such coverage; and

(iv) such coverage shall be suspended in the event of a person's failure without good cause to file in a timely fashion reports required for this coverage under the Social Security Act and coverage shall be reinstated upon the filing of such reports if the person remains otherwise eligible.

9. Persons with acquired immunodeficiency syndrome (AIDS) or with AIDS-related conditions with respect to whom there has been a determination that but for home or community-based services such individuals would require the level of care provided in an inpatient hospital, skilled nursing facility or intermediate care facility the cost of which is reimbursed under this Article. Assistance shall be provided to such persons to the maximum extent permitted under Title XIX of the Federal Social Security Act.

10. Participants in the long-term care insurance partnership program established under the Illinois Long-Term Care Partnership Program Act who meet the qualifications for protection of resources described in Section 15 of that Act.

11. Persons with disabilities who are employed and eligible for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of the Social Security Act, and, subject to federal approval, persons with a medically improved disability who are employed and eligible for Medicaid pursuant to Section 1902(a)(10)(A)(ii)(xvi) of the Social Security Act, as provided by the Illinois Department by rule. In establishing eligibility standards under this paragraph 11, the Department shall, subject to federal approval:

(a) set the income eligibility standard at not lower than 350% of the federal poverty level;

(b) exempt retirement accounts that the person cannot access without penalty before

the age of 59 1/2, and medical savings accounts established pursuant to 26 U.S.C. 220;

(c) allow non-exempt assets up to $25,000 as to those assets accumulated during periods of eligibility under this paragraph 11; and

(d) continue to apply subparagraphs (b) and (c) in determining the eligibility of the person under this Article even if the person loses eligibility under this paragraph 11.

12. Subject to federal approval, persons who are eligible for medical assistance coverage under applicable provisions of the federal Social Security Act and the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000. Those eligible persons are defined to include, but not be limited to, the following persons:

(1) persons who have been screened for breast or cervical cancer under the U.S. Centers for Disease Control and Prevention Breast and Cervical Cancer Program established under Title XV of the federal Public Health Services Act in accordance with the requirements of Section 1504 of that Act as administered by the Illinois Department of Public Health; and

(2) persons whose screenings under the above program were funded in whole or in part by funds appropriated to the Illinois Department of Public Health for breast or cervical cancer screening.

"Medical assistance" under this paragraph 12 shall be identical to the benefits provided under the State's approved plan under Title XIX of the Social Security Act. The Department must request federal approval of the coverage under this paragraph 12 within 30 days after the effective date of this amendatory Act of the 92nd General Assembly.

In addition to the persons who are eligible for medical assistance pursuant to subparagraphs (1) and (2) of this paragraph 12, and to be paid from funds appropriated to the Department for its medical programs, any uninsured person as defined by the Department in rules residing in Illinois who is younger than 65 years of age, who has been screened for breast and cervical cancer in accordance with standards and procedures adopted by the Department of Public Health for screening, and who is referred to the Department by the Department of Public Health as being in need of treatment for breast or cervical cancer is eligible for medical assistance benefits that are consistent with the benefits provided to those persons described in subparagraphs (1) and (2). Medical assistance coverage for the persons who are eligible under the preceding sentence is not dependent on federal approval, but federal moneys may be used to pay for services provided under that coverage upon federal approval.

13. Subject to appropriation and to federal approval, persons living with HIV/AIDS who are not otherwise eligible under this Article and who qualify for services covered under Section 5-5.04 as provided by the Illinois Department by rule.

14. Subject to the availability of funds for this purpose, the Department may provide coverage under this Article to persons who reside in Illinois who are not eligible under any of the preceding paragraphs and who meet the income guidelines of paragraph 2(a) of this Section and (i) have an application for asylum pending before the federal Department of Homeland Security or on appeal before a court of competent jurisdiction and are represented either by counsel or by an advocate accredited by the federal Department of Homeland Security and employed by a not-for-profit organization in regard to that application or appeal, or (ii) are receiving services through a federally funded torture treatment center. Medical coverage under this paragraph 14 may be provided for up to 24 continuous months from the initial eligibility date so long as an individual continues to satisfy the criteria of this paragraph 14. If an individual has an appeal pending regarding an application for asylum before the Department of Homeland Security, eligibility under this paragraph 14 may be extended until a final decision is rendered on the appeal. The Department may adopt rules governing the implementation of this paragraph 14.

15. Family Care Eligibility.

(a) On and after July 1, 2012, a parent or other caretaker relative who is 19 years of age or older when countable income is at or below 133% of the federal poverty level. A person may not spend down to become eligible under this paragraph 15.

(b) Eligibility shall be reviewed annually.

(c) (Blank).

(d) (Blank).

(e) (Blank).

(f) (Blank).

(g) (Blank).

(h) (Blank).

(i) Following termination of an individual's coverage under this paragraph 15, the individual must be determined eligible before the person can be re-enrolled.

16. Subject to appropriation, uninsured persons who are not otherwise eligible under this Section who have been certified and referred by the Department of Public Health as having been screened and found to need diagnostic evaluation or treatment, or both diagnostic evaluation and treatment, for prostate or testicular cancer. For the purposes of this paragraph 16, uninsured persons are those who do not have creditable coverage, as defined under the Health Insurance Portability and Accountability Act, or have otherwise exhausted any insurance benefits they may have had, for prostate or testicular cancer diagnostic evaluation or treatment, or both diagnostic evaluation and treatment. To be eligible, a person must furnish a Social Security number. A person's assets are exempt from consideration in determining eligibility under this paragraph 16. Such persons shall be eligible for medical assistance under this paragraph 16 for so long as they need treatment for the cancer. A person shall be considered to need treatment if, in the opinion of the person's treating physician, the person requires therapy directed toward cure or palliation of prostate or testicular cancer, including recurrent metastatic cancer that is a known or presumed complication of prostate or testicular cancer and complications resulting from the treatment modalities themselves. Persons who require only routine monitoring services are not considered to need treatment. "Medical assistance" under this paragraph 16 shall be identical to the benefits provided under the State's approved plan under Title XIX of the Social Security Act. Notwithstanding any other provision of law, the Department (i) does not have a claim against the estate of a deceased recipient of services under this paragraph 16 and (ii) does not have a lien against any homestead property or other legal or equitable real property interest owned by a recipient of services under this paragraph 16.

17. Persons who, pursuant to a waiver approved by the Secretary of the U.S. Department of Health and Human Services, are eligible for medical assistance under Title XIX or XXI of the federal Social Security Act. Notwithstanding any other provision of this Code and consistent with the terms of the approved waiver, the Illinois Department, may by rule:

(a) Limit the geographic areas in which the waiver program operates.

(b) Determine the scope, quantity, duration, and quality, and the rate and method of reimbursement, of the medical services to be provided, which may differ from those for other classes of persons eligible for assistance under this Article.

(c) Restrict the persons' freedom in choice of providers.

18. Beginning January 1, 2014, persons aged 19 or older, but younger than 65, who are not otherwise eligible for medical assistance under this Section 5-2, who qualify for medical assistance pursuant to 42 U.S.C. 1396a(a)(10)(A)(i)(VIII) and applicable federal regulations, and who have income at or below 133% of the federal poverty level plus 5% for the applicable family size as determined pursuant to 42 U.S.C. 1396a(e)(14) and applicable federal regulations. Persons eligible for medical assistance under this paragraph 18 shall receive coverage for the Health Benefits Service Package as that term is defined in subsection (m) of Section 5-1.1 of this Code. If Illinois' federal medical assistance percentage (FMAP) is reduced below 90% for persons eligible for medical assistance under this paragraph 18, eligibility under this paragraph 18 shall cease no later than the end of the third month following the month in which the reduction in FMAP takes effect.

19. Beginning January 1, 2014, as required under 42 U.S.C. 1396a(a)(10)(A)(i)(IX), persons older than age 18 and younger than age 26 who are not otherwise eligible for medical assistance under paragraphs (1) through (17) of this Section who (i) were in foster care under the responsibility of the State on the date of attaining age 18 or on the date of attaining age 21 when a court has continued wardship for good cause as provided in Section 2-31 of the Juvenile Court Act of 1987 and (ii) received medical assistance under the Illinois Title XIX State Plan or waiver of such plan while in foster care.

20. Beginning January 1, 2018, persons who are foreign-born victims of human trafficking, torture, or other serious crimes as defined in Section 2-19 of this Code and their derivative family members if such persons: (i) reside in Illinois; (ii) are not eligible under any of the preceding paragraphs; (iii) meet the income guidelines of subparagraph (a) of paragraph 2; and (iv) meet the nonfinancial eligibility requirements of Sections 16-2, 16-3, and 16-5 of this Code. The Department may extend medical assistance for persons who are foreign-born victims of human trafficking, torture, or other serious crimes whose medical assistance would be terminated pursuant to subsection (b) of Section 16-5 if the Department determines that the person, during the year of initial eligibility (1) experienced a health crisis, (2) has been unable, after reasonable attempts, to obtain necessary information from a third party, or (3) has other extenuating circumstances that prevented the person from completing his or her application for status. The Department may adopt any rules necessary to implement the provisions of this paragraph.

In implementing the provisions of Public Act 96-20, the Department is authorized to adopt only those rules necessary, including emergency rules. Nothing in Public Act 96-20 permits the Department to adopt

rules or issue a decision that expands eligibility for the FamilyCare Program to a person whose income exceeds 185% of the Federal Poverty Level as determined from time to time by the U.S. Department of Health and Human Services, unless the Department is provided with express statutory authority.

The eligibility of any such person for medical assistance under this Article is not affected by the payment of any grant under the Senior Citizens and Persons with Disabilities Property Tax Relief Act or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act.

The Department shall by rule establish the amounts of assets to be disregarded in determining eligibility for medical assistance, which shall at a minimum equal the amounts to be disregarded under the Federal Supplemental Security Income Program. The amount of assets of a single person to be disregarded shall not be less than $2,000, and the amount of assets of a married couple to be disregarded shall not be less than $3,000.

To the extent permitted under federal law, any person found guilty of a second violation of Article VIIIA shall be ineligible for medical assistance under this Article, as provided in Section 8A-8.

The eligibility of any person for medical assistance under this Article shall not be affected by the receipt by the person of donations or benefits from fundraisers held for the person in cases of serious illness, as long as neither the person nor members of the person's family have actual control over the donations or benefits or the disbursement of the donations or benefits.

Notwithstanding any other provision of this Code, if the United States Supreme Court holds Title II, Subtitle A, Section 2001(a) of Public Law 111-148 to be unconstitutional, or if a holding of Public Law 111-148 makes Medicaid eligibility allowed under Section 2001(a) inoperable, the State or a unit of local government shall be prohibited from enrolling individuals in the Medical Assistance Program as the result of federal approval of a State Medicaid waiver on or after the effective date of this amendatory Act of the 97th General Assembly, and any individuals enrolled in the Medical Assistance Program pursuant to eligibility permitted as a result of such a State Medicaid waiver shall become immediately ineligible.

Notwithstanding any other provision of this Code, if an Act of Congress that becomes a Public Law eliminates Section 2001(a) of Public Law 111-148, the State or a unit of local government shall be prohibited from enrolling individuals in the Medical Assistance Program as the result of federal approval of a State Medicaid waiver on or after the effective date of this amendatory Act of the 97th General Assembly, and any individuals enrolled in the Medical Assistance Program pursuant to eligibility permitted as a result of such a State Medicaid waiver shall become immediately ineligible.

Effective October 1, 2013, the determination of eligibility of persons who qualify under paragraphs 5, 6, 8, 15, 17, and 18 of this Section shall comply with the requirements of 42 U.S.C. 1396a(e)(14) and applicable federal regulations.

The Department of Healthcare and Family Services, the Department of Human Services, and the Illinois health insurance marketplace shall work cooperatively to assist persons who would otherwise lose health benefits as a result of changes made under this amendatory Act of the 98th General Assembly to transition to other health insurance coverage.

(Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13; 99-143, eff. 7-27-15; 99-870, eff. 8-22-16.)

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

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women, provided by an individual licensed to practice dentistry or dental surgery; for purposes of this item (10), "dental services" means diagnostic, preventive, or corrective procedures provided by or under the supervision of a dentist in the practice of his or her profession; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services, including to ensure that the individual's need for intervention or treatment of mental disorders or substance use disorders or co-occurring mental health and substance use disorders is determined using a uniform screening, assessment, and evaluation process inclusive of criteria, for children and adults; for purposes of this item (13), a uniform screening, assessment, and evaluation process refers to a process that includes an appropriate evaluation and, as warranted, a referral; "uniform" does not mean the use of a singular instrument, tool, or process that all

must utilize; (14) transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug Administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, reproductive health care that is otherwise legal in Illinois shall be covered under the medical assistance program for persons who are otherwise eligible for medical assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

Upon receipt of federal approval of an amendment to the Illinois Title XIX State Plan for this purpose, the Department shall authorize the Chicago Public Schools (CPS) to procure a vendor or vendors to manufacture eyeglasses for individuals enrolled in a school within the CPS system. CPS shall ensure that its vendor or vendors are enrolled as providers in the medical assistance program and in any capitated Medicaid managed care entity (MCE) serving individuals enrolled in a school within the CPS system. Under any contract procured under this provision, the vendor or vendors must serve only individuals enrolled in a school within the CPS system. Claims for services provided by CPS's vendor or vendors to recipients of benefits in the medical assistance program under this Code, the Children's Health Insurance Program, or the Covering ALL KIDS Health Insurance Program shall be submitted to the Department or the MCE in which the individual is enrolled for payment and shall be reimbursed at the Department's or the MCE's established rates or rate methodologies for eyeglasses.

On and after July 1, 2012, the Department of Healthcare and Family Services may provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

(1) dental services provided by or under the supervision of a dentist; and

(2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

On and after July 1, 2018, the Department of Healthcare and Family Services shall provide dental services to any adult who is otherwise eligible for assistance under the medical assistance program. As used in this paragraph, "dental services" means diagnostic, preventative, restorative, or corrective procedures, including procedures and services for the prevention and treatment of periodontal disease and dental caries disease, provided by an individual who is licensed to practice dentistry or dental surgery or who is under the supervision of a dentist in the practice of his or her profession.

On and after July 1, 2018, targeted dental services, as set forth in Exhibit D of the Consent Decree entered by the United States District Court for the Northern District of Illinois, Eastern Division, in the matter of Memisovski v. Maram, Case No. 92 C 1982, that are provided to adults under the medical assistance program shall be established at no less than the rates set forth in the "New Rate" column in Exhibit D of the Consent Decree for targeted dental services that are provided to persons under the age of 18 under the medical assistance program.

Notwithstanding any other provision of this Code and subject to federal approval, the Department may adopt rules to allow a dentist who is volunteering his or her service at no cost to render dental services through an enrolled not-for-profit health clinic without the dentist personally enrolling as a participating provider in the medical assistance program. A not-for-profit health clinic shall include a public health clinic or Federally Qualified Health Center or other enrolled provider, as determined by the Department, through which dental services covered under this Section are performed. The Department shall establish a process for payment of claims for reimbursement for covered dental services rendered under this provision.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Department of Healthcare and Family Services must provide coverage and reimbursement for amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of (i) eosinophilic disorders and (ii) short bowel syndrome when the prescribing physician has issued a written order stating that the amino acid-based elemental formula is medically necessary.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows:

(A) A baseline mammogram for women 35 to 39 years of age.

(B) An annual mammogram for women 40 years of age or older.

(C) A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

(D) A comprehensive ultrasound screening and MRI of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

(E) A screening MRI when medically necessary, as determined by a physician licensed to practice medicine in all of its branches.

All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with an average radiation exposure delivery of less than one rad per breast for 2 views of an average size breast. The term also includes digital mammography and includes breast tomosynthesis. As used in this Section, the term "breast tomosynthesis" means a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast. If, at any time, the Secretary of the United States Department of Health and Human Services, or its successor agency, promulgates rules or regulations to be published in the Federal Register or publishes a comment in the Federal Register or issues an opinion, guidance, or other action that would require the State, pursuant to any provision of the Patient Protection and Affordable Care Act (Public Law 111-148), including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any successor provision, to defray the cost of any coverage for breast tomosynthesis outlined in this paragraph, then the requirement that an insurer cover breast tomosynthesis is inoperative other than any such coverage authorized under Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and the State shall not assume any obligation for the cost of coverage for breast tomosynthesis set forth in this paragraph.

On and after January 1, 2016, the Department shall ensure that all networks of care for adult clients of the Department include access to at least one breast imaging Center of Imaging Excellence as certified by the American College of Radiology.

On and after January 1, 2012, providers participating in a quality improvement program approved by the Department shall be reimbursed for screening and diagnostic mammography at the same rate as the Medicare program's rates, including the increased reimbursement for digital mammography.

The Department shall convene an expert panel including representatives of hospitals, free-standing mammography facilities, and doctors, including radiologists, to establish quality standards for mammography.

On and after January 1, 2017, providers participating in a breast cancer treatment quality improvement program approved by the Department shall be reimbursed for breast cancer treatment at a rate that is no lower than 95% of the Medicare program's rates for the data elements included in the breast cancer treatment quality program.

The Department shall convene an expert panel, including representatives of hospitals, free-standing breast cancer treatment centers, breast cancer quality organizations, and doctors, including breast surgeons, reconstructive breast surgeons, oncologists, and primary care providers to establish quality standards for breast cancer treatment.

Subject to federal approval, the Department shall establish a rate methodology for mammography at federally qualified health centers and other encounter-rate clinics. These clinics or centers may also collaborate with other hospital-based mammography facilities. By January 1, 2016, the Department shall report to the General Assembly on the status of the provision set forth in this paragraph.

The Department shall establish a methodology to remind women who are age-appropriate for screening mammography, but who have not received a mammogram within the previous 18 months, of the importance and benefit of screening mammography. The Department shall work with experts in breast

cancer outreach and patient navigation to optimize these reminders and shall establish a methodology for evaluating their effectiveness and modifying the methodology based on the evaluation.

The Department shall establish a performance goal for primary care providers with respect to their female patients over age 40 receiving an annual mammogram. This performance goal shall be used to provide additional reimbursement in the form of a quality performance bonus to primary care providers who meet that goal.

The Department shall devise a means of case-managing or patient navigation for beneficiaries diagnosed with breast cancer. This program shall initially operate as a pilot program in areas of the State with the highest incidence of mortality related to breast cancer. At least one pilot program site shall be in the metropolitan Chicago area and at least one site shall be outside the metropolitan Chicago area. On or after July 1, 2016, the pilot program shall be expanded to include one site in western Illinois, one site in southern Illinois, one site in central Illinois, and 4 sites within metropolitan Chicago. An evaluation of the pilot program shall be carried out measuring health outcomes and cost of care for those served by the pilot program compared to similarly situated patients who are not served by the pilot program.

The Department shall require all networks of care to develop a means either internally or by contract with experts in navigation and community outreach to navigate cancer patients to comprehensive care in a timely fashion. The Department shall require all networks of care to include access for patients diagnosed with cancer to at least one academic commission on cancer-accredited cancer program as an in-network covered benefit.

On or after July 1, 2019, women who are otherwise eligible for medical assistance under this Article shall receive coverage for doula services by a certified doula during their pregnancy and during the 12-month period beginning on the last day of their pregnancy. As used in this paragraph, "certified doula" means an individual who has received a certification to perform doula services from the International Childbirth Education Association, the Doulas of North America, the Association of Labor Assistants and Childbirth Educators, BirthWorks, the Childbirth and Postpartum Professional Association, Childbirth International, the International Center for Traditional Childbearing, or Commonsense Childbirth Inc. As used in this paragraph, "doula services" means continuous personal, non-medical emotional and physical support throughout labor and birth, and intermittently during the prenatal and postpartum periods.

On or after July 1, 2019, women who are otherwise eligible for medical assistance under this Article shall receive coverage for perinatal depression screenings for the 12-month period beginning on the last day of their pregnancy. Medical assistance coverage under this paragraph shall be conditioned on the use of a screening instrument approved by the Department.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of having a substance use disorder as defined in the Substance Use Disorder Act, referral to a local substance use disorder treatment program licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Healthcare and Family Services shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under any program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Department of Healthcare and Family Services nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor

organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

(1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.

(2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

(3) Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. Such records must be retained for a period of not less than 6 years from the date of service or as provided by applicable State law, whichever period is longer, except that if an audit is initiated within the required retention period then the records must be retained until the audit is completed and every exception is resolved. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after September 16, 1984 (the effective date of Public Act 83-1439), the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after July 22, 2013 (the effective date of Public Act 98-104), establish procedures to permit skilled care facilities licensed under the Nursing Home Care Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall, by July 1, 2016, test the viability of the new system and implement any necessary operational or structural changes to its information technology platforms in order to allow for the direct acceptance and payment of nursing home claims.

Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after August 15, 2014 (the effective date of Public Act 98-963), establish procedures to permit ID/DD facilities licensed under the ID/DD Community Care Act and MC/DD facilities licensed under the MC/DD Act to

submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall have an additional 365 days to test the viability of the new system and to ensure that any necessary operational or structural changes to its information technology platforms are implemented.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor shall be subject to a provisional period and shall be conditional for one year. During the period of conditional enrollment, the Department may terminate the vendor's eligibility to participate in, or may disenroll the vendor from, the medical assistance program without cause. Unless otherwise specified, such termination of eligibility or disenrollment is not subject to the Department's hearing process. However, a disenrolled vendor may reapply without penalty.

The Department has the discretion to limit the conditional enrollment period for vendors based upon category of risk of the vendor.

Prior to enrollment and during the conditional enrollment period in the medical assistance program, all vendors shall be subject to enhanced oversight, screening, and review based on the risk of fraud, waste, and abuse that is posed by the category of risk of the vendor. The Illinois Department shall establish the procedures for oversight, screening, and review, which may include, but need not be limited to: criminal and financial background checks; fingerprinting; license, certification, and authorization verifications; unscheduled or unannounced site visits; database checks; prepayment audit reviews; audits; payment caps; payment suspensions; and other screening as required by federal or State law.

The Department shall define or specify the following: (i) by provider notice, the "category of risk of the vendor" for each type of vendor, which shall take into account the level of screening applicable to a particular category of vendor under federal law and regulations; (ii) by rule or provider notice, the maximum length of the conditional enrollment period for each category of risk of the vendor; and (iii) by rule, the hearing rights, if any, afforded to a vendor in each category of risk of the vendor that is terminated or disenrolled during the conditional enrollment period.

To be eligible for payment consideration, a vendor's payment claim or bill, either as an initial claim or as a resubmitted claim following prior rejection, must be received by the Illinois Department, or its fiscal intermediary, no later than 180 days after the latest date on the claim on which medical goods or services were provided, with the following exceptions:

(1) In the case of a provider whose enrollment is in process by the Illinois Department, the 180-day period shall not begin until the date on the written notice from the Illinois Department that the provider enrollment is complete.

(2) In the case of errors attributable to the Illinois Department or any of its claims processing intermediaries which result in an inability to receive, process, or adjudicate a claim, the 180-day period shall not begin until the provider has been notified of the error.

(3) In the case of a provider for whom the Illinois Department initiates the monthly billing process.

(4) In the case of a provider operated by a unit of local government with a population exceeding 3,000,000 when local government funds finance federal participation for claims payments.

For claims for services rendered during a period for which a recipient received retroactive eligibility, claims must be filed within 180 days after the Department determines the applicant is eligible. For claims for which the Illinois Department is not the primary payer, claims must be submitted to the Illinois Department within 180 days after the final adjudication by the primary payer.

In the case of long term care facilities, within 45 calendar days of receipt by the facility of required prescreening information, new admissions with associated admission documents shall be submitted through the Medical Electronic Data Interchange (MEDI) or the Recipient Eligibility Verification (REV) System or shall be submitted directly to the Department of Human Services using required admission forms. Effective September 1, 2014, admission documents, including all prescreening information, must be submitted through MEDI or REV. Confirmation numbers assigned to an accepted transaction shall be retained by a facility to verify timely submittal. Once an admission transaction has been completed, all

resubmitted claims following prior rejection are subject to receipt no later than 180 days after the admission transaction has been completed.

Claims that are not submitted and received in compliance with the foregoing requirements shall not be eligible for payment under the medical assistance program, and the State shall have no liability for payment of those claims.

To the extent consistent with applicable information and privacy, security, and disclosure laws, State and federal agencies and departments shall provide the Illinois Department access to confidential and other information and data necessary to perform eligibility and payment verifications and other Illinois Department functions. This includes, but is not limited to: information pertaining to licensure; certification; earnings; immigration status; citizenship; wage reporting; unearned and earned income; pension income; employment; supplemental security income; social security numbers; National Provider Identifier (NPI) numbers; the National Practitioner Data Bank (NPDB); program and agency exclusions; taxpayer identification numbers; tax delinquency; corporate information; and death records.

The Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, under which such agencies and departments shall share data necessary for medical assistance program integrity functions and oversight. The Illinois Department shall develop, in cooperation with other State departments and agencies, and in compliance with applicable federal laws and regulations, appropriate and effective methods to share such data. At a minimum, and to the extent necessary to provide data sharing, the Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, including but not limited to: the Secretary of State; the Department of Revenue; the Department of Public Health; the Department of Human Services; and the Department of Financial and Professional Regulation.

Beginning in fiscal year 2013, the Illinois Department shall set forth a request for information to identify the benefits of a pre-payment, post-adjudication, and post-edit claims system with the goals of streamlining claims processing and provider reimbursement, reducing the number of pending or rejected claims, and helping to ensure a more transparent adjudication process through the utilization of: (i) provider data verification and provider screening technology; and (ii) clinical code editing; and (iii) pre-pay, pre- or post-adjudicated predictive modeling with an integrated case management system with link analysis. Such a request for information shall not be considered as a request for proposal or as an obligation on the part of the Illinois Department to take any action or acquire any products or services.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Subject to prior approval, such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department. Notwithstanding any provision of Section 5-5f to the contrary, the Department may, by rule, exempt certain replacement wheelchair parts from prior approval and, for wheelchairs, wheelchair parts, wheelchair accessories, and related seating and positioning items, determine the wholesale price by methods other than actual acquisition costs.

The Department shall require, by rule, all providers of durable medical equipment to be accredited by an accreditation organization approved by the federal Centers for Medicare and Medicaid Services and recognized by the Department in order to bill the Department for providing durable medical equipment to recipients. No later than 15 months after the effective date of the rule adopted pursuant to this paragraph, all providers must meet the accreditation requirement.

In order to promote environmental responsibility, meet the needs of recipients and enrollees, and achieve significant cost savings, the Department, or a managed care organization under contract with the Department, may provide recipients or managed care enrollees who have a prescription or Certificate of Medical Necessity access to refurbished durable medical equipment under this Section (excluding prosthetic and orthotic devices as defined in the Orthotics, Prosthetics, and Pedorthics Practice Act and complex rehabilitation technology products and associated services) through the State's assistive technology program's reutilization program, using staff with the Assistive Technology Professional (ATP) Certification if the refurbished durable medical equipment: (i) is available; (ii) is less expensive, including shipping costs, than new durable medical equipment of the same type; (iii) is able to withstand at least 3 years of use; (iv) is cleaned, disinfected, sterilized, and safe in accordance with federal Food and Drug Administration regulations and guidance governing the reprocessing of medical devices in health care

settings; and (v) equally meets the needs of the recipient or enrollee. The reutilization program shall confirm that the recipient or enrollee is not already in receipt of same or similar equipment from another service provider, and that the refurbished durable medical equipment equally meets the needs of the recipient or enrollee. Nothing in this paragraph shall be construed to limit recipient or enrollee choice to obtain new durable medical equipment or place any additional prior authorization conditions on enrollees of managed care organizations.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped; and (iii) notwithstanding any other provision of law, subject to federal approval, on and after July 1, 2012, an increase in the determination of need (DON) scores from 29 to 37 for applicants for institutional and home and community-based long term care; if and only if federal approval is not granted, the Department may, in conjunction with other affected agencies, implement utilization controls or changes in benefit packages to effectuate a similar savings amount for this population; and (iv) no later than July 1, 2013, minimum level of care eligibility criteria for institutional and home and community-based long term care; and (v) no later than October 1, 2013, establish procedures to permit long term care providers access to eligibility scores for individuals with an admission date who are seeking or receiving services from the long term care provider. In order to select the minimum level of care eligibility criteria, the Governor shall establish a workgroup that includes affected agency representatives and stakeholders representing the institutional and home and community-based long term care interests. This Section shall not restrict the Department from implementing lower level of care eligibility criteria for community-based services in circumstances where federal approval has been granted.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

(a) actual statistics and trends in utilization of medical services by public aid recipients;

(b) actual statistics and trends in the provision of the various medical services by medical vendors;

(c) current rate structures and proposed changes in those rate structures for the various medical vendors; and

(d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

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

On and after July 1, 2012, the Department shall reduce any rate of reimbursement for services or other payments or alter any methodologies authorized by this Code to reduce any rate of reimbursement for services or other payments in accordance with Section 5-5e.

Because kidney transplantation can be an appropriate, cost-effective alternative to renal dialysis when medically necessary and notwithstanding the provisions of Section 1-11 of this Code, beginning October 1, 2014, the Department shall cover kidney transplantation for noncitizens with end-stage renal disease who are not eligible for comprehensive medical benefits, who meet the residency requirements of Section 5-3 of this Code, and who would otherwise meet the financial requirements of the appropriate class of eligible persons under Section 5-2 of this Code. To qualify for coverage of kidney transplantation, such person must be receiving emergency renal dialysis services covered by the Department. Providers under this Section shall be prior approved and certified by the Department to perform kidney transplantation and the services under this Section shall be limited to services associated with kidney transplantation.

Notwithstanding any other provision of this Code to the contrary, on or after July 1, 2015, all FDA approved forms of medication assisted treatment prescribed for the treatment of alcohol dependence or treatment of opioid dependence shall be covered under both fee for service and managed care medical assistance programs for persons who are otherwise eligible for medical assistance under this Article and shall not be subject to any (1) utilization control, other than those established under the American Society of Addiction Medicine patient placement criteria, (2) prior authorization mandate, or (3) lifetime restriction limit mandate.

On or after July 1, 2015, opioid antagonists prescribed for the treatment of an opioid overdose, including the medication product, administration devices, and any pharmacy fees related to the dispensing and administration of the opioid antagonist, shall be covered under the medical assistance program for persons who are otherwise eligible for medical assistance under this Article. As used in this Section, "opioid antagonist" means a drug that binds to opioid receptors and blocks or inhibits the effect of opioids acting on those receptors, including, but not limited to, naloxone hydrochloride or any other similarly acting drug approved by the U.S. Food and Drug Administration.

Upon federal approval, the Department shall provide coverage and reimbursement for all drugs that are approved for marketing by the federal Food and Drug Administration and that are recommended by the federal Public Health Service or the United States Centers for Disease Control and Prevention for pre-exposure prophylaxis and related pre-exposure prophylaxis services, including, but not limited to, HIV and sexually transmitted infection screening, treatment for sexually transmitted infections, medical monitoring, assorted labs, and counseling to reduce the likelihood of HIV infection among individuals who are not infected with HIV but who are at high risk of HIV infection.

A federally qualified health center, as defined in Section 1905(l)(2)(B) of the federal Social Security Act, shall be reimbursed by the Department in accordance with the federally qualified health center's encounter rate for services provided to medical assistance recipients that are performed by a dental hygienist, as defined under the Illinois Dental Practice Act, working under the general supervision of a dentist and employed by a federally qualified health center.

Notwithstanding any other provision of this Code, the Illinois Department shall authorize licensed dietitian nutritionists and certified diabetes educators to counsel senior diabetes patients in the senior diabetes patients' homes to remove the hurdle of transportation for senior diabetes patients to receive treatment.

The Department shall seek approval of a State Plan amendment to expand coverage for family planning services to women whose income is at or below 200% of the federal poverty level.

(Source: P.A. 99-78, eff. 7-20-15; 99-180, eff. 7-29-15; 99-236, eff. 8-3-15; 99-407 (see Section 20 of P.A. 99-588 for the effective date of P.A. 99-407); 99-433, eff. 8-21-15; 99-480, eff. 9-9-15; 99-588, eff. 7-20-16; 99-642, eff. 7-28-16; 99-772, eff. 1-1-17; 99-895, eff. 1-1-17; 100-201, eff. 8-18-17; 100-395, eff. 1-1-18; 100-449, eff. 1-1-18; 100-538, eff. 1-1-18; 100-587, eff. 6-4-18; 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-974, eff. 8-19-18; 100-1009, eff. 1-1-19; 100-1018, eff. 1-1-19; 100-1148, eff. 12-10-18.)

(305 ILCS 5/5-5.24)

Sec. 5-5.24. Prenatal and perinatal care. The Department of Healthcare and Family Services may provide reimbursement under this Article for all prenatal and perinatal health care services that are provided for the purpose of preventing low-birthweight infants, reducing the need for neonatal intensive care hospital services, and promoting perinatal and maternal health. These services may include comprehensive risk assessments for pregnant women, women with infants, and infants, lactation counseling, nutrition counseling, childbirth support, psychosocial counseling, treatment and prevention of periodontal disease, language translation, nurse home visitation, and other support services that have been proven to improve birth and maternal health outcomes. The Department shall maximize the use of preventive prenatal and perinatal health care services consistent with federal statutes, rules, and regulations. The Department of Public Aid (now Department of Healthcare and Family Services) shall develop a plan for prenatal and perinatal preventive health care and shall present the plan to the General Assembly by January 1, 2004. On or before January 1, 2006 and every 2 years thereafter, the Department shall report to the General Assembly concerning the effectiveness of prenatal and perinatal health care services reimbursed under this Section in preventing low-birthweight infants and reducing the need for neonatal intensive care hospital services. Each such report shall include an evaluation of how the ratio of expenditures for treating low-birthweight infants compared with the investment in promoting healthy births and infants in local community areas throughout Illinois relates to healthy infant development in those areas.

On and after July 1, 2012, the Department shall reduce any rate of reimbursement for services or other payments or alter any methodologies authorized by this Code to reduce any rate of reimbursement for services or other payments in accordance with Section 5-5e.
(Source: P.A. 97-689, eff. 6-14-12.)

Section 55. 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.

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Castro, **Senate Bill No. 1909** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAY 1.

The following voted in the affirmative:

Anderson	DeWitte	Landek	Rezin

Aquino	Ellman	Lightford	Righter
Barickman	Fine	Link	Rose
Belt	Fowler	Manar	Sandoval
Bennett	Gillespie	Martinez	Schimpf
Bertino-Tarrant	Glowiak	McClure	Sims
Brady	Harmon	McConchie	Stadelman
Bush	Harris	McGuire	Steans
Castro	Hastings	Morrison	Van Pelt
Collins	Holmes	Mulroe	Villivalam
Crowe	Hunter	Muñoz	Weaver
Cullerton, T.	Hutchinson	Murphy	Wilcox
Cunningham	Jones, E.	Peters	Mr. President
Curran	Koehler	Plummer	

The following voted in the negative:

Oberweis

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

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

SENATE BILL RECALLED

On motion of Senator Lightford, **Senate Bill No. 2075** was recalled from the order of third reading to the order of second reading.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2075

AMENDMENT NO. 1. Amend Senate Bill 2075 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 10-20.12, 10-20.19a, 10-22.18, 26-1, 26-2, and 34-19 as follows:

(105 ILCS 5/10-20.12) (from Ch. 122, par. 10-20.12)

Sec. 10-20.12. School year - School age. To establish and keep in operation in each year during a school term of at least the minimum length required by Section 10-19, a sufficient number of free schools for the accommodation of all persons in the district who are 5 years of age or older but under 21 years of age, and to secure for all such persons the right and opportunity to an equal education in such schools; provided that (i) children who will attain the age of 5 years on or before September 1 of the year of the 1990-1991 school term through the 2019-2020 ~~and each~~ school term or on or before May 31 of the year of the 2020-2021 school term and each school term thereafter may attend school upon the commencement of such term and (ii) based upon an assessment of the child's readiness, children who have attended a non-public preschool and continued their education at that school through kindergarten, were taught in kindergarten by an appropriately certified teacher, and will attain the age of 6 years on or before December 31 of the year of the 2009-2010 school term and each school term thereafter may attend first grade upon commencement of such term. However, Section 33 of the Educational Opportunity for Military Children Act shall apply to children of active duty military personnel. Based upon an assessment of a child's readiness to attend school, a school district may permit a child to attend school prior to the dates contained in this Section. In any school district operating on a full year school basis ~~children who will attain age 5 within 30 days after the commencement of a term may attend school upon the commencement of such term and~~, based upon an assessment of the child's readiness, children who have attended a non-public preschool and continued their education at that school through kindergarten, were taught in kindergarten by an appropriately certified teacher, and will attain age 6 within 4 months after the commencement of a term may attend first grade upon the commencement of such term. The school district may, by resolution of its board, allow for a full year school plan.

(Source: P.A. 98-673, eff. 6-30-14.)

(105 ILCS 5/10-20.19a) (from Ch. 122, par. 10-20.19a)

Sec. 10-20.19a. Kindergartens. After July 1, 1970, to establish and maintain kindergartens for the instruction of children in accordance with rules and regulations prescribed by the State Board of Education. Such kindergartens may provide for either a 1/2 day or a full day of attendance for pupils enrolled therein. This Section is subject to Section 10-22.18.

(Source: P.A. 84-18.)

(105 ILCS 5/10-22.18) (from Ch. 122, par. 10-22.18)

Sec. 10-22.18. Kindergartens. To establish kindergartens for the instruction of children between the ages of 4 and 6 years, if in their judgment the public interest requires it, and to pay the necessary expenses thereof out of the school funds of the district. Upon petition of at least 50 parents or guardians of children between the ages of 4 and 6, residing within any school district and within one mile of the public school where such kindergarten is proposed to be established, the board of directors shall, if funds are available, establish a kindergarten in connection with the public school designated in the petition and maintain it as long as the annual average daily attendance therein is not less than 15. The board may establish a kindergarten with half-day attendance or with full-day attendance. If the board establishes full-day kindergarten, it shall also establish half-day kindergarten. No one shall be employed to teach in a kindergarten who does not hold a certificate as provided by law.

Beginning with the 2020-2021 school year, each school district, including a school district organized under Article 34, must establish kindergarten for the instruction of children who are 5 years of age or older.

(Source: P.A. 84-1308.)

(105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

Sec. 26-1. Compulsory school age; exemptions. Whoever has custody or control of any child (i) ~~between the ages of 7 and 17 years (unless the child has already graduated from high school) for school years before the 2014-2015 school year or (ii)~~ between the ages of 6 (on or before September 1) and 17 years (unless the child has already graduated from high school) for school years before the 2020-2021 ~~beginning with the 2014-2015~~ school year or (ii) between the ages of 5 (on or before May 31) and 17 (unless the child has already graduated from high school) beginning with the 2020-2021 school year shall cause such child to attend some public school in the district wherein the child resides the entire time it is in session during the regular school term, except as provided in Section 10-19.1, and during a required summer school program established under Section 10-22.33B; provided, that the following children shall not be required to attend the public schools:

1. Any child attending a private or a parochial school where children are taught the branches of education taught to children of corresponding age and grade in the public schools, and where the instruction of the child in the branches of education is in the English language;

2. Any child who is physically or mentally unable to attend school, such disability being certified to the county or district truant officer by a competent physician licensed in Illinois to practice medicine and surgery in all its branches, a chiropractic physician licensed under the Medical Practice Act of 1987, a licensed advanced practice registered nurse, a licensed physician assistant, or a Christian Science practitioner residing in this State and listed in the Christian Science Journal; or who is excused for temporary absence for cause by the principal or teacher of the school which the child attends; the exemptions in this paragraph (2) do not apply to any female who is pregnant or the mother of one or more children, except where a female is unable to attend school due to a complication arising from her pregnancy and the existence of such complication is certified to the county or district truant officer by a competent physician;

3. Any child necessarily and lawfully employed according to the provisions of the law regulating child labor may be excused from attendance at school by the county superintendent of schools or the superintendent of the public school which the child should be attending, on certification of the facts by and the recommendation of the school board of the public school district in which the child resides. In districts having part-time continuation schools, children so excused shall attend such schools at least 8 hours each week;

4. Any child over 12 and under 14 years of age while in attendance at confirmation classes;

5. Any child absent from a public school on a particular day or days or at a particular time of day for the reason that he is unable to attend classes or to participate in any examination, study or work requirements on a particular day or days or at a particular time of day, because the tenets of his religion forbid secular activity on a particular day or days or at a particular time of day. Each school board shall prescribe rules and regulations relative to absences for religious holidays including, but not limited to, a list of religious holidays on which it shall be mandatory to excuse a child; but nothing in this paragraph 5 shall be construed to limit the right of any school board, at its discretion, to excuse an

absence on any other day by reason of the observance of a religious holiday. A school board may require the parent or guardian of a child who is to be excused from attending school due to the observance of a religious holiday to give notice, not exceeding 5 days, of the child's absence to the school principal or other school personnel. Any child excused from attending school under this paragraph 5 shall not be required to submit a written excuse for such absence after returning to school;

6. Any child 16 years of age or older who (i) submits to a school district evidence of necessary and lawful employment pursuant to paragraph 3 of this Section and (ii) is enrolled in a graduation incentives program pursuant to Section 26-16 of this Code or an alternative learning opportunities program established pursuant to Article 13B of this Code;

7. A child in any of grades 6 through 12 absent from a public school on a particular day or days or at a particular time of day for the purpose of sounding "Taps" at a military honors funeral held in this State for a deceased veteran. In order to be excused under this paragraph 7, the student shall notify the school's administration at least 2 days prior to the date of the absence and shall provide the school's administration with the date, time, and location of the military honors funeral. The school's administration may waive this 2-day notification requirement if the student did not receive at least 2 days advance notice, but the student shall notify the school's administration as soon as possible of the absence. A student whose absence is excused under this paragraph 7 shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the school district. A student whose absence is excused under this paragraph 7 must be allowed a reasonable time to make up school work missed during the absence. If the student satisfactorily completes the school work, the day of absence shall be counted as a day of compulsory attendance and he or she may not be penalized for that absence; and

8. Any child absent from a public school on a particular day or days or at a particular time of day for the reason that his or her parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat-support postings. Such a student shall be granted 5 days of excused absences in any school year and, at the discretion of the school board, additional excused absences to visit the student's parent or legal guardian relative to such leave or deployment of the parent or legal guardian. In the case of excused absences pursuant to this paragraph 8, the student and parent or legal guardian shall be responsible for obtaining assignments from the student's teacher prior to any period of excused absence and for ensuring that such assignments are completed by the student prior to his or her return to school from such period of excused absence.

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

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

Sec. 26-2. Enrolled pupils not of compulsory school age.

(a) For school years before the 2020-2021 ~~2014-2015 school year, any person having custody or control of a child who is below the age of 7 years or is 17 years of age or above and who is enrolled in any of grades kindergarten through 12 in the public school shall cause him to attend the public school in the district wherein he resides when it is in session during the regular school term, unless he is excused under paragraph 2, 3, 4, 5, or 6 of Section 26-1. Beginning with the 2014-2015~~ school year, any person having custody or control of a child who is below the age of 6 years or is 17 years of age or above and who is enrolled in any of grades kindergarten through 12 in the public school shall cause the child to attend the public school in the district wherein he or she resides when it is in session during the regular school term, unless the child is excused under paragraph 2, 3, 4, 5, or 6 of Section 26-1 of this Code. Beginning with the 2020-2021 school year, any person having custody or control of a child who is below the age of 5 years or is 17 years of age or above and who is enrolled in any of grades kindergarten through 12 in the public school shall cause the child to attend the public school in the district wherein he or she resides when it is in session during the regular school term, unless the child is excused under paragraph 2, 3, 4, 5, or 6 of Section 26-1 of this Code.

(b) A school district shall deny reenrollment in its secondary schools to any child 19 years of age or above who has dropped out of school and who could not, because of age and lack of credits, attend classes during the normal school year and graduate before his or her twenty-first birthday. A district may, however, enroll the child in a graduation incentives program under Section 26-16 of this Code or an alternative learning opportunities program established under Article 13B. No child shall be denied reenrollment for the above reasons unless the school district first offers the child due process as required in cases of expulsion under Section 10-22.6. If a child is denied reenrollment after being provided with due process, the school district must provide counseling to that child and must direct that child to

alternative educational programs, including adult education programs, that lead to graduation or receipt of a high school equivalency certificate.

(c) A school or school district may deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum attendance standards if all of the following conditions are met:

(1) The student was absent without valid cause for 20% or more of the attendance days in the semester immediately prior to the current semester.

(2) The student and the student's parent or guardian are given written notice warning that the student is subject to denial from enrollment for one semester unless the student is absent without valid cause less than 20% of the attendance days in the current semester.

(3) The student's parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.

(4) The student is provided with attendance remediation services, including without limitation assessment, counseling, and support services.

(5) The student is absent without valid cause for 20% or more of the attendance days in the current semester.

A school or school district may not deny enrollment to a student (or reenrollment to a dropout) who is at least 17 years of age or older but below 19 years for more than one consecutive semester for failure to meet attendance standards.

(d) No child may be denied reenrollment under this Section in violation of the federal Individuals with Disabilities Education Act or the Americans with Disabilities Act.

(e) In this subsection (e), "reenrolled student" means a dropout who has reenrolled full-time in a public school. Each school district shall identify, track, and report on the educational progress and outcomes of reenrolled students as a subset of the district's required reporting on all enrollments. A reenrolled student who again drops out must not be counted again against a district's dropout rate performance measure. The State Board of Education shall set performance standards for programs serving reenrolled students.

(f) The State Board of Education shall adopt any rules necessary to implement the changes to this Section made by Public Act 93-803.

(Source: P.A. 100-825, eff. 8-13-18.)

(105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

Sec. 34-19. By-laws, rules and regulations; business transacted at regular meetings; voting; records. The board shall, subject to the limitations in this Article, establish by-laws, rules and regulations, which shall have the force of ordinances, for the proper maintenance of a uniform system of discipline for both employees and pupils, and for the entire management of the schools, and may fix the school age of pupils, the minimum of which in kindergartens (which, beginning with the 2020-2021 school year, must be established under Section 10-22.18 for children 5 years of age or older) shall not be under 4 years, except that, based upon an assessment of the child's readiness, children who have attended a non-public preschool and continued their education at that school through kindergarten, were taught in kindergarten by an appropriately certified teacher, and will attain the age of 6 years on or before December 31 of the year of the 2009-2010 school term and each school term thereafter may attend first grade upon commencement of such term, and in grade schools shall not be under 6 years. It may expel, suspend or, subject to the limitations of all policies established or adopted under Section 10-22.6 or 14-8.05, otherwise discipline any pupil found guilty of gross disobedience, misconduct, or other violation of the by-laws, rules, and regulations, including gross disobedience or misconduct perpetuated by electronic means. An expelled pupil may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the expulsion, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program. A pupil who is suspended in excess of 20 school days may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the suspension, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program. The bylaws, rules and regulations of the board shall be enacted, money shall be appropriated or expended, salaries shall be fixed or changed, and textbooks, electronic textbooks, and courses of instruction shall be adopted or changed only at the regular meetings of the board and by a vote of a majority of the full membership of the board; provided that notwithstanding any other provision of this Article or the School Code, neither the board or any local school council may purchase any textbook for use in any public school of the district from any textbook publisher that fails to furnish any computer diskettes as required under Section 28-21. Funds appropriated for textbook purchases must be available for electronic textbook purchases and the technological equipment necessary to gain access to and use electronic textbooks at the local school council's discretion. The board shall be further encouraged to provide opportunities for public hearing and testimony before the adoption of

bylaws, rules and regulations. Upon all propositions requiring for their adoption at least a majority of all the members of the board the yeas and nays shall be taken and reported. The by-laws, rules and regulations of the board shall not be repealed, amended or added to, except by a vote of 2/3 of the full membership of the board. The board shall keep a record of all its proceedings. Such records and all by-laws, rules and regulations, or parts thereof, may be proved by a copy thereof certified to be such by the secretary of the board, but if they are printed in book or pamphlet form which are purported to be published by authority of the board they need not be otherwise published and the book or pamphlet shall be received as evidence, without further proof, of the records, by-laws, rules and regulations, or any part thereof, as of the dates thereof as shown in such book or pamphlet, in all courts and places where judicial proceedings are had.

Notwithstanding any other provision in this Article or in the School Code, the board may delegate to the general superintendent or to the attorney the authorities granted to the board in the School Code, provided such delegation and appropriate oversight procedures are made pursuant to board by-laws, rules and regulations, adopted as herein provided, except that the board may not delegate its authorities and responsibilities regarding (1) budget approval obligations; (2) rule-making functions; (3) desegregation obligations; (4) real estate acquisition, sale or lease in excess of 10 years as provided in Section 34-21; (5) the levy of taxes; or (6) any mandates imposed upon the board by "An Act in relation to school reform in cities over 500,000, amending Acts herein named", approved December 12, 1988 (P.A. 85-1418).
(Source: P.A. 99-456, eff. 9-15-16.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Lightford, **Senate Bill No. 2075** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 39; NAYS 16.

The following voted in the affirmative:

Aquino	Fine	Koehler	Murphy
Belt	Gillespie	Landek	Peters
Bertino-Tarrant	Glowiak	Lightford	Sandoval
Bush	Harmon	Link	Sims
Castro	Harris	Manar	Stadelman
Collins	Hastings	Martinez	Steans
Crowe	Holmes	McGuire	Van Pelt
Cullerton, T.	Hunter	Morrison	Villivalam
Cunningham	Hutchinson	Mulroe	Mr. President
Ellman	Jones, E.	Muñoz	

The following voted in the negative:

Anderson	McClure	Schimpf	Wilcox
Barickman	McConchie	Stewart	
Brady	Plummer	Syverson	
DeWitte	Righter	Tracy	
Fowler	Rose	Weaver	

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

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

SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 2128** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2128

AMENDMENT NO. 1. Amend Senate Bill 2128 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.34 as follows:

(5 ILCS 80/4.34)

Sec. 4.34. Acts and Section repealed on January 1, 2024. The following Acts and Section of an Act are repealed on January 1, 2024:

The Electrologist Licensing Act.

The Illinois Certified Shorthand Reporters and Voice Writer Reporters Act ~~of 1984~~.

The Illinois Occupational Therapy Practice Act.

The Illinois Public Accounting Act.

The Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

The Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act.

Section 2.5 of the Illinois Plumbing License Law.

The Veterinary Medicine and Surgery Practice Act of 2004.

(Source: P.A. 98-140, eff. 12-31-13; 98-253, eff. 8-9-13; 98-254, eff. 8-9-13; 98-264, eff. 12-31-13; 98-339, eff. 12-31-13; 98-363, eff. 8-16-13; 98-364, eff. 12-31-13; 98-445, eff. 12-31-13; 98-756, eff. 7-16-14.)

Section 10. The Oaths and Affirmations Act is amended by changing Sections 1 and 2 as follows:

(5 ILCS 255/1) (from Ch. 101, par. 1)

Sec. 1. Oaths and affirmations. All courts, and all judges and the clerk thereof, the county clerk, deputy county clerk, notaries public, and persons certified under the Illinois Certified Shorthand Reporters and Voice Writer Reporters Act ~~of 1984~~ have the power to administer oaths and affirmations to witnesses and others, concerning anything commenced or to be commenced, or pending before them respectively.

(Source: P.A. 90-294, eff. 8-1-97.)

(5 ILCS 255/2) (from Ch. 101, par. 2)

Sec. 2. Affidavits and depositions. All courts, and judges, and the clerks thereof, the county clerk, deputy county clerk, the Secretary of State, notaries public, and persons certified under the Illinois Certified Shorthand Reporters and Voice Writer Reporters Act ~~of 1984~~ may administer all oaths of office and all other oaths authorized or required of any officer or other person, and take affidavits and depositions concerning any matter or thing, process or proceeding commenced or to be commenced, or pending in any court or before them, or on any occasion wherein any affidavit or deposition is authorized or required by law to be taken.

The same functions may be performed by any commissioned officer in active service of the armed forces of the United States, within or without the United States. Oaths, affidavits or depositions taken by or affirmations made before such officers need not be authenticated nor attested by any seal nor shall any instruments executed or proceedings had before such officers be invalid because the place of the proceedings or of the execution is not stated.

(Source: P.A. 97-36, eff. 1-1-12.)

Section 15. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Section 2105-115 as follows:

(20 ILCS 2105/2105-115) (was 20 ILCS 2105/60f)

Sec. 2105-115. Certified shorthand reporter or certified voice writer reporter; transcript. The Department, at its expense, shall provide a certified shorthand reporter or certified voice writer reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case in which a license may be revoked, suspended, placed on probationary status, reprimanded, fined, or subjected to

other disciplinary action with reference to the license when a disciplinary action is authorized in any licensing Act administered by the Department. The notice, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the board, and the orders of the Department shall be the record of the proceedings. The Department shall furnish the record to any person interested in the hearing upon payment therefor of $1 per page. The Department may contract for court reporting services, and, in the event it does so, the Department shall provide the name and contact information for the certified shorthand reporter or certified voice writer reporter who transcribed the testimony at a hearing to any person interested, who may obtain a copy of the transcript of any proceedings at a hearing upon payment of the fee specified by the certified shorthand reporter or certified voice writer reporter. This charge is in addition to any fee charged by the Department for certifying the record.
(Source: P.A. 99-227, eff. 8-3-15; 100-262, eff. 8-22-17.)

Section 20. The Emergency Medical Services (EMS) Act is amended by changing Section 3.40 as follows:

(210 ILCS 50/3.40)

(Text of Section before amendment by P.A. 100-1082)

Sec. 3.40. EMS System Participation Suspensions and Due Process.

(a) An EMS Medical Director may suspend from participation within the System any EMS personnel, EMS Lead Instructor (LI), individual, individual provider or other participant considered not to be meeting the requirements of the Program Plan of that approved EMS System.

(b) Prior to suspending any individual or entity, an EMS Medical Director shall provide an opportunity for a hearing before the local System review board in accordance with subsection (f) and the rules promulgated by the Department.

(1) If the local System review board affirms or modifies the EMS Medical Director's suspension order, the individual or entity shall have the opportunity for a review of the local board's decision by the State EMS Disciplinary Review Board, pursuant to Section 3.45 of this Act.

(2) If the local System review board reverses or modifies the EMS Medical Director's order, the EMS Medical Director shall have the opportunity for a review of the local board's decision by the State EMS Disciplinary Review Board, pursuant to Section 3.45 of this Act.

(3) The suspension shall commence only upon the occurrence of one of the following:

(A) the individual or entity has waived the opportunity for a hearing before the local System review board; or

(B) the order has been affirmed or modified by the local system review board and the individual or entity has waived the opportunity for review by the State Board; or

(C) the order has been affirmed or modified by the local system review board, and the local board's decision has been affirmed or modified by the State Board.

(c) An EMS Medical Director may immediately suspend an EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, PHRN, LI, or other individual or entity if he or she finds that the continuation in practice by the individual or entity would constitute an imminent danger to the public. The suspended individual or entity shall be issued an immediate verbal notification followed by a written suspension order by the EMS Medical Director which states the length, terms and basis for the suspension.

(1) Within 24 hours following the commencement of the suspension, the EMS Medical Director shall deliver to the Department, by messenger, telefax, or other Department-approved electronic communication, a copy of the suspension order and copies of any written materials which relate to the EMS Medical Director's decision to suspend the individual or entity. All medical and patient-specific information, including Department findings with respect to the quality of care rendered, shall be strictly confidential pursuant to the Medical Studies Act (Part 21 of Article VIII of the Code of Civil Procedure).

(2) Within 24 hours following the commencement of the suspension, the suspended individual or entity may deliver to the Department, by messenger, telefax, or other Department-approved electronic communication, a written response to the suspension order and copies of any written materials which the individual or entity feels are appropriate. All medical and patient-specific information, including Department findings with respect to the quality of care rendered, shall be strictly confidential pursuant to the Medical Studies Act.

(3) Within 24 hours following receipt of the EMS Medical Director's suspension order or the individual or entity's written response, whichever is later, the Director or the Director's designee shall determine whether the suspension should be stayed pending an opportunity for a hearing or review in accordance with this Act, or whether the suspension should continue during the course of that hearing

or review. The Director or the Director's designee shall issue this determination to the EMS Medical Director, who shall immediately notify the suspended individual or entity. The suspension shall remain in effect during this period of review by the Director or the Director's designee.

(d) Upon issuance of a suspension order for reasons directly related to medical care, the EMS Medical Director shall also provide the individual or entity with the opportunity for a hearing before the local System review board, in accordance with subsection (f) and the rules promulgated by the Department.

(1) If the local System review board affirms or modifies the EMS Medical Director's suspension order, the individual or entity shall have the opportunity for a review of the local board's decision by the State EMS Disciplinary Review Board, pursuant to Section 3.45 of this Act.

(2) If the local System review board reverses or modifies the EMS Medical Director's suspension order, the EMS Medical Director shall have the opportunity for a review of the local board's decision by the State EMS Disciplinary Review Board, pursuant to Section 3.45 of this Act.

(3) The suspended individual or entity may elect to bypass the local System review board and seek direct review of the EMS Medical Director's suspension order by the State EMS Disciplinary Review Board.

(e) The Resource Hospital shall designate a local System review board in accordance with the rules of the Department, for the purpose of providing a hearing to any individual or entity participating within the System who is suspended from participation by the EMS Medical Director. The EMS Medical Director shall arrange for a certified shorthand reporter or certified voice writer reporter to make a stenographic record of that hearing and thereafter prepare a transcript of the proceedings. The transcript, all documents or materials received as evidence during the hearing and the local System review board's written decision shall be retained in the custody of the EMS system. The System shall implement a decision of the local System review board unless that decision has been appealed to the State Emergency Medical Services Disciplinary Review Board in accordance with this Act and the rules of the Department.

(f) The Resource Hospital shall implement a decision of the State Emergency Medical Services Disciplinary Review Board which has been rendered in accordance with this Act and the rules of the Department.

(Source: P.A. 100-201, eff. 8-18-17.)

(Text of Section after amendment by P.A. 100-1082)

Sec. 3.40. EMS System Participation Suspensions and Due Process.

(a) An EMS Medical Director may suspend from participation within the System any EMS personnel, EMS Lead Instructor (LI), individual, individual provider or other participant considered not to be meeting the requirements of the Program Plan of that approved EMS System.

(b) Prior to suspending any individual or entity, an EMS Medical Director shall provide an opportunity for a hearing before the local System review board in accordance with subsection (f) and the rules promulgated by the Department.

(1) If the local System review board affirms or modifies the EMS Medical Director's suspension order, the individual or entity shall have the opportunity for a review of the local board's decision by the State EMS Disciplinary Review Board, pursuant to Section 3.45 of this Act.

(2) If the local System review board reverses or modifies the EMS Medical Director's order, the EMS Medical Director shall have the opportunity for a review of the local board's decision by the State EMS Disciplinary Review Board, pursuant to Section 3.45 of this Act.

(3) The suspension shall commence only upon the occurrence of one of the following:

(A) the individual or entity has waived the opportunity for a hearing before the local System review board; or

(B) the order has been affirmed or modified by the local system review board and the individual or entity has waived the opportunity for review by the State Board; or

(C) the order has been affirmed or modified by the local system review board, and the local board's decision has been affirmed or modified by the State Board.

(c) An EMS Medical Director may immediately suspend an EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, PHRN, LI, PHPA, PHAPRN, or other individual or entity if he or she finds that the continuation in practice by the individual or entity would constitute an imminent danger to the public. The suspended individual or entity shall be issued an immediate verbal notification followed by a written suspension order by the EMS Medical Director which states the length, terms and basis for the suspension.

(1) Within 24 hours following the commencement of the suspension, the EMS Medical Director shall deliver to the Department, by messenger, telefax, or other Department-approved electronic communication, a copy of the suspension order and copies of any written materials which relate to the EMS Medical Director's decision to suspend the individual or entity. All medical and

patient-specific information, including Department findings with respect to the quality of care rendered, shall be strictly confidential pursuant to the Medical Studies Act (Part 21 of Article VIII of the Code of Civil Procedure).

(2) Within 24 hours following the commencement of the suspension, the suspended individual or entity may deliver to the Department, by messenger, telefax, or other Department-approved electronic communication, a written response to the suspension order and copies of any written materials which the individual or entity feels are appropriate. All medical and patient-specific information, including Department findings with respect to the quality of care rendered, shall be strictly confidential pursuant to the Medical Studies Act.

(3) Within 24 hours following receipt of the EMS Medical Director's suspension order or the individual or entity's written response, whichever is later, the Director or the Director's designee shall determine whether the suspension should be stayed pending an opportunity for a hearing or review in accordance with this Act, or whether the suspension should continue during the course of that hearing or review. The Director or the Director's designee shall issue this determination to the EMS Medical Director, who shall immediately notify the suspended individual or entity. The suspension shall remain in effect during this period of review by the Director or the Director's designee.

(d) Upon issuance of a suspension order for reasons directly related to medical care, the EMS Medical Director shall also provide the individual or entity with the opportunity for a hearing before the local System review board, in accordance with subsection (f) and the rules promulgated by the Department.

(1) If the local System review board affirms or modifies the EMS Medical Director's suspension order, the individual or entity shall have the opportunity for a review of the local board's decision by the State EMS Disciplinary Review Board, pursuant to Section 3.45 of this Act.

(2) If the local System review board reverses or modifies the EMS Medical Director's suspension order, the EMS Medical Director shall have the opportunity for a review of the local board's decision by the State EMS Disciplinary Review Board, pursuant to Section 3.45 of this Act.

(3) The suspended individual or entity may elect to bypass the local System review board and seek direct review of the EMS Medical Director's suspension order by the State EMS Disciplinary Review Board.

(e) The Resource Hospital shall designate a local System review board in accordance with the rules of the Department, for the purpose of providing a hearing to any individual or entity participating within the System who is suspended from participation by the EMS Medical Director. The EMS Medical Director shall arrange for a certified shorthand reporter or certified voice writer reporter to make a stenographic record of that hearing and thereafter prepare a transcript of the proceedings. The transcript, all documents or materials received as evidence during the hearing and the local System review board's written decision shall be retained in the custody of the EMS system. The System shall implement a decision of the local System review board unless that decision has been appealed to the State Emergency Medical Services Disciplinary Review Board in accordance with this Act and the rules of the Department.

(f) The Resource Hospital shall implement a decision of the State Emergency Medical Services Disciplinary Review Board which has been rendered in accordance with this Act and the rules of the Department.

(Source: P.A. 100-201, eff. 8-18-17; 100-1082, eff. 8-24-19.)

Section 25. The Illinois Funeral or Burial Funds Act is amended by changing Sections 3b and 3d as follows:

(225 ILCS 45/3b) (from Ch. 111 1/2, par. 73.103b)

Sec. 3b. The Comptroller, at his expense, shall provide a certified shorthand reporter or certified voice writer reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or renew a license, the suspension or revocation of a license, the imposition of a monetary penalty, or the referral of a case for criminal prosecution. The record of any such proceeding shall consist of the notice of hearing, complaint, all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony and the report and orders of the Comptroller. Copies of the transcript of such record may be purchased from the certified shorthand reporter or certified voice writer reporter who prepared the record.

(Source: P.A. 84-839.)

(225 ILCS 45/3d) (from Ch. 111 1/2, par. 73.103d)

Sec. 3d. Any person affected by a final administrative decision of the Comptroller may have such decision reviewed judicially by the circuit court of the county where such person resides, or in the case of a corporation, where the registered office is located. If the plaintiff in the review proceeding is not a resident of this State, venue shall be in Sangamon County. The provisions of the Administrative Review

Law, as now or hereafter amended, and any rules adopted thereunder shall govern all proceedings for the judicial review of final administrative decisions of the Comptroller. The term "administrative decision" is defined as in the Administrative Review Law.

The Comptroller is not required to certify the record of the proceeding unless the plaintiff in the review proceedings has purchased a copy of the transcript from the certified shorthand reporter or certified voice writer reporter who prepared the record. Exhibits shall be certified without cost.
(Source: P.A. 84-839.)

Section 30. The Medical Practice Act of 1987 is amended by changing Section 39 as follows:
(225 ILCS 60/39) (from Ch. 111, par. 4400-39)
(Section scheduled to be repealed on December 31, 2019)

Sec. 39. Certified shorthand reporter or certified voice writer reporter; record. The Department, at its expense, shall provide a certified shorthand reporter or certified voice writer reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a license may be revoked, suspended, placed on probationary status, or other disciplinary action taken with regard thereto. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Licensing Board and the orders of the Department constitute the record of the proceedings. The Department shall furnish a copy of the record to any person interested in such hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115). The Department may contract for court reporting services, and, in the event it does so, the Department shall provide the name and contact information for the certified shorthand reporter or certified voice writer reporter who transcribed the testimony at a hearing to any person interested, who may obtain a copy of the record of any proceedings at a hearing upon payment of the fee specified by the certified shorthand reporter or certified voice writer reporter. This charge is in addition to any fee charged by the Department for certifying the record.
(Source: P.A. 100-429, eff. 8-25-17.)

Section 35. The Illinois Explosives Act is amended by changing Section 5004 as follows
(225 ILCS 210/5004) (from Ch. 96 1/2, par. 1-5004)

Sec. 5004. Record of proceedings; transcript. The Department or aggrieved party may provide at its or his or her expense a certified shorthand reporter or certified voice writer reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case involving denial or refusal to issue or renew a license or certificate, or the suspension or revocation or other discipline of a license or certificate. Copies of the transcript of such record may be purchased from the certified shorthand reporter or certified voice writer reporter who prepared the record.
(Source: P.A. 96-1194, eff. 1-1-11.)

Section 40. The Illinois Certified Shorthand Reporters Act of 1984 is amended by changing Sections 1, 2, 3, 3.5, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 23, 23.1, 23.3, 23.4, 23.10, 23.13, 25, 26, and 28 as follows:
(225 ILCS 415/1) (from Ch. 111, par. 6201)
(Section scheduled to be repealed on January 1, 2024)

Sec. 1. The practice of shorthand reporting and voice writer reporting in the State of Illinois is hereby declared to affect the public health, safety and welfare and to be subject to regulation and control in the public interest. This Act is designed to encourage proficiency in the methods ~~practice~~ of shorthand reporting and voice writer reporting as a profession; to promote efficiency in court and general reporting; and to extend to the public the protection afforded by a standardized profession by establishing standards ~~a standard~~ of competency for certified shorthand reporters and voice writer reporters. It is further declared that, in order for the practice of shorthand reporting and voice writer reporting as defined in this Act to merit and receive the confidence of the public, only qualified persons shall be authorized to practice shorthand reporting and voice writer reporting in the State of Illinois. This Act shall be liberally construed to best carry out these subjects and purposes.
(Source: P.A. 83-73.)
(225 ILCS 415/2) (from Ch. 111, par. 6202)
(Section scheduled to be repealed on January 1, 2024)

Sec. 2. This Act may be cited as the Illinois Certified Shorthand Reporters and Voice Writer Reporters Act ~~of 1984~~.
(Source: P.A. 87-481.)
(225 ILCS 415/3) (from Ch. 111, par. 6203)
(Section scheduled to be repealed on January 1, 2024)

Sec. 3. License required. No person may practice shorthand reporting or voice writer reporting on a temporary or permanent basis in this State without being certified under this Act. This Act does not prohibit any non-resident practicing shorthand reporter or non-resident practicing voice writer reporter from practicing shorthand reporting or voice writer reporting in this State as to one single proceeding.
(Source: P.A. 98-445, eff. 12-31-13.)

(225 ILCS 415/3.5)

(Section scheduled to be repealed on January 1, 2024)

Sec. 3.5. Uncertified practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a shorthand reporter or a voice writer reporter without being certified under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 for each offense as determined by the Department and the assessment of costs as provided under Section 23.3 of this Act. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(d) All moneys collected under this Section shall be deposited into the General Professions Dedicated Fund.
(Source: P.A. 98-445, eff. 12-31-13.)

(225 ILCS 415/4) (from Ch. 111, par. 6204)

(Section scheduled to be repealed on January 1, 2024)

Sec. 4. In this Act:

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

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

(3) "Board" means the Certified Shorthand Reporters and Voice Writer Reporters Board appointed by the Secretary.

(4) "The practice of shorthand reporting" means reporting, by the use of any system of manual or mechanical shorthand writing, of Grand Jury proceedings, court proceedings, court related proceedings, pretrial examinations, depositions, motions and related proceedings of like character, or proceedings of an administrative agency when the final decision of the agency with reference thereto is likely to be subject to judicial review under the provisions of the Administrative Review Law.

(5) "Shorthand reporter" means a person who is technically qualified and certified under this Act to practice shorthand reporting.

(6) "Stenographic notes" means the original notes by manual or mechanical shorthand, voice writing, or shorthand writing taken by a shorthand reporter or voice writer reporter of a proceeding while in attendance at such proceeding for the purpose of reporting the same.

(7) "Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address and those changes must be made either through the Department's Internet website or by contacting the Department.

(8) "Practice of voice writer reporting" means reporting, by the use of a system of repeating words of the speaker into a device that is capable of digital translation into text, of grand jury proceedings, court proceedings, court-related proceedings, pretrial examinations, depositions, motions, and related proceedings of like character, or proceedings of an administrative agency when the final decision of the agency with reference thereto is likely to be subject to judicial review under the provisions of the Administrative Review Law.

(9) "Voice writer reporter" means a person who is technically qualified and certified under this Act to practice voice writer reporting.
(Source: P.A. 98-445, eff. 12-31-13.)

(225 ILCS 415/5) (from Ch. 111, par. 6205)

(Section scheduled to be repealed on January 1, 2024)

Sec. 5. Title. Every person to whom a valid existing certificate as a certified shorthand reporter or certified voice writer reporter has been issued under this Act shall be designated as a Certified Shorthand Reporter or Certified Voice Writer Reporter, and not otherwise. Any ~~, and any~~ such certified shorthand reporter may, in connection with his or her practice of shorthand reporting, use the abbreviation "C.S.R." or the title "Court Reporter". Any such certified voice writer reporter may, in connection with his or her

practice of voice writer reporting, use the abbreviation "C.C.R." or the title "Certified Voice Writer Reporter" or "Court Reporter". No person other than the holder of a valid existing certificate under this Act shall use the title or designation of "Certified Shorthand Reporter", "Court Reporter", "C.C.R.", ~~or~~ "C.S.R.", or "Certified Voice Writer Reporter", either directly or indirectly in connection with his or her profession or business. A person may hold valid certificates both as a certified shorthand reporter and as a certified voice writer under this Act and may use the titles authorized by this Section.
(Source: P.A. 90-49, eff. 7-3-97.)

(225 ILCS 415/6) (from Ch. 111, par. 6206)

(Section scheduled to be repealed on January 1, 2024)

Sec. 6. Restricted certificate. Upon receipt of a written request from the Chief Judge of the reporter's circuit, the Department shall, upon payment of the required fee, issue to any reporter who has been appointed in counties of less than 1,000,000 in population, has been examined under the Court Reporters Act, and has achieved an "A" proficiency rating, a restricted certificate by which such official court reporter may then lawfully engage in reporting only court proceedings to which he or she may be assigned by the Chief Judge of his or her circuit.
(Source: P.A. 98-445, eff. 12-31-13.)

(225 ILCS 415/8) (from Ch. 111, par. 6208)

(Section scheduled to be repealed on January 1, 2024)

Sec. 8. Certified Shorthand Reporters and Voice Writer Reporters Board. The Secretary shall appoint a Certified Shorthand Reporters and Voice Writer Reporters Board as follows: 9 ~~7~~ persons who shall be appointed by and shall serve in an advisory capacity to the Secretary. Six members must be certified shorthand reporters, in good standing, and actively engaged in the practice of shorthand reporting in this State for ten years, 2 members must be certified voice writer reporters actively engaged in the practice of voice writer reporting in this State, who have engaged in the practice of voice writer reporting for at least 10 years in this State, or who have applied for certification in this State and are engaged in the practice of voice writer reporting in another jurisdiction for at least 10 years and are in good standing in the other jurisdiction, and one member must be a member of the public who is not certified under this Act, or a similar Act of another jurisdiction.

Members shall serve 4 year terms and until their successors are appointed and qualified. No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 2 full consecutive terms. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term.

In making appointments to the Board, the Secretary shall give consideration to recommendations by national and State organizations of the shorthand reporter and voice writer reporter professions ~~profession~~.

Four members of the Board shall constitute a quorum. A quorum is required for all Board decisions.

The Secretary may remove or suspend any member of the Board for cause at any time before the expiration of his or her term. The Secretary shall be the sole arbiter of cause.

The Secretary shall consider the recommendations of the Board on questions involving standards of professional conduct, discipline and qualifications of candidates and certificate holders under this Act.

Members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses incurred in attending the meetings of the Board.

Members of the Board have no liability in any action based upon any disciplinary proceedings or other activity performed in good faith as members of the Board.
(Source: P.A. 98-445, eff. 12-31-13.)

(225 ILCS 415/9) (from Ch. 111, par. 6209)

(Section scheduled to be repealed on January 1, 2024)

Sec. 9. Qualifications. Applications for original certificates shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for certification.

In determining competency, the Department shall require proof that the applicant has a good understanding of the English language, including reading, spelling and vocabulary, and that the applicant has sufficient ability to accurately report any of the matters comprising the practice of shorthand reporting or the practice of voice writer reporting, as herein defined, by the use of any system of manual or mechanical shorthand or shorthand writing or by the use of voice writing, and a clear understanding of obligations between a shorthand reporter and a voice writer reporter and the parties to any proceedings reported, as well as the provisions of this Act.
(Source: P.A. 98-445, eff. 12-31-13.)

(225 ILCS 415/10) (from Ch. 111, par. 6210)

(Section scheduled to be repealed on January 1, 2024)

Sec. 10. The Department shall authorize examinations at such time and place as it may designate. The examination shall be of a character to give a fair test of the qualifications of the applicant to practice shorthand reporting or to practice voice writer reporting.

Applicants for examination as certified shorthand reporters and for examination as certified voice writer reporters shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

If an applicant neglects, fails or refuses to take the next available examination offered or fails to pass an examination for certification under this Act, the application shall be denied. If an applicant for examination for certification under this Act fails to pass the examination within 3 years after filing his application, the application shall be denied. However, such applicant may thereafter make a new application accompanied by the required fee.

The Department may employ consultants for the purpose of preparing and conducting examinations.

An applicant has one year from the date of notification of successful completion of the examination to apply to the Department for a license. If an applicant fails to apply within one year, the applicant shall be required to take and pass the examination again unless licensed in another jurisdiction of the United States within one year of passing the examination.

(Source: P.A. 98-445, eff. 12-31-13.)

(225 ILCS 415/11) (from Ch. 111, par. 6211)

(Section scheduled to be repealed on January 1, 2024)

Sec. 11. Qualifications; application. A person shall be qualified for certification as a certified shorthand reporter or for certification as a certified voice writer reporter if:

A. That person has applied in writing in form and substance to the Department; and

(1) (Blank);

(2) Is of good moral character, the determination of which shall take into account but not be totally based upon any felony conviction of the applicant; and

(3) Has graduated from a high school or secondary school or its equivalent; and

B. That person has successfully completed the examination authorized by the Department.

Additional qualifications for the practice of shorthand reporting or for the practice of voice writer reporting may be set by the Department by rule.

(Source: P.A. 98-445, eff. 12-31-13.)

(225 ILCS 415/13) (from Ch. 111, par. 6213)

(Section scheduled to be repealed on January 1, 2024)

Sec. 13. No action or suit shall be instituted, nor recovery therein be had, in any court of this State by any person for compensation for any act done or service rendered, the doing or rendering of which is prohibited under the provisions of this Act to other than certified shorthand reporters or certified voice writer reporters.

(Source: P.A. 83-73.)

(225 ILCS 415/14) (from Ch. 111, par. 6214)

(Section scheduled to be repealed on January 1, 2024)

Sec. 14. Expiration, renewal, and military service. The expiration date and renewal period for each certificate issued under this Act shall be set by rule.

Any certified shorthand reporter or certified voice writer reporter who has permitted his or her certificate to expire or who has had his or her certificate on inactive status may have his or her certificate restored by making application to the Department, filing proof acceptable to the Department of his or her fitness to have his or her certificate restored and paying the required restoration fee. The Department may consider a certificate expired less than 5 years as prima facie evidence that the applicant is fit. If a certificate has expired or has been placed on inactive status and the applicant has practiced in another jurisdiction during such period, satisfactory proof of fitness may include sworn evidence certifying to active practice in another jurisdiction.

If the certified shorthand reporter or certified voice writer reporter has not maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule, his or her fitness to resume active status and shall, by rule, establish procedures and requirements for restoration.

However, any certified shorthand reporter or certified voice writer reporter whose certificate expired while he or she was (1) in Federal Service on active duty with the Armed Forces of the United States, or

the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her certificate renewed or restored without paying any lapsed renewal fees if within 2 years after termination of such service, training or education except under conditions other than honorable, he or she furnished the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her service, training or education has been so terminated.

(Source: P.A. 98-445, eff. 12-31-13.)

(225 ILCS 415/15) (from Ch. 111, par. 6215)

(Section scheduled to be repealed on January 1, 2024)

Sec. 15. Inactive status. Any certified shorthand reporter or certified voice writer reporter who notifies the Department in writing on forms prescribed by the Department, may elect to place his or her certificate on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

Any certified shorthand reporter or certified voice writer reporter requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her certificate, as provided in Section 14.

Any certified shorthand reporter or certified voice writer reporter whose certificate is in an inactive status shall not practice shorthand reporting or voice writer reporting in the State of Illinois.

(Source: P.A. 98-445, eff. 12-31-13.)

(225 ILCS 415/16) (from Ch. 111, par. 6216)

(Section scheduled to be repealed on January 1, 2024)

Sec. 16. Endorsement; licensure without examination. The Department may certify as a certified shorthand reporter or as a certified voice writer reporter, without examination, on payment of the required fee, an applicant who is a certified shorthand reporter or certified voice writer reporter registered under the laws of another jurisdiction, if the requirements for certification of certified shorthand reporters or certified voice writer reporters in that jurisdiction were, at the date of his or her certification, substantially equivalent to the requirements in force in this State on that date.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 98-445, eff. 12-31-13.)

(225 ILCS 415/23) (from Ch. 111, par. 6223)

(Section scheduled to be repealed on January 1, 2024)

Sec. 23. Grounds for disciplinary action.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem appropriate, including imposing fines not to exceed $10,000 for each violation and the assessment of costs as provided for in Section 23.3 of this Act, with regard to any license for any one or combination of the following:

(1) Material misstatement in furnishing information to the Department;

(2) Violations of this Act, or of the rules promulgated thereunder;

(3) Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation under the laws of any jurisdiction of the United States: (i) that is a felony or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession;

(4) Fraud or any misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal of a license under this Act;

(5) Professional incompetence;

(6) Aiding or assisting another person, firm, partnership or corporation in violating any provision of this Act or rules;

(7) Failing, within 60 days, to provide information in response to a written request made by the Department;

(8) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;

(9) Habitual or excessive use or abuse of drugs defined in law as controlled substances, alcohol, or any other substances that results in the inability to practice with reasonable judgment, skill, or safety;

(10) Discipline by another state, unit of government, government agency, the District of

Columbia, a territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein;

(11) Charging for professional services not rendered, including filing false statements for the collection of fees for which services were not rendered, or giving, directly or indirectly, any gift or anything of value to attorneys or their staff or any other persons or entities associated with any litigation, that exceeds $100 total per year; for the purposes of this Section, pro bono services, as defined by State law, are permissible in any amount;

(12) A finding by the Board that the certificate holder, after having his <u>or her</u> certificate placed on probationary status, has violated the terms of probation;

(13) Willfully making or filing false records or reports in the practice of shorthand reporting <u>or in the practice of voice writer reporting</u>, including but not limited to false records filed with State agencies or departments;

(14) Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill which results in the inability to practice under this Act with reasonable judgment, skill or safety;

(15) Solicitation of professional services other than by permitted advertising;

(16) Willful failure to take full and accurate stenographic notes of any proceeding;

(17) Willful alteration of any stenographic notes taken at any proceeding;

(18) Willful failure to accurately transcribe verbatim any stenographic notes taken at any proceeding;

(19) Willful alteration of a transcript of stenographic notes taken at any proceeding;

(20) Affixing one's signature to any transcript of his stenographic notes or certifying to its correctness unless the transcript has been prepared by him or under his immediate supervision;

(21) Willful failure to systematically retain stenographic notes or transcripts on paper or any electronic media for 10 years from the date that the notes or transcripts were taken;

(22) Failure to deliver transcripts in a timely manner or in accordance with contractual agreements;

(23) Establishing contingent fees as a basis of compensation;

(24) Mental illness or disability that results in the inability to practice under this Act with reasonable judgment, skill, or safety;

(25) Practicing under a false or assumed name, except as provided by law;

(26) Cheating on or attempting to subvert the licensing examination administered under this Act;

(27) Allowing one's license under this Act to be used by an unlicensed person in violation of this Act.

All fines imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine.

(b) The determination by a circuit court that a certificate holder is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, an order by the court so finding and discharging the patient. In any case where a license is suspended under this Section, the licensee may file a petition for restoration and shall include evidence acceptable to the Department that the licensee can resume practice in compliance with acceptable and prevailing standards of the profession.

(c) In cases where the Department of Healthcare and Family Services has previously determined a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with item (5) of subsection (a) of Section 2105-15 of the Civil Administrative Code of Illinois.

(d) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any individual who is certified under this Act or any individual who has applied for certification under this Act to submit to a mental or physical examination and evaluation, or both, which may include a substance abuse or sexual offender evaluation, at the expense of the Department. The Department shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination and evaluation, or both. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed to practice medicine in all of its

branches, licensed chiropractic physicians, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination and evaluation pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing.

The Department may order the examining physician or any member of the multidisciplinary team to provide to the Department any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed. The Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this examination and evaluation of the certified shorthand reporter, certified voice writer reporter, or applicant, including testimony concerning any supplemental testing or documents relating to the examination and evaluation. No information, report, record, or other documents in any way related to the examination and evaluation shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the certified shorthand reporter or applicant ordered to undergo an evaluation and examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination.

Failure of any individual to submit to mental or physical examination and evaluation, or both, when directed, shall result in an automatic suspension, without hearing, until such time as the individual submits to the examination. If the Department finds a certified shorthand reporter or certified voice writer reporter unable to practice because of the reasons set forth in this Section, the Department shall require the certified shorthand reporter or certified voice writer reporter to submit to care, counseling, or treatment by physicians approved or designated by the Department, as a condition for continued, reinstated, or renewed certification.

When the Secretary immediately suspends a certificate under this Section, a hearing upon the person's certificate must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the certified shorthand reporter's or certified voice writer reporter's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

Individuals certified under this Act, affected under this Section, shall be afforded an opportunity to demonstrate to the Department that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their certification.

(e) (Blank).

(f) The Department may refuse to issue or may suspend without hearing, as provided for in the Code of Civil Procedure, the license of any person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Civil Administrative Code of Illinois.

(Source: P.A. 100-872, eff. 8-14-18.)

(225 ILCS 415/23.1) (from Ch. 111, par. 6224)

(Section scheduled to be repealed on January 1, 2024)

Sec. 23.1. Injunctive actions; order to cease and desist.

(a) If any person violates the provisions of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois or the State's Attorney of the county in which the violation is alleged to have occurred, petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation. If it is established that such person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person practices as a certified shorthand reporter or certified voice writer reporter or holds himself or herself out as a certified shorthand reporter or certified voice writer reporter without being licensed under the provisions of this Act then any certified shorthand reporter, any certified voice writer

reporter, any interested party or any person injured thereby may, in addition to the Secretary, petition for relief as provided in subsection (a).

(c) Whenever in the opinion of the Department any person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that individual. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued forthwith.

(Source: P.A. 98-445, eff. 12-31-13.)

(225 ILCS 415/23.3) (from Ch. 111, par. 6226)

(Section scheduled to be repealed on January 1, 2024)

Sec. 23.3. Records of proceedings. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and orders of the Department, shall be the record of such proceeding. Any certified shorthand reporter or certified voice writer reporter who is found to have violated this Act or who fails to appear for a hearing to refuse to issue, restore, or renew a license or to discipline a licensee may be required by the Department to pay for the costs of the proceeding. These costs are limited to costs for court reporters, transcripts, and witness attendance and mileage fees. All costs imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine.

(Source: P.A. 98-445, eff. 12-31-13.)

(225 ILCS 415/23.4) (from Ch. 111, par. 6227)

(Section scheduled to be repealed on January 1, 2024)

Sec. 23.4. Subpoenas; oaths. The Department may subpoena and bring before it any person and to take the oral or written testimony or compel the production of any books, papers, records, or any other documents that the Secretary or his or her designee deems relevant or material to an investigation or hearing conducted by the Department with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Secretary, the designated hearing officer, any member of the Board, or a certified shorthand court reporter or a certified voice writer reporter may have power to administer oaths at any hearing which the Department conducts. Notwithstanding any other statute or Department rule to the contrary, all requests for testimony and production of documents or records shall be in accordance with this Act.

(Source: P.A. 98-445, eff. 12-31-13.)

(225 ILCS 415/23.13) (from Ch. 111, par. 6236)

(Section scheduled to be repealed on January 1, 2024)

Sec. 23.13. Summary suspension. The Secretary may summarily suspend the certificate of a certified shorthand reporter or a certified voice writer reporter without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 23.2 of this Act, if the Secretary finds that the evidence indicates that a certified shorthand reporter's or a certified voice writer reporter's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary summarily suspends the certificate of a certified shorthand reporter or a certified voice writer reporter without a hearing, a hearing shall be commenced within 30 days after such suspension has occurred and shall be concluded as expeditiously as possible.

(Source: P.A. 98-445, eff. 12-31-13.)

(225 ILCS 415/25) (from Ch. 111, par. 6241)

(Section scheduled to be repealed on January 1, 2024)

Sec. 25. Home rule. The regulation and licensing of a shorthand reporter or a voice writer reporter are exclusive powers and functions of the State. A home rule unit may not regulate or license a shorthand reporter or the practice of shorthand reporting or regulate or license a voice writer reporter or the practice of voice writer reporting. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 98-445, eff. 12-31-13.)

(225 ILCS 415/26) (from Ch. 111, par. 6242)

(Section scheduled to be repealed on January 1, 2024)

Sec. 26. Every shorthand reporter and voice writer reporter shall print his or her name and license or restricted license number on each transcript reported.

(Source: P.A. 87-481; 87-576.)

(225 ILCS 415/28)

(Section scheduled to be repealed on January 1, 2024)

Sec. 28. Payment for services. A person certified under this Act may hold an attorney, firm, or any other entity personally responsible for payment of shorthand reporting services or voice writer reporting services rendered at the request of that attorney, firm, or entity.
(Source: P.A. 90-295, eff. 8-1-97.)

Section 45. The Illinois Public Accounting Act is amended by changing Section 20.2 as follows:
(225 ILCS 450/20.2) (from Ch. 111, par. 5523)
(Section scheduled to be repealed on January 1, 2024)
Sec. 20.2. Subpoenas; depositions; oaths.
(a) The Department may subpoena and bring before it any person to take the oral or written testimony or compel the production of any books, papers, records, or any other documents that the Secretary or his or her designee deems relevant or material to any investigation or hearing conducted by the Department with the same fees and mileage as prescribed in civil cases in circuit courts of this State and in the same manner as prescribed by this Act and its rules.
(b) The Secretary, any member of the Committee designated by the Secretary, a certified shorthand reporter or certified voice writer reporter, or any hearing officer appointed may administer oaths at any hearing which the Department conducts. Notwithstanding any statute or Department rule to the contrary, all requests for testimony, production of documents, or records shall be in accordance with this Act.
(Source: P.A. 98-254, eff. 8-9-13.)

Section 50. The Real Estate Appraiser Licensing Act of 2002 is amended by changing Section 15-15 as follows:
(225 ILCS 458/15-15)
(Section scheduled to be repealed on January 1, 2022)
Sec. 15-15. Investigation; notice; hearing.
(a) Upon the motion of the Department or the Board or upon a complaint in writing of a person setting forth facts that, if proven, would constitute grounds for suspension, revocation, or other disciplinary action against a licensee or applicant for licensure, the Department shall investigate the actions of the licensee or applicant. If, upon investigation, the Department believes that there may be cause for suspension, revocation, or other disciplinary action, the Department shall use the services of a State certified general real estate appraiser, a State certified residential real estate appraiser, or the Real Estate Coordinator to assist in determining whether grounds for disciplinary action exist prior to commencing formal disciplinary proceedings.
(b) Formal disciplinary proceedings shall commence upon the issuance of a written complaint describing the charges that are the basis of the disciplinary action and delivery of the detailed complaint to the address of record of the licensee or applicant. The Department shall notify the licensee or applicant to file a verified written answer within 20 days after the service of the notice and complaint. The notification shall inform the licensee or applicant of his or her right to be heard in person or by legal counsel; that the hearing will be afforded not sooner than 30 days after service of the complaint; that failure to file an answer will result in a default being entered against the licensee or applicant; that the license may be suspended, revoked, or placed on probationary status; and that other disciplinary action may be taken pursuant to this Act, including limiting the scope, nature, or extent of the licensee's practice. If the licensee or applicant fails to file an answer after service of notice, his or her license may, at the discretion of the Department, be suspended, revoked, or placed on probationary status and the Department may take whatever disciplinary action it deems proper, including limiting the scope, nature, or extent of the person's practice, without a hearing.
(c) At the time and place fixed in the notice, the Board shall conduct hearing of the charges, providing both the accused person and the complainant ample opportunity to present in person or by counsel such statements, testimony, evidence, and argument as may be pertinent to the charges or to a defense thereto.
(d) The Board shall present to the Secretary a written report of its findings and recommendations. A copy of the report shall be served upon the licensee or applicant, either personally or by certified mail. Within 20 days after the service, the licensee or applicant may present the Secretary with a motion in writing for either a rehearing, a proposed finding of fact, a conclusion of law, or an alternative sanction, and shall specify the particular grounds for the request. If the accused orders a transcript of the record as provided in this Act, the time elapsing thereafter and before the transcript is ready for delivery to the accused shall not be counted as part of the 20 days. If the Secretary is not satisfied that substantial justice has been done, the Secretary may order a rehearing by the Board or other special committee appointed by the Secretary, may remand the matter to the Board for its reconsideration of the matter based on the pleadings and evidence presented to the Board, or may enter a final order in contravention of the Board's

recommendation. Notwithstanding a licensee's or applicant's failure to file a motion for rehearing, the Secretary shall have the right to take any of the actions specified in this subsection (d). Upon the suspension or revocation of a license, the licensee shall be required to surrender his or her license to the Department, and upon failure or refusal to do so, the Department shall have the right to seize the license.

(e) The Department has the power to issue subpoenas and subpoenas duces tecum to bring before it any person in this State, to take testimony, or to require production of any records relevant to an inquiry or hearing by the Board in the same manner as prescribed by law in judicial proceedings in the courts of this State. In a case of refusal of a witness to attend, testify, or to produce books or papers concerning a matter upon which he or she might be lawfully examined, the circuit court of the county where the hearing is held, upon application of the Department or any party to the proceeding, may compel obedience by proceedings as for contempt.

(f) Any license that is suspended indefinitely or revoked may not be restored for a minimum period of 2 years, or as otherwise ordered by the Secretary.

(g) In addition to the provisions of this Section concerning the conduct of hearings and the recommendations for discipline, the Department has the authority to negotiate disciplinary and non-disciplinary settlement agreements concerning any license issued under this Act. All such agreements shall be recorded as Consent Orders or Consent to Administrative Supervision Orders.

(h) The Secretary shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action to suspend, revoke, or otherwise discipline any license issued by the Department. The Hearing Officer shall have full authority to conduct the hearing.

(i) The Department, at its expense, shall preserve a record of all formal hearings of any contested case involving the discipline of a license. At all hearings or pre-hearing conferences, the Department and the licensee shall be entitled to have the proceedings transcribed by a certified shorthand reporter or certified voice writer reporter. A copy of the transcribed proceedings shall be made available to the licensee by the certified shorthand reporter or certified voice writer reporter upon payment of the prevailing contract copy rate.

(Source: P.A. 100-831, eff. 1-1-19.)

Section 55. The Animal Welfare Act is amended by changing Section 15 as follows:

(225 ILCS 605/15) (from Ch. 8, par. 315)

Sec. 15. Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the circuit court of the county wherein such person resides, or in the case of a corporation, wherein the registered office is located. If the plaintiff in the review proceeding is not a resident of this state, the venue shall be in Sangamon County. The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

The Department shall not be required to certify the record of the proceeding unless the plaintiff in the review proceedings has purchased a copy from the certified shorthand reporter or certified voice writer reporter who prepared the record. Exhibits shall be certified without cost.

(Source: P.A. 82-783.)

Section 60. The Liquor Control Act of 1934 is amended by changing Section 7-9 as follows:

(235 ILCS 5/7-9) (from Ch. 43, par. 153)

Sec. 7-9. Except as provided in this Section, any order or action of a local liquor control commissioner levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than 30 days to grant a hearing upon a complaint to revoke or suspend a license may, within 20 days after notice of such order or action, be appealed by any resident of the political subdivision under the jurisdiction of the local liquor control commissioner or any person interested, to the State Commission.

In any case where a licensee appeals to the State Commission from an order or action of the local liquor control commission having the effect of suspending or revoking a license, denying a renewal application, or refusing to grant a license, the licensee shall resume the operation of the licensed business pending the decision of the State Commission and the expiration of the time allowed for an application for rehearing. If an application for rehearing is filed, the licensee shall continue the operation of the licensed business until the denial of the application or, if the rehearing is granted, until the decision on rehearing.

In any case in which a licensee appeals to the State Commission a suspension or revocation by a local liquor control commissioner that is the second or subsequent such suspension or revocation placed on that

licensee within the preceding 12 month period, the licensee shall consider the suspension or revocation to be in effect until a reversal of the local liquor control commissioner's action has been issued by the State Commission and shall cease all activity otherwise authorized by the license. The State Commission shall expedite, to the greatest extent possible, its consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past 12 month period.

The appeal shall be limited to a review of the official record of the proceedings of such local liquor control commissioner if the county board, city council or board of trustees, as the case may be, has adopted a resolution requiring that such review be on the record. If such resolution is adopted, a certified official record of the proceedings taken and prepared by a certified court reporter, ~~or~~ certified shorthand reporter , or certified voice writer reporter shall be filed by the local liquor control commissioner within 5 days after notice of the filing of such appeal, if the appellant licensee pays for the cost of the transcript. The State Commission shall review the propriety of the order or action of the local liquor control commissioner and shall consider the following questions:

(a) whether the local liquor control commissioner has proceeded in the manner provided by law;

(b) whether the order is supported by the findings;

(c) whether the findings are supported by substantial evidence in the light of the whole record.

The only evidence which may be considered in the review, shall be the evidence found in the certified official record of the proceedings of the local liquor control commissioner. No new or additional evidence shall be admitted or considered. The State Commission shall render a decision affirming, reversing or modifying the order or action reviewed within 30 days after the appeal was heard.

In the event such appeal is from an order of a local liquor control commissioner of a city, village or incorporated town of 500,000 or more inhabitants, granting or refusing to grant a license or refusing for more than 30 days to grant a hearing upon a complaint to revoke or suspend a license, the matter of the propriety of such order or action shall be tried de novo by the license appeal commission as expeditiously as circumstances permit.

In the event such appeal is from an order or action of a local liquor control commissioner of a city, village or incorporated town of 500,000 or more inhabitants, imposing a fine or refusing to impose a fine on a licensee, revoking or suspending or refusing to revoke or suspend a license, the license appeal commission shall determine the appeal by a review of the official record of the proceedings of such local liquor control commissioner. A certified record of the proceedings shall be promptly filed with the license appeal commission by such local liquor control commissioner after notice of the filing of such appeal if the appellant licensee pays for the cost of the transcript and promptly delivers the transcript to the local liquor control commission or its attorney. The review by the license appeal commission shall be limited to the questions:

(a) whether the local liquor control commissioner has proceeded in the manner provided by law;

(b) whether the order is supported by the findings;

(c) whether the findings are supported by substantial evidence in the light of the whole record.

No new or additional evidence in support of or in opposition to such order or action under appeal shall be received other than that contained in such record of the proceedings. Within 30 days after such appeal was heard, the license appeal commission shall render its decision in accordance with the provisions of Section 7-5.

In cities, villages and incorporated towns having a population of 500,000 or more inhabitants, appeals from any order or action shall lie to the license appeal commission of such city, village or incorporated town. All of the provisions of this Section and Section 7-10 relative to proceedings upon appeals before the State Commission and relative to appeals from the decisions of the State Commission shall apply also to proceedings upon appeals before any license appeal commission and appeals from the decisions of license appeal commission.

In any trial de novo hearing before the State Commission or license appeal commission, the local liquor control commissioner shall be entitled to 10 days notice and to be heard. All such trial de novo hearings shall be open to the public and the Illinois Liquor Control Commission and the license appeal commission shall reduce all evidence offered thereto to writing.

If after trial de novo hearing or review as provided herein, the State Commission or the license appeal commission (as the case may be) shall decide that the license has been improperly issued, denied, revoked, suspended or refused to be revoked or suspended or a hearing to revoke or suspend has been improperly

refused or that the licensee has been improperly fined or not fined, it shall enter an order in conformity with such findings, which order shall be in writing.

A certified copy of the order shall be transmitted to the particular local liquor control commissioner and it shall be the duty of the local liquor control commissioner to take such action as may be necessary to conform with the order.

In any trial de novo hearing before the State Commission or the license appeal commission, the licensee shall submit to examination and produce books and records material to the business conducted under the license in like manner as before the local liquor control commissioner, and the failure of the licensee to submit to such an examination or to produce such books and records, or to appear at the hearing on such appeal, shall constitute an admission that he has violated the provisions of this Act. In the event the appeal is from an order of the local liquor control commissioner denying a renewal application, the licensee shall have on deposit with the local liquor control commissioner an amount sufficient to cover the license fee for the renewal period and any bond that may be required.
(Source: P.A. 88-613, eff. 1-1-95.)

Section 65. The Salvage Warehouse and Salvage Warehouse Store Act is amended by changing Section 10 as follows:

(240 ILCS 30/10) (from Ch. 114, par. 410)

Sec. 10. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or renew, or the suspension or revocation of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, and orders of the Department shall be the record of such proceedings. Any interested person may purchase a copy of the transcript of the record from the certified shorthand reporter or certified voice writer reporter who prepared the record.

In any case involving the refusal to issue or renew or the suspension or revocation of a license, a copy of the Department's report shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the Director may enter an order. If the respondent shall order and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.
(Source: P.A. 81-750.)

Section 70. The Unified Code of Corrections is amended by changing Section 5-5-5 as follows:

(730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

Sec. 5-5-5. Loss and restoration of rights.

(a) Conviction and disposition shall not entail the loss by the defendant of any civil rights, except under this Section and Sections 29-6 and 29-10 of The Election Code, as now or hereafter amended.

(b) A person convicted of a felony shall be ineligible to hold an office created by the Constitution of this State until the completion of his sentence.

(c) A person sentenced to imprisonment shall lose his right to vote until released from imprisonment.

(d) On completion of sentence of imprisonment or upon discharge from probation, conditional discharge or periodic imprisonment, or at any time thereafter, all license rights and privileges granted under the authority of this State which have been revoked or suspended because of conviction of an offense shall be restored unless the authority having jurisdiction of such license rights finds after investigation and hearing that restoration is not in the public interest. This paragraph (d) shall not apply to the suspension or revocation of a license to operate a motor vehicle under the Illinois Vehicle Code.

(e) Upon a person's discharge from incarceration or parole, or upon a person's discharge from probation or at any time thereafter, the committing court may enter an order certifying that the sentence has been satisfactorily completed when the court believes it would assist in the rehabilitation of the person and be consistent with the public welfare. Such order may be entered upon the motion of the defendant or the State or upon the court's own motion.

(f) Upon entry of the order, the court shall issue to the person in whose favor the order has been entered a certificate stating that his behavior after conviction has warranted the issuance of the order.

(g) This Section shall not affect the right of a defendant to collaterally attack his conviction or to rely on it in bar of subsequent proceedings for the same offense.

(h) No application for any license specified in subsection (i) of this Section granted under the authority of this State shall be denied by reason of an eligible offender who has obtained a certificate of relief from disabilities, as defined in Article 5.5 of this Chapter, having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when the finding is based upon the fact that the applicant has previously been convicted of one or more criminal offenses, unless:

(1) there is a direct relationship between one or more of the previous criminal offenses and the specific license sought; or

(2) the issuance of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

In making such a determination, the licensing agency shall consider the following factors:

(1) the public policy of this State, as expressed in Article 5.5 of this Chapter, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses;

(2) the specific duties and responsibilities necessarily related to the license being sought;

(3) the bearing, if any, the criminal offenses or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;

(4) the time which has elapsed since the occurrence of the criminal offense or offenses;

(5) the age of the person at the time of occurrence of the criminal offense or offenses;

(6) the seriousness of the offense or offenses;

(7) any information produced by the person or produced on his or her behalf in regard to his or her rehabilitation and good conduct, including a certificate of relief from disabilities issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified in the certificate; and

(8) the legitimate interest of the licensing agency in protecting property, and the safety and welfare of specific individuals or the general public.

(i) A certificate of relief from disabilities shall be issued only for a license or certification issued under the following Acts:

(1) the Animal Welfare Act; except that a certificate of relief from disabilities may not be granted to provide for the issuance or restoration of a license under the Animal Welfare Act for any person convicted of violating Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane Care for Animals Act or Section 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal Code of 2012;

(2) the Illinois Athletic Trainers Practice Act;

(3) the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985;

(4) the Boiler and Pressure Vessel Repairer Regulation Act;

(5) the Boxing and Full-contact Martial Arts Act;

(6) the Illinois Certified Shorthand Reporters and Voice Writer Reporters Act ~~of 1984~~;

(7) the Illinois Farm Labor Contractor Certification Act;

(8) the Registered Interior Designers Act;

(9) the Illinois Professional Land Surveyor Act of 1989;

(10) the Illinois Landscape Architecture Act of 1989;

(11) the Marriage and Family Therapy Licensing Act;

(12) the Private Employment Agency Act;

(13) the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act;

(14) the Real Estate License Act of 2000;

(15) the Illinois Roofing Industry Licensing Act;

(16) the Professional Engineering Practice Act of 1989;

(17) the Water Well and Pump Installation Contractor's License Act;

(18) the Electrologist Licensing Act;

(19) the Auction License Act;

(20) the Illinois Architecture Practice Act of 1989;

(21) the Dietitian Nutritionist Practice Act;

(22) the Environmental Health Practitioner Licensing Act;

(23) the Funeral Directors and Embalmers Licensing Code;

(24) (blank);

(25) the Professional Geologist Licensing Act;

(26) the Illinois Public Accounting Act; and

(27) the Structural Engineering Practice Act of 1989.
(Source: P.A. 100-534, eff. 9-22-17; 100-920, eff. 8-17-18.)

Section 75. The Code of Civil Procedure is amended by changing Section 2-1003 as follows:
(735 ILCS 5/2-1003) (from Ch. 110, par. 2-1003)
Sec. 2-1003. Discovery and depositions.
(a) Discovery, such as admissions of fact and of genuineness of documents, physical and mental examinations of parties and other persons, the taking of any depositions, and interrogatories, shall be in accordance with rules.
(b) (Blank).
(c) (Blank).
(d) Whenever the defendant in any litigation in this State has the right to demand a physical or mental examination of the plaintiff pursuant to statute or Supreme Court Rule, relative to the occurrence and extent of injuries or damages for which claim is made, or in connection with the plaintiff's capacity to exercise any right plaintiff has, or would have but for a finding based upon such examination, the plaintiff has the right to have his or her attorney, or such other person as the plaintiff may wish, present at such physical or mental examination.
(e) No person or organization shall be required to furnish claims, loss or risk management information held or provided by an insurer, which information is described in Section 143.10a of the "Illinois Insurance Code".
(f) Unless a verbatim record of the testimony or deposition is prepared and certified by an individual certified under the Illinois Certified Shorthand Reporters and Voice Writer Reporters Act, no testimony taken in any litigation in this State by deposition shall be offered in any court in this State and no testimony offered in the record of administrative proceedings in an appeal under the Administrative Review Law shall be offered as part of the administrative record. Testimony taken outside of this State shall be deemed to be in conformity with this Section if the testimony was prepared and certified by a court reporter authorized to prepare and certify deposition testimony in the jurisdiction in which the testimony was taken.
(Source: P.A. 99-110, eff. 1-1-16.)

Section 80. The Illinois Pre-Need Cemetery Sales Act is amended by changing Sections 9 and 11 as follows:
(815 ILCS 390/9) (from Ch. 21, par. 209)
Sec. 9. The Comptroller may upon his own motion investigate the actions of any person providing, selling, or offering pre-need sales contracts or of any applicant or any person or persons holding or claiming to hold a license under this Act. The Comptroller shall make such an investigation on receipt of the verified written complaint of any person setting forth facts which, if proved, would constitute grounds for refusal, suspension, or revocation of a license. Before refusing to issue, and before suspension or revocation of a license, the Comptroller shall hold a hearing to determine whether the applicant or licensee, hereafter called the respondent, is entitled to hold such a license. At least 10 days prior to the date set for such hearing, the Comptroller shall notify the respondent in writing that on the date designated a hearing will be held to determine his eligibility for a license and that he may appear in person or by counsel. Such written notice may be served on the respondent personally, or by registered or certified mail sent to the respondent's business address as shown in his latest notification to the Comptroller and shall include sufficient information to inform the respondent of the general nature of the charge. At the hearing, both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Comptroller may reasonably continue such hearing from time to time.
The Comptroller may subpoena any person or persons in this State and take testimony orally, by deposition or by exhibit, in the same manner and with the same fees and mileage as prescribed in judicial proceedings in civil cases.
Any authorized agent of the Comptroller may administer oaths to witnesses at any hearing which the Comptroller is authorized to conduct.
The Comptroller, at his expense, shall provide a certified shorthand reporter or certified voice writer reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue a license, the suspension or revocation of a license, the imposition of a monetary penalty, or the referral of a case for criminal prosecution. The record of any such proceeding shall consist of the notice of hearing, complaint, all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony and the report and orders of the Comptroller.

Copies of the transcript of such record may be purchased from the certified shorthand reporter or certified voice writer reporter who prepared the record or from the Comptroller.
(Source: P.A. 92-419, eff. 1-1-02.)

(815 ILCS 390/11) (from Ch. 21, par. 211)

Sec. 11. Any person affected by a final administrative decision of the Comptroller may have such decision reviewed judicially by the circuit court of the county where such person resides, or in the case of a corporation, where the registered office is located. If the plaintiff in the review proceeding is not a resident of this State, venue shall be in Sangamon County. The provisions of the "Administrative Review Law", approved August 19, 1981, all amendments and modifications thereto, and any rules adopted under it govern all proceedings for the judicial review of final administrative decisions of the Comptroller. The term "administrative decision" is defined as in the "Administrative Review Law".

The Comptroller is not required to certify the record of the proceeding unless the plaintiff in the review proceedings has purchased a copy of the transcript from the certified shorthand reporter or certified voice writer reporter who prepared the record or from the Comptroller. Exhibits shall be certified without cost.
(Source: P.A. 84-239.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Harmon, **Senate Bill No. 2128** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Aquino	Gillespie	Martinez	Schimpf
Barickman	Glowiak	McClure	Sims
Belt	Harmon	McConchie	Stadelman
Bennett	Harris	McGuire	Steans
Bertino-Tarrant	Hastings	Morrison	Stewart
Brady	Holmes	Mulroe	Syverson
Bush	Hunter	Muñoz	Tracy
Castro	Hutchinson	Murphy	Van Pelt
Crowe	Jones, E.	Oberweis	Villivalam
Cullerton, T.	Koehler	Peters	Weaver
DeWitte	Landek	Plummer	Wilcox
Ellman	Lightford	Rezin	Mr. President
Fine	Link	Rose	
Fowler	Manar	Sandoval	

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

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

On motion of Senator Bush, **Senate Bill No. 37** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 39; NAYS 10.

The following voted in the affirmative:

Anderson	Curran	Koehler	Peters
Aquino	Ellman	Landek	Righter
Barickman	Fine	Link	Rose
Belt	Fowler	Manar	Sandoval
Bennett	Gillespie	Martinez	Stadelman
Bertino-Tarrant	Harmon	McGuire	Steans
Brady	Holmes	Morrison	Van Pelt
Bush	Hunter	Mulroe	Villivalam
Castro	Hutchinson	Muñoz	Mr. President
Crowe	Jones, E.	Murphy	

The following voted in the negative:

DeWitte	Oberweis	Stewart	Wilcox
McClure	Rezin	Tracy	
McConchie	Schimpf	Weaver	

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

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

SENATE BILL RECALLED

On motion of Senator Morrison, **Senate Bill No. 25** was recalled from the order of third reading to the order of second reading.

Senator Morrison offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 25

AMENDMENT NO. 1. Amend Senate Bill 25 on page 2, line 8, by inserting after "140.403(a)(5)." the following:

"An examination via an Interactive Telecommunication System may only be used for certification under this Section when a psychiatrist is not on-site within the time period set forth in this Section. If the examination is performed via an Interactive Communication System, that fact shall be noted on the certificate.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Morrison, **Senate Bill No. 25** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Sandoval
Aquino	Fowler	Martinez	Schimpf
Barickman	Gillespie	McClure	Sims
Belt	Glowiak	McConchie	Stadelman
Bennett	Harmon	McGuire	Steans
Bertino-Tarrant	Harris	Morrison	Stewart
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Crowe	Hutchinson	Oberweis	Villivalam
Cullerton, T.	Jones, E.	Peters	Weaver
Cunningham	Koehler	Plummer	Wilcox
Curran	Landek	Rezin	Mr. President
DeWitte	Lightford	Righter	
Ellman	Link	Rose	

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

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

On motion of Senator Harmon, **Senate Bill No. 54** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Link	Schimpf
Aquino	Fowler	Manar	Sims
Barickman	Gillespie	Martinez	Stadelman
Belt	Glowiak	McClure	Steans
Bertino-Tarrant	Harmon	McConchie	Stewart
Brady	Harris	McGuire	Syverson
Bush	Hastings	Morrison	Tracy
Castro	Holmes	Mulroe	Van Pelt
Crowe	Hunter	Muñoz	Villivalam
Cullerton, T.	Hutchinson	Oberweis	Weaver
Cunningham	Jones, E.	Peters	Mr. President
Curran	Koehler	Rezin	
DeWitte	Landek	Rose	
Ellman	Lightford	Sandoval	

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

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

On motion of Senator Holmes, **Senate Bill No. 61** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Link	Sandoval
Aquino	Fine	Manar	Schimpf
Barickman	Fowler	Martinez	Sims
Belt	Gillespie	McClure	Stadelman
Bennett	Glowiak	McConchie	Steans
Bertino-Tarrant	Harmon	McGuire	Stewart
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Crowe	Hutchinson	Oberweis	Villivalam
Cullerton, T.	Jones, E.	Peters	Weaver
Cunningham	Koehler	Plummer	Mr. President
Curran	Landek	Rezin	
DeWitte	Lightford	Righter	

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

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

SENATE BILL RECALLED

On motion of Senator Morrison, **Senate Bill No. 68** was recalled from the order of third reading to the order of second reading.

Senator Morrison offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 68

AMENDMENT NO. _4_. Amend Senate Bill 68, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Section 704A as follows:

(35 ILCS 5/704A)

Sec. 704A. Employer's return and payment of tax withheld.

(a) In general, every employer who deducts and withholds or is required to deduct and withhold tax under this Act on or after January 1, 2008 shall make those payments and returns as provided in this Section.

(b) Returns. Every employer shall, in the form and manner required by the Department, make returns with respect to taxes withheld or required to be withheld under this Article 7 for each quarter beginning on or after January 1, 2008, on or before the last day of the first month following the close of that quarter.

(c) Payments. With respect to amounts withheld or required to be withheld on or after January 1, 2008:

(1) Semi-weekly payments. For each calendar year, each employer who withheld or was required to withhold more than $12,000 during the one-year period ending on June 30 of the immediately preceding calendar year, payment must be made:

(A) on or before each Friday of the calendar year, for taxes withheld or required to be withheld on the immediately preceding Saturday, Sunday, Monday, or Tuesday;

(B) on or before each Wednesday of the calendar year, for taxes withheld or required to be withheld on the immediately preceding Wednesday, Thursday, or Friday.

Beginning with calendar year 2011, payments made under this paragraph (1) of subsection (c) must be made by electronic funds transfer.

(2) Semi-weekly payments. Any employer who withholds or is required to withhold more than $12,000 in any quarter of a calendar year is required to make payments on the dates set forth under item (1) of this subsection (c) for each remaining quarter of that calendar year and for the subsequent calendar year.

(3) Monthly payments. Each employer, other than an employer described in items (1) or

(2) of this subsection, shall pay to the Department, on or before the 15th day of each month the taxes withheld or required to be withheld during the immediately preceding month.

(4) Payments with returns. Each employer shall pay to the Department, on or before the due date for each return required to be filed under this Section, any tax withheld or required to be withheld during the period for which the return is due and not previously paid to the Department.

(d) Regulatory authority. The Department may, by rule:

(1) Permit employers, in lieu of the requirements of subsections (b) and (c), to file annual returns due on or before January 31 of the year for taxes withheld or required to be withheld during the previous calendar year and, if the aggregate amounts required to be withheld by the employer under this Article 7 (other than amounts required to be withheld under Section 709.5) do not exceed $1,000 for the previous calendar year, to pay the taxes required to be shown on each such return no later than the due date for such return.

(2) Provide that any payment required to be made under subsection (c)(1) or (c)(2) is deemed to be timely to the extent paid by electronic funds transfer on or before the due date for deposit of federal income taxes withheld from, or federal employment taxes due with respect to, the wages from which the Illinois taxes were withheld.

(3) Designate one or more depositories to which payment of taxes required to be withheld under this Article 7 must be paid by some or all employers.

(4) Increase the threshold dollar amounts at which employers are required to make semi-weekly payments under subsection (c)(1) or (c)(2).

(e) Annual return and payment. Every employer who deducts and withholds or is required to deduct and withhold tax from a person engaged in domestic service employment, as that term is defined in Section 3510 of the Internal Revenue Code, may comply with the requirements of this Section with respect to such employees by filing an annual return and paying the taxes required to be deducted and withheld on or before the 15th day of the fourth month following the close of the employer's taxable year. The Department may allow the employer's return to be submitted with the employer's individual income tax return or to be submitted with a return due from the employer under Section 1400.2 of the Unemployment Insurance Act.

(f) Magnetic media and electronic filing. With respect to taxes withheld in calendar years prior to 2017, any W-2 Form that, under the Internal Revenue Code and regulations promulgated thereunder, is required to be submitted to the Internal Revenue Service on magnetic media or electronically must also be submitted to the Department on magnetic media or electronically for Illinois purposes, if required by the Department.

With respect to taxes withheld in 2017 and subsequent calendar years, the Department may, by rule, require that any return (including any amended return) under this Section and any W-2 Form that is required to be submitted to the Department must be submitted on magnetic media or electronically.

The due date for submitting W-2 Forms shall be as prescribed by the Department by rule.

(g) For amounts deducted or withheld after December 31, 2009, a taxpayer who makes an election under subsection (f) of Section 5-15 of the Economic Development for a Growing Economy Tax Credit Act for a taxable year shall be allowed a credit against payments due under this Section for amounts withheld during the first calendar year beginning after the end of that taxable year equal to the amount of the credit for the incremental income tax attributable to full-time employees of the taxpayer awarded to the taxpayer by the Department of Commerce and Economic Opportunity under the Economic Development for a Growing Economy Tax Credit Act for the taxable year and credits not previously claimed and allowed to be carried forward under Section 211(4) of this Act as provided in subsection (f) of Section 5-15 of the Economic Development for a Growing Economy Tax Credit Act. The credit or credits may not reduce the taxpayer's obligation for any payment due under this Section to less than zero. If the amount of the credit or credits exceeds the total payments due under this Section with respect to amounts withheld during the calendar year, the excess may be carried forward and applied against the taxpayer's liability under this Section in the succeeding calendar years as allowed to be carried forward under paragraph (4) of Section 211 of this Act. The credit or credits shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one taxable year that are available to offset a liability, the earlier credit shall be applied first. Each employer who deducts and withholds or is required to deduct and withhold tax under this Act and who retains income tax withholdings under subsection (f) of Section 5-15 of the Economic Development for a Growing Economy Tax Credit Act must make a return with respect to such taxes and retained amounts in the form and manner that the Department, by rule, requires and pay to the Department or to a depositary designated by the Department those withheld taxes not retained by the taxpayer. For purposes of this subsection (g), the term taxpayer shall include taxpayer and members of the taxpayer's unitary business group as defined under paragraph (27) of subsection (a) of Section 1501 of this Act. This Section is exempt from the provisions of Section 250 of this Act. No credit awarded under the

Economic Development for a Growing Economy Tax Credit Act for agreements entered into on or after January 1, 2015 may be credited against payments due under this Section.

(h) An employer may claim a credit against payments due under this Section for amounts withheld during the first calendar year ending after the date on which a tax credit certificate was issued under Section 35 of the Small Business Job Creation Tax Credit Act. The credit shall be equal to the amount shown on the certificate, but may not reduce the taxpayer's obligation for any payment due under this Section to less than zero. If the amount of the credit exceeds the total payments due under this Section with respect to amounts withheld during the calendar year, the excess may be carried forward and applied against the taxpayer's liability under this Section in the 5 succeeding calendar years. The credit shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one calendar year that are available to offset a liability, the earlier credit shall be applied first. This Section is exempt from the provisions of Section 250 of this Act.

(i) Each employer with 50 or fewer full-time equivalent employees during the reporting period may claim a credit against the payments due under this Section for each qualified employee in an amount equal to the maximum credit allowable. The credit may be taken against payments due for reporting periods that begin on or after January 1, 2020, and end on or before December 31, 2027. An employer may not claim a credit for an employee who has worked fewer than 90 consecutive days immediately preceding the reporting period; however, such credits may accrue during that 90-day period and be claimed against payments under this Section for future reporting periods after the employee has worked for the employer at least 90 consecutive days. In no event may the credit exceed the employer's liability for the reporting period. Each employer who deducts and withholds or is required to deduct and withhold tax under this Act and who retains income tax withholdings under this subsection must make a return with respect to such taxes and retained amounts in the form and manner that the Department, by rule, requires and pay to the Department or to a depositary designated by the Department those withheld taxes not retained by the employer.

For each reporting period, the employer may not claim a credit or credits for more employees than the number of employees making less than the minimum or reduced wage for the current calendar year during the last reporting period of the preceding calendar year. Notwithstanding any other provision of this subsection, an employer shall not be eligible for credits for a reporting period unless the average wage paid by the employer per employee for all employees making less than $55,000 during the reporting period is greater than the average wage paid by the employer per employee for all employees making less than $55,000 during the same reporting period of the prior calendar year.

For purposes of this subsection (i):

"Compensation paid in Illinois" has the meaning ascribed to that term under Section 304(a)(2)(B) of this Act.

"Employer" and "employee" have the meaning ascribed to those terms in the Minimum Wage Law, except that "employee" also includes employees who work for an employer with fewer than 4 employees. Employers that operate more than one establishment pursuant to a franchise agreement or that constitute members of a unitary business group shall aggregate their employees for purposes of determining eligibility for the credit.

"Full-time equivalent employees" means the ratio of the number of paid hours during the reporting period and the number of working hours in that period.

"Maximum credit" means the percentage listed below of the difference between the amount of compensation paid in Illinois to employees who are paid not more than the required minimum wage reduced by the amount of compensation paid in Illinois to employees who were paid less than the current required minimum wage during the reporting period prior to each increase in the required minimum wage on January 1. If an employer pays an employee more than the required minimum wage and that employee previously earned less than the required minimum wage, the employer may include the portion that does not exceed the required minimum wage as compensation paid in Illinois to employees who are paid not more than the required minimum wage.

(1) 25% for reporting periods beginning on or after January 1, 2020 and ending on or before December 31, 2020;

(2) 21% for reporting periods beginning on or after January 1, 2021 and ending on or before December 31, 2021;

(3) 17% for reporting periods beginning on or after January 1, 2022 and ending on or before December 31, 2022;

(4) 13% for reporting periods beginning on or after January 1, 2023 and ending on or before December 31, 2023;

(5) 9% for reporting periods beginning on or after January 1, 2024 and ending on or

before December 31, 2024;

(6) 5% for reporting periods beginning on or after January 1, 2025 and ending on or before December 31, 2025.

The amount computed under this subsection may continue to be claimed for reporting periods beginning on or after January 1, 2026 and:

(A) ending on or before December 31, 2026 for employers with more than 5 employees; or

(B) ending on or before December 31, 2027 for employers with no more than 5 employees.

"Qualified employee" means an employee who is paid not more than the required minimum wage and has an average wage paid per hour by the employer during the reporting period equal to or greater than his or her average wage paid per hour by the employer during each reporting period for the immediately preceding 12 months. A new qualified employee is deemed to have earned the required minimum wage in the preceding reporting period.

"Reporting period" means the quarter for which a return is required to be filed under subsection (b) of this Section.

(j) For reporting periods beginning on or after January 1, 2020, if a private employer grants all of its employees the option of taking a paid leave of absence of at least 30 days for the purpose of serving as an organ donor or bone marrow donor, then the private employer may take a credit against the payments due under this Section in an amount equal to the amount withheld under this Section with respect to wages paid while the employee is on organ donation leave, not to exceed $1,000 in withholdings for each employee who takes organ donation leave. To be eligible for the credit, such a leave of absence must be taken without loss of pay, vacation time, compensatory time, personal days, or sick time for at least the first 30 days of the leave of absence. The private employer shall adopt rules governing organ donation leave, including rules that (i) establish conditions and procedures for requesting and approving leave and (ii) require medical documentation of the proposed organ or bone marrow donation before leave is approved by the private employer. A private employer must provide, in the manner required by the Department, documentation from the employee's medical provider, which the private employer receives from the employee, that verifies the employee's organ donation. The private employer must also provide, in the manner required by the Department, documentation that shows that a qualifying organ donor leave policy was in place and offered to all qualifying employees at the time the leave was taken. For the private employer to receive the tax credit, the employee taking organ donor leave must allow for the applicable medical records to be disclosed to the Department. If the private employer cannot provide the required documentation to the Department, then the private employer is ineligible for the credit under this Section. A private employer must also provide, in the form required by the Department, any additional documentation or information required by the Department to administer the credit under this Section. The credit under this subsection (j) shall be taken within one year after the date upon which the organ donation leave begins. If the leave taken spans into a second tax year, the employer qualifies for the allowable credit in the later of the 2 years. If the amount of credit exceeds the tax liability for the year, the excess may be carried and applied to the tax liability for the 3 taxable years following the excess credit year. The tax credit shall be applied to the earliest year for which there is a tax liability. If there are credits for more than one year that are available to offset liability, the earlier credit shall be applied first.

Nothing in this subsection (j) prohibits a private employer from providing an unpaid leave of absence to its employees for the purpose of serving as an organ donor or bone marrow donor; however, if the employer's policy provides for fewer than 30 days of paid leave for organ or bone marrow donation, then the employer shall not be eligible for the credit under this Section.

As used in this subsection (j):

"Organ" means any biological tissue of the human body that may be donated by a living donor, including, but not limited to, the kidney, liver, lung, pancreas, intestine, bone, skin, or any subpart of those organs.

"Organ donor" means a person from whose body an organ is taken to be transferred to the body of another person.

"Private employer" means a sole proprietorship, corporation, partnership, limited liability company, or other entity with one or more employees. "Private employer" does not include a municipality, county, State agency, or other public employer.

This subsection (j) is exempt from the provisions of Section 250 of this Act.

(Source: P.A. 100-303, eff. 8-24-17; 100-511, eff. 9-18-17; 100-863, eff. 8-14-18; 101-1, eff. 2-19-19.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Morrison, **Senate Bill No. 68** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Sandoval
Aquino	Fowler	Martinez	Schimpf
Barickman	Gillespie	McClure	Sims
Belt	Glowiak	McConchie	Stadelman
Bennett	Harmon	McGuire	Steans
Bertino-Tarrant	Harris	Morrison	Stewart
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Crowe	Hutchinson	Oberweis	Villivalam
Cullerton, T.	Jones, E.	Peters	Weaver
Cunningham	Koehler	Plummer	Wilcox
Curran	Landek	Rezin	Mr. President
DeWitte	Lightford	Righter	
Ellman	Link	Rose	

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

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

On motion of Senator Manar, **Senate Bill No. 71** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Sandoval
Aquino	Fowler	Martinez	Schimpf
Barickman	Gillespie	McClure	Sims
Belt	Glowiak	McConchie	Stadelman
Bennett	Harmon	McGuire	Steans
Bertino-Tarrant	Harris	Morrison	Stewart
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Crowe	Hutchinson	Oberweis	Villivalam
Cullerton, T.	Jones, E.	Peters	Weaver
Cunningham	Koehler	Plummer	Wilcox
Curran	Landek	Rezin	Mr. President

DeWitte	Lightford	Righter
Ellman	Link	Rose

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

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

On motion of Senator Bertino-Tarrant, **Senate Bill No. 112** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Sandoval
Aquino	Fowler	Martinez	Schimpf
Barickman	Gillespie	McClure	Sims
Belt	Glowiak	McConchie	Stadelman
Bennett	Harmon	McGuire	Steans
Bertino-Tarrant	Harris	Morrison	Stewart
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Crowe	Hutchinson	Oberweis	Villivalam
Cullerton, T.	Jones, E.	Peters	Weaver
Cunningham	Koehler	Plummer	Wilcox
Curran	Landek	Rezin	Mr. President
DeWitte	Lightford	Righter	
Ellman	Link	Rose	

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

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

On motion of Senator Manar, **Senate Bill No. 115** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Sandoval
Aquino	Fowler	Martinez	Schimpf
Barickman	Gillespie	McClure	Sims
Belt	Glowiak	McConchie	Stadelman
Bennett	Harmon	McGuire	Steans
Bertino-Tarrant	Harris	Morrison	Stewart
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Crowe	Hutchinson	Oberweis	Villivalam
Cullerton, T.	Jones, E.	Peters	Weaver
Cunningham	Koehler	Plummer	Wilcox

Curran	Landek	Rezin	Mr. President
DeWitte	Lightford	Righter	
Ellman	Link	Rose	

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

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

SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 147** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 147

AMENDMENT NO. _1_. Amend Senate Bill 147 on page 2, by replacing line 20 with the following:

"attaining the age of 18 years or until the child performer is declared emancipated; and

(5) that the account meets the requirements of the Illinois Uniform Transfers to Minors Act."; and

on page 3, by inserting immediately below line 4 the following:

"(e) If the parent or guardian of the child performer fails to provide the employer with the information necessary to transfer funds into the trust account within 30 days of a temporary employment certificate having expired, the funds that were to be transferred to the trust account shall be transferred to the Office of the State Treasurer in accordance with Section 15-608 of the Revised Uniform Unclaimed Property Act."; and

on page 3, line 5, by changing "(e)" to "(f)"; and

on page 3, line 8, by changing "(f)" to "(g)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Harmon, **Senate Bill No. 147** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martinez	Schimpf
Aquino	Fowler	McClure	Sims
Barickman	Gillespie	McConchie	Stadelman
Belt	Glowiak	McGuire	Steans
Bennett	Harmon	Morrison	Stewart
Bertino-Tarrant	Harris	Mulroe	Syverson
Brady	Hastings	Muñoz	Tracy
Bush	Holmes	Murphy	Van Pelt
Castro	Hunter	Oberweis	Villivalam
Crowe	Hutchinson	Peters	Weaver

Cullerton, T.	Jones, E.	Plummer	Wilcox
Cunningham	Koehler	Rezin	Mr. President
Curran	Lightford	Righter	
DeWitte	Link	Rose	
Ellman	Manar	Sandoval	

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

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

On motion of Senator Holmes, **Senate Bill No. 162** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Sandoval
Aquino	Fowler	Martinez	Schimpf
Barickman	Gillespie	McClure	Sims
Belt	Glowiak	McConchie	Stadelman
Bennett	Harmon	McGuire	Steans
Bertino-Tarrant	Harris	Morrison	Stewart
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Crowe	Hutchinson	Oberweis	Villivalam
Cullerton, T.	Jones, E.	Peters	Weaver
Cunningham	Koehler	Plummer	Wilcox
Curran	Landek	Rezin	Mr. President
DeWitte	Lightford	Righter	
Ellman	Link	Rose	

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

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

SENATE BILL RECALLED

On motion of Senator Castro, **Senate Bill No. 119** was recalled from the order of third reading to the order of second reading.

Senator Castro offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 119

AMENDMENT NO. 3 . Amend Senate Bill 119, AS AMENDED, 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, for reporting periods beginning on or after January 1, 2020, at the same time and in

the same manner as the foregoing reportable payment transactions are required to be reported to the Department, 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, but without regard to the de minimis limitations of subsection (e) of Section 6050W of the Internal Revenue Code, if, in that reporting period, the amount of those transactions exceeds $1,000 and the aggregate number of those transactions exceeds 3. Failure to provide any information required by this Section shall incur a penalty for failure to file an information return as provided in Section 3-4 of the Uniform Penalty and Interest Act. The Department shall not share information gathered from Third Party Settlement Organizations with other federal, State, or local government entities.

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

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Castro, **Senate Bill No. 119** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martinez	Schimpf
Aquino	Fowler	McClure	Sims
Barickman	Glowiak	McConchie	Stadelman
Belt	Harmon	McGuire	Steans
Bennett	Harris	Morrison	Stewart
Bertino-Tarrant	Hastings	Mulroe	Syverson
Brady	Holmes	Muñoz	Tracy
Bush	Hunter	Murphy	Van Pelt
Castro	Hutchinson	Oberweis	Villivalam
Crowe	Jones, E.	Peters	Weaver
Cullerton, T.	Koehler	Plummer	Wilcox
Cunningham	Landek	Rezin	Mr. President
Curran	Lightford	Righter	
DeWitte	Link	Rose	
Ellman	Manar	Sandoval	

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

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

On motion of Senator Hastings, **Senate Bill No. 122** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martinez	Schimpf
Aquino	Fowler	McClure	Sims
Barickman	Gillespie	McConchie	Stadelman
Belt	Glowiak	McGuire	Steans
Bennett	Harmon	Morrison	Stewart
Bertino-Tarrant	Harris	Mulroe	Syverson
Brady	Hastings	Muñoz	Tracy
Bush	Holmes	Murphy	Van Pelt
Castro	Hunter	Oberweis	Villivalam
Crowe	Hutchinson	Peters	Weaver
Cullerton, T.	Jones, E.	Plummer	Wilcox
Cunningham	Koehler	Rezin	Mr. President
Curran	Lightford	Righter	
DeWitte	Link	Rose	
Ellman	Manar	Sandoval	

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

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

On motion of Senator Bush, **Senate Bill No. 29** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Sandoval
Aquino	Fowler	Martinez	Schimpf
Barickman	Gillespie	McClure	Sims
Belt	Glowiak	McConchie	Stadelman
Bennett	Harmon	McGuire	Steans
Bertino-Tarrant	Harris	Morrison	Stewart
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Crowe	Hutchinson	Oberweis	Villivalam
Cullerton, T.	Jones, E.	Peters	Weaver
Cunningham	Koehler	Plummer	Wilcox
Curran	Landek	Rezin	Mr. President
DeWitte	Lightford	Righter	
Ellman	Link	Rose	

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

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

SENATE BILL RECALLED

On motion of Senator Bertino-Tarrant, **Senate Bill No. 209** was recalled from the order of third reading to the order of second reading.

Senator Bertino-Tarrant offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 209

AMENDMENT NO. 1. Amend Senate Bill 209 as follows:

on page 10, by replacing line 8 with the following:
"than 12 months from the date of the proposed withdrawal, unless the member districts agree to waive this timeline. Upon"; and

on page 10, by replacing lines 11 through 13 with the following:
"shall ~~be withdrawn from the joint agreement effective the following July 1 and shall~~ notify the State Board of Education of the approved withdrawal in writing and must submit a comprehensive plan developed under subsection (g-5) for review by the State Board. If the petition for"; and

on page 11, line 15, by replacing "hear" with "review"; and

on page 11, by replacing lines 16 and 17 with the following:
"to provide feedback on the plan; and (iii) prepare and provide a comprehensive plan, as".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Bertino-Tarrant, **Senate Bill No. 209** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Sandoval
Aquino	Fowler	Martinez	Schimpf
Barickman	Gillespie	McClure	Sims
Belt	Glowiak	McConchie	Stadelman
Bennett	Harmon	McGuire	Steans
Bertino-Tarrant	Harris	Morrison	Stewart
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Crowe	Hutchinson	Oberweis	Villivalam
Cullerton, T.	Jones, E.	Peters	Weaver
Cunningham	Koehler	Plummer	Wilcox
Curran	Landek	Rezin	Mr. President
DeWitte	Lightford	Righter	
Ellman	Link	Rose	

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

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

SENATE BILL RECALLED

On motion of Senator T. Cullerton, **Senate Bill No. 218** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 2 TO SENATE BILL 218

AMENDMENT NO. 2. Amend Senate Bill 218, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, as follows:

on page 4, by replacing line 16 with the following:

"(E-10) criminal sexual abuse in violation of subsection (a) of Section 11-1.50 of the Criminal Code of 1961 or the Criminal Code of 2012;"; and

on page 4, line 18, by deleting "or"; and

on page 4, immediately below line 18, by inserting the following:

"(E-25) criminal sexual assault; or"; and

on page 11, by replacing lines 12 through 14 with the following:

"Criminal Code of 1961 or the Criminal Code of 2012; (8) any violation of Section 11-1.20 or Section 12-13 of the Criminal Code of 1961 or the Criminal Code of 2012; (9) any violation of".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator T. Cullerton, **Senate Bill No. 218** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Martinez	Schimpf
Aquino	Gillespie	McClure	Sims
Belt	Glowiak	McConchie	Stadelman
Bennett	Harmon	McGuire	Steans
Bertino-Tarrant	Harris	Morrison	Stewart
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Crowe	Hutchinson	Oberweis	Villivalam
Cullerton, T.	Jones, E.	Peters	Weaver
Cunningham	Koehler	Plummer	Wilcox
Curran	Landek	Rezin	Mr. President
DeWitte	Lightford	Righter	
Ellman	Link	Rose	
Fine	Manar	Sandoval	

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

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

SENATE BILL RECALLED

On motion of Senator Fowler, **Senate Bill No. 168** was recalled from the order of third reading to the order of second reading.

Senator Fowler offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 168

AMENDMENT NO. _2_. Amend Senate Bill 168 by replacing everything after the enacting clause with the following:

"Section 5. Property. Southern Illinois University at Carbondale owns the following real property situated in the County of Williamson:

A part of the Southwest Quarter, Section 13, Township 9 South, Range 1 East, of the Third Principal Meridian, Williamson County, Illinois, more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 13; thence North 88 degrees 47 minutes 10 seconds East along the said northerly Quarter Section line a distance of 1530.48 feet; thence South 00 degrees 44 minutes 00 seconds West a distance of 85.54 feet to the Point of Beginning (POB) for this description: thence South 00 degrees 44 minutes West a distance of 614.13 feet; thence South 86 degrees 12 minutes 00 seconds West a distance of 158.14 feet; thence South 3 degrees 58 minutes 00 seconds East a distance of 66.00 feet; thence North 85 degrees 22 minutes 00 seconds East a distance of 152.92 feet; thence South 00 degrees 44 minutes 00 seconds West a distance of 203.68 feet; thence South 45 degrees 07 minutes 00 seconds East a distance of 191.14 feet; thence South 00 degrees 44 minutes 00 seconds West a distance of 1607.95 feet to a point 55.00 feet north of the South line of said Southwest Quarter (SW 1/4) section line; thence westerly a distance of 1607.36 feet to a point located 55.00 feet East and 55.00 feet North of the Southwest corner of the said Southwest Quarter (SW 1/4); thence North 00 degrees 37 minutes 38 seconds East a distance of 2359.78 feet; thence South 89 degrees 22 minutes 22 seconds East a distance of 12.81 feet to a point; thence North 00 degrees 37 minutes 38 seconds East a distance of 150.00 feet to a point; thence North 18 degrees 36 minutes 07 seconds East a distance of 80.17 feet to a point; thence North 85 degrees 11 minutes 56 seconds East a distance of 112.30 feet to a point; thence easterly along a non-tangential curve left, having a radius of 1582.95 feet, an arc distance of 188.32 feet, the chord of said curve bears South 82 degrees 42 minutes 54 seconds East a distance of 188.21 feet; thence South 03 degrees 52 minutes 36 seconds West a distance of 10.00 feet to a point; thence easterly along a non-tangential curve left, having a radius of 1592.95 feet, an arc distance of 219.58 feet, the chord of said curve bears North 89 degrees 55 minutes 40 seconds East a distance of 219.41 feet; thence North 04 degrees 01 minutes 17 seconds West a distance of 20.00 feet to a point; thence North 85 degrees 58 minutes 43 seconds East a distance of 924.10 feet to the Point of Beginning of this description containing 92.45 acres more or less.

Section 10. Conveyance. The Board of Trustees of Southern Illinois University, on behalf of the State of Illinois and Southern Illinois University at Carbondale, shall convey by quitclaim deed all right, title, and interest of the State of Illinois and Southern Illinois University at Carbondale in and to the real property described in Section 5 to the City of Carterville in exchange for the following described infrastructure developments with an estimated value of $80,000:

The City of Carterville shall install an estimated 2,850 feet of 6 inch, high durability composite potable water main. This work shall include all necessary taps into the existing water main system, including the installation of lateral water main feeds into Southern Illinois University at Carbondale's buildings and the installation of any necessary fire hydrants or flush plugs along the pathway. The installation shall comply with all applicable life safety building codes, including those provided by the National Fire Protection Agency for potable water main installation. The City of Carterville shall be responsible for the repair of any disturbed landscape or grounds along the pathway, including the coordination and resolution of any conflicts with an existing utility system.

Section 15. Recording. Southern Illinois University at Carbondale shall prepare one or more quitclaim deeds to convey the real property. The Board of Trustees may also record a certified copy of this Act. All documents of conveyance shall be recorded in the county in which the land is located.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Fowler, **Senate Bill No. 168** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	Martinez	Schimpf
Aquino	Gillespie	McClure	Sims
Barickman	Glowiak	McConchie	Stadelman
Belt	Harmon	McGuire	Steans
Bennett	Harris	Morrison	Stewart
Bertino-Tarrant	Hastings	Mulroe	Syverson
Brady	Holmes	Muñoz	Tracy
Bush	Hunter	Murphy	Van Pelt
Castro	Hutchinson	Oberweis	Villivalam
Crowe	Jones, E.	Peters	Weaver
Cullerton, T.	Koehler	Plummer	Wilcox
Cunningham	Landek	Rezin	Mr. President
DeWitte	Lightford	Righter	
Ellman	Link	Rose	
Fine	Manar	Sandoval	

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

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

On motion of Senator Link, **Senate Bill No. 391** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Fowler	McClure	Sims
Aquino	Gillespie	McConchie	Stadelman
Barickman	Glowiak	McGuire	Steans
Belt	Harmon	Morrison	Stewart
Bennett	Hastings	Mulroe	Syverson
Bertino-Tarrant	Holmes	Muñoz	Tracy
Brady	Hunter	Murphy	Van Pelt
Bush	Hutchinson	Oberweis	Villivalam
Castro	Jones, E.	Peters	Weaver

Crowe	Koehler	Plummer	Wilcox
Cullerton, T.	Landek	Rezin	Mr. President
Cunningham	Lightford	Righter	
DeWitte	Link	Rose	
Ellman	Manar	Sandoval	
Fine	Martinez	Schimpf	

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

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

On motion of Senator Sims, **Senate Bill No. 397** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Sandoval
Aquino	Fowler	Martinez	Schimpf
Barickman	Gillespie	McClure	Sims
Belt	Glowiak	McConchie	Stadelman
Bennett	Harmon	McGuire	Steans
Bertino-Tarrant	Harris	Morrison	Stewart
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Crowe	Hutchinson	Oberweis	Villivalam
Cullerton, T.	Jones, E.	Peters	Weaver
Cunningham	Koehler	Plummer	Wilcox
Curran	Landek	Rezin	Mr. President
DeWitte	Lightford	Righter	
Ellman	Link	Rose	

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

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

SENATE BILL RECALLED

On motion of Senator Murphy, **Senate Bill No. 399** was recalled from the order of third reading to the order of second reading.

Senator Murphy offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 399

AMENDMENT NO. 1. Amend Senate Bill 399 by replacing everything after the enacting clause with the following:

"Section 5. The Uniform Child-Custody Jurisdiction and Enforcement Act is amended by changing Section 209 as follows:

(750 ILCS 36/209)

Sec. 209. Information To Be Submitted To Court.

(a) Subject to any other law providing for the confidentiality of procedures, addresses, and other identifying information, in a child-custody proceeding, each party, in its first pleading or in an attached

affidavit, shall give information, if reasonably ascertainable, under oath as to the child's present address or whereabouts, the places where the child has lived during the last five years, and the names and present addresses of the persons with whom the child has lived during that period. The pleading or affidavit must state whether the party:

(1) has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, the case number, and the date of the child-custody determination, if any;

(2) knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding; and

(3) knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons.

(b) If the information required by subsection (a) is not furnished, the court, upon motion of a party or its own motion, may stay the proceeding until the information is furnished.

(c) If the declaration as to any of the items described in subsection (a)(1) through (3) is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court's jurisdiction and the disposition of the case.

(d) Each party has a continuing duty to inform the court of any proceeding in this or any other state that could affect the current proceeding.

(e) (Blank).

(f) If a party states in the pleading or the affidavit that disclosure of an address would risk abuse or harm to the party or a family member, the address may be omitted from documents filed with the court. A party is not required to include in the pleading or affidavit a domestic violence safe house address or an address changed as a result of a protective order.

(Source: P.A. 93-108, eff. 1-1-04.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Murphy, **Senate Bill No. 399** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Sandoval
Aquino	Fowler	Martinez	Schimpf
Barickman	Gillespie	McClure	Sims
Belt	Glowiak	McConchie	Stadelman
Bennett	Harmon	McGuire	Steans
Bertino-Tarrant	Harris	Morrison	Stewart
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Crowe	Hutchinson	Oberweis	Villivalam
Cullerton, T.	Jones, E.	Peters	Weaver
Cunningham	Koehler	Plummer	Wilcox
Curran	Landek	Rezin	Mr. President

DeWitte	Lightford	Righter
Ellman	Link	Rose

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

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

On motion of Senator Crowe, **Senate Bill No. 414** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Sandoval
Aquino	Fowler	Martinez	Schimpf
Barickman	Gillespie	McClure	Sims
Belt	Glowiak	McConchie	Stadelman
Bennett	Harmon	McGuire	Steans
Bertino-Tarrant	Harris	Morrison	Stewart
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Crowe	Hutchinson	Oberweis	Villivalam
Cullerton, T.	Jones, E.	Peters	Weaver
Cunningham	Koehler	Plummer	Wilcox
Curran	Landek	Rezin	Mr. President
DeWitte	Lightford	Righter	
Ellman	Link	Rose	

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

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

SENATE BILL RECALLED

On motion of Senator Cunningham, **Senate Bill No. 416** was recalled from the order of third reading to the order of second reading.

Senator Cunningham offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 416

AMENDMENT NO. _1_. Amend Senate Bill 416 by replacing everything after the enacting clause with the following:

"Section 5. The County Jail Good Behavior Allowance Act is amended by changing Sections 2 and 3.1 as follows:

(730 ILCS 130/3.1) (from Ch. 75, par. 32.1)

Sec. 3.1. (a) Within 3 months after the effective date of this amendatory Act of 1986, the wardens who supervise institutions under this Act shall meet and agree upon uniform rules and regulations for behavior and conduct, penalties, and the awarding, denying and revocation of good behavior allowance, in such institutions; and such rules and regulations shall be immediately promulgated and consistent with the provisions of this Act. Interim rules shall be provided by each warden consistent with the provision of this Act and shall be effective until the promulgation of uniform rules. All disciplinary action shall be consistent with the provisions of this Act. Committed persons shall be informed of rules of behavior and

conduct, the penalties for violation thereof, and the disciplinary procedure by which such penalties may be imposed. Any rules, penalties and procedures shall be posted and made available to the committed persons.

(b) Whenever a person is alleged to have violated a rule of behavior, a written report of the infraction shall be filed with the warden within 72 hours of the occurrence of the infraction or the discovery of it, and such report shall be placed in the file of the institution or facility. No disciplinary proceeding shall be commenced more than 8 days after the infraction or the discovery of it, unless the committed person is unable or unavailable for any reason to participate in the disciplinary proceeding.

(c) All or any of the good behavior allowance earned may be revoked by the warden, unless he initiates the charge, and in that case by the disciplinary board, for violations of rules of behavior at any time prior to discharge from the institution, consistent with the provisions of this Act.

(d) In disciplinary cases that may involve the loss of good behavior allowance or eligibility to earn good behavior allowance, the warden shall establish disciplinary procedures consistent with the following principles:

(1) The warden may establish one or more disciplinary boards, made up of one or more persons, to hear and determine charges. Any person who initiates a disciplinary charge against a committed person shall not serve on the disciplinary board that will determine the disposition of the charge. In those cases in which the charge was initiated by the warden, he shall establish a disciplinary board which will have the authority to impose any appropriate discipline.

(2) Any committed person charged with a violation of rules of behavior shall be given notice of the charge, including a statement of the misconduct alleged and of the rules this conduct is alleged to violate, no less than 24 hours before the disciplinary hearing.

(3) Any committed person charged with a violation of rules is entitled to a hearing on that charge, at which time he shall have an opportunity to appear before and address the warden or disciplinary board deciding the charge.

(4) The person or persons determining the disposition of the charge may also summon to testify any witnesses or other persons with relevant knowledge of the incident. The person charged may be permitted to question any person so summoned.

(5) If the charge is sustained, the person charged is entitled to a written statement, within 14 days after the hearing, of the decision by the warden or the disciplinary board which determined the disposition of the charge, and the statement shall include the basis for the decision and the disciplinary action, if any, to be imposed.

(6) The warden may impose the discipline recommended by the disciplinary board, or may reduce the discipline recommended; however, no committed person may be penalized more than 30 days of good behavior allowance for any one infraction unless the infraction is the second or subsequent infraction within any 30-day period in which case the committed person may not be penalized more than 60 days of good behavior allowance.

(6.5) Notwithstanding any provision of this Act to the contrary, if the disciplinary board sustains charges of assault or battery on a peace officer or public indecency, the warden may revoke up to 90 days of accumulated pre-trial custody credit or good behavior allowance and up to 365 days may be revoked for any second or subsequent sustained charges of these offenses.

(7) The warden, in appropriate cases, may restore good behavior allowance that has been revoked, suspended or reduced.

(e) The warden, or his or her designee, may revoke the good behavior allowance specified in Section 3 of this Act of an inmate who is sentenced to the Illinois Department of Corrections for misconduct committed by the inmate while in custody of the warden. If an inmate while in custody of the warden is convicted of assault or battery on a peace officer, correctional employee, or another inmate, or for criminal damage to property or for bringing into or possessing contraband in the penal institution in violation of Section 31A-1.1 of the Criminal Code of 1961 or the Criminal Code of 2012, his or her day for day good behavior allowance shall be revoked for each day such allowance was earned while the inmate was in custody of the warden.

(Source: P.A. 99-259, eff. 1-1-16.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Cunningham, **Senate Bill No. 416** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Sandoval
Aquino	Fowler	Martinez	Schimpf
Barickman	Gillespie	McClure	Sims
Belt	Glowiak	McConchie	Stadelman
Bennett	Harmon	McGuire	Steans
Bertino-Tarrant	Harris	Morrison	Stewart
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Villivalam
Crowe	Hutchinson	Oberweis	Weaver
Cullerton, T.	Jones, E.	Peters	Wilcox
Cunningham	Koehler	Plummer	Mr. President
Curran	Landek	Rezin	
DeWitte	Lightford	Righter	
Ellman	Link	Rose	

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

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

SENATE BILL RECALLED

On motion of Senator Crowe, **Senate Bill No. 447** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was postponed in the Committee on Education.

Senator Crowe offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 447

AMENDMENT NO. 2. Amend Senate Bill 447 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-220 as follows:

(20 ILCS 2310/2310-220) (was 20 ILCS 2310/55.73)

Sec. 2310-220. Findings; rural obstetrical care. The General Assembly finds that substantial areas of rural Illinois lack adequate access to obstetrical care. The primary cause of this problem is the absence of qualified practitioners who are willing to offer obstetrical services. A significant barrier to recruiting and retaining those practitioners is the high cost of professional liability insurance for practitioners offering obstetrical care.

Therefore, the Department, from funds appropriated for that purpose, shall award grants to physicians practicing obstetrics in rural designated shortage areas, as defined in Section 3.04 of the Underserved Physician Workforce ~~Family Practice Residency~~ Act, for the purpose of reimbursing those physicians for the costs of obtaining malpractice insurance relating to obstetrical services. The Department shall establish reasonable conditions, standards, and duties relating to the application for and receipt of the grants.
(Source: P.A. 91-239, eff. 1-1-00.)

Section 10. The Family Practice Residency Act is amended by changing the title of the Act and Sections 1, 2, 3.03, 3.06, 3.07, 3.09, 4.01, 4.02, 4.07, 4.10, 4.11, 5, 6, and 9 and by adding Section 3.10 as follows:

(110 ILCS 935/Act title)

An Act to provide grants for primary care and other ~~family practice~~ residency programs , ~~and~~ medical student scholarships , and loan repayment assistance through the Illinois Department of Public Health.

(110 ILCS 935/1) (from Ch. 144, par. 1451)

Sec. 1. This Act shall be known and may be cited as the Underserved Physician Workforce Act ~~"Family Practice Residency Act"~~.

(Source: P.A. 80-478.)

(110 ILCS 935/2) (from Ch. 144, par. 1452)

Sec. 2. The purpose of this Act is to establish programs in the Illinois Department of Public Health to upgrade ~~primary~~ health care services for all citizens of the State, to increase access, and to reduce health care disparities by providing grants to ~~family practice and preventive medicine~~ residency programs, scholarships to medical students, and a loan repayment program for ~~physicians and other~~ eligible health ~~primary~~ care providers who will agree to practice in areas of the State demonstrating the greatest need for more professional medical care. The programs shall encourage ~~family practice physicians and other~~ eligible health care ~~primary care~~ providers to locate in areas where health manpower shortages exist and to increase the total number of ~~family practice physicians and other~~ eligible health care ~~primary care~~ providers in the State.

(Source: P.A. 98-674, eff. 6-30-14.)

(110 ILCS 935/3.03) (from Ch. 144, par. 1453.03)

Sec. 3.03. "Committee" means the Advisory Committee for ~~Family Practice~~ Residency Programs created by this Act.

(Source: P.A. 80-478.)

(110 ILCS 935/3.06) (from Ch. 144, par. 1453.06)

Sec. 3.06. "Residency ~~Family practice residency~~ program" means a program accredited by the Accreditation Council for Graduate Medical Education~~,~~ or the Committee on Postdoctoral Training of the American Osteopathic Association.

(Source: P.A. 84-1341.)

(110 ILCS 935/3.07) (from Ch. 144, par. 1453.07)

Sec. 3.07. "Eligible medical student" means a person who meets all of the following qualifications:

(a) he or she is an Illinois resident at the time of application for a scholarship under the program established by this Act;

(b) he or she is studying medicine in a medical school located in Illinois;

(c) he or she exhibits financial need as determined by the Department; and

(d) he or she agrees to practice full-time in a Designated Shortage Area as a primary care physician, general surgeon, emergency medicine physician, or obstetrician one year for each year he or she is a scholarship recipient.

(Source: P.A. 84-1341.)

(110 ILCS 935/3.09)

Sec. 3.09. Eligible health care provider ~~primary care providers~~. "Eligible health care provider ~~primary care providers~~" means a primary care physician, general surgeon, emergency medicine physician, or obstetrician ~~health care providers within specialties determined to be eligible by the U.S. Health Resources and Services Administration for the National Health Service Corps Loan Repayment Program~~.

(Source: P.A. 98-674, eff. 6-30-14.)

(110 ILCS 935/3.10 new)

Sec. 3.10. Primary care physician."Primary care physician" means a general internist, family physician, or general pediatrician.

(110 ILCS 935/4.01) (from Ch. 144, par. 1454.01)

Sec. 4.01. To allocate funds to ~~family practice~~ residency programs according to the following priorities:

(a) to increase the number of eligible health care providers ~~family practice physicians~~ in Designated Shortage Areas;

(b) (blank); ~~to increase the percentage of obstetricians establishing practice within the State upon completion of residency;~~

(c) to increase the number of accredited, eligible health care provider ~~family practice~~ residencies within the State;

(d) to increase the percentage of eligible health care providers ~~family practice physicians~~ establishing practice within the State upon

completion of residency; and

(e) to provide funds for rental of office space, purchase of equipment, and other uses necessary to enable eligible health care providers ~~family practitioners~~ to locate their practices in communities located in designated shortage areas.

(Source: P.A. 86-1384.)

(110 ILCS 935/4.02) (from Ch. 144, par. 1454.02)

Sec. 4.02. To determine the procedures for the distribution of the funds to ~~family practice~~ residency programs, including the establishment of eligibility criteria in accordance with the following guidelines:

(a) preference for programs which are to be established at locations which exhibit potential for extending eligible health care provider ~~family practice physician~~ availability to Designated Shortage Areas;

(b) preference for programs which are located away from communities in which medical schools are located; and

(c) preference for programs located in hospitals having affiliation agreements with medical schools located within the State.

In distributing such funds, the Department may also consider as secondary criteria whether a ~~family practice~~ residency program has:

(1) Adequate courses of instruction in the behavioral sciences;

(2) Availability and systematic utilization of opportunities for residents to gain experience through local health departments or other preventive or occupational medical facilities;

(3) A continuing program of community-oriented research in such areas as risk factors in community populations, immunization levels, environmental hazards, or occupational hazards;

(4) Sufficient mechanisms for maintenance of quality training, such as peer review, systematic progress reviews, referral system, and maintenance of adequate records; and

(5) An appropriate course of instruction in societal, institutional, and economic conditions affecting a rural health care ~~family~~ practice.

(Source: P.A. 81-321.)

(110 ILCS 935/4.07) (from Ch. 144, par. 1454.07)

Sec. 4.07. To coordinate the ~~family~~ residency grants program established under this Act with the program administered by the Illinois Board of Higher Education under the "Health Services Education Grants Act".

(Source: P.A. 80-478.)

(110 ILCS 935/4.10) (from Ch. 144, par. 1454.10)

Sec. 4.10. To establish programs, and the criteria for such programs, for the repayment of the educational loans of ~~primary care physicians and other~~ eligible health ~~primary~~ care providers who agree to serve in Designated Shortage Areas for a specified period of time, no less than 2 years. Payments under this program may be made for the principal, interest , and related expenses of government and commercial loans received by the individual for tuition expenses, and all other reasonable educational expenses incurred by the individual. Payments made under this provision shall be exempt from Illinois State Income Tax. The Department may use tobacco settlement recovery funding or other available funding to implement this Section.

(Source: P.A. 98-674, eff. 6-30-14.)

(110 ILCS 935/4.11) (from Ch. 144, par. 1454.11)

Sec. 4.11. To require ~~family practice~~ residency programs seeking grants under this Act to make application according to procedures consistent with the priorities and guidelines established in Sections 4.01 and 4.02 of this Act.

(Source: P.A. 80-478.)

(110 ILCS 935/5) (from Ch. 144, par. 1455)

Sec. 5. The Advisory Committee for ~~Family Practice~~ Residency Programs is created and shall consult with the Director in the administration of this Act. The Committee shall consist of 9 members appointed by the Director, 4 of whom shall be eligible health care providers ~~family practice physicians~~, one of whom shall be the dean or associate or deputy dean of a medical school in this State, and 4 of whom shall be representatives of the general public. Terms of membership shall be 4 years. Initial appointments by the Director shall be staggered, with 4 appointments terminating January 31, 1979 and 4 terminating January 31, 1981. Each member shall continue to serve after the expiration of his term until his successor has been appointed. No person shall serve more than 2 terms. Vacancies shall be filled by appointment for the unexpired term of any member in the same manner as the vacant position had been filled. The Committee shall select from its members a chairman from among the eligible health care provider ~~family practice physician~~ members, and such other officers as may be required. The Committee shall meet as frequently

as the Director deems necessary, but not less than once each year. The Committee members shall receive no compensation but shall be reimbursed for actual expenses incurred in carrying out their duties.
(Source: P.A. 92-635, eff. 7-11-02.)

(110 ILCS 935/6) (from Ch. 144, par. 1456)

Sec. 6. Residency ~~Family practice residency~~ programs seeking funds under this Act shall make application to the Department. The application shall include evidence of local support for the program, either in the form of funds, services , or other resources. The ratio of State support to local support shall be determined by the Department in a manner that is consistent with the purpose of this Act as stated in Section 2 of this Act. In establishing such ratio of State to local support, the Department may vary the amount of the required local support depending upon the criticality of the need for more professional health care services and ~~,~~ the geographic location and the economic base of the Designated Shortage Area.
(Source: P.A. 80-478.)

(110 ILCS 935/9) (from Ch. 144, par. 1459)

Sec. 9. The Department shall annually report to the General Assembly and the Governor the results and progress of the programs established by this Act on or before March 15th.

The annual report to the General Assembly and the Governor shall include the impact of programs established under this Act on the ability of designated shortage areas to attract and retain eligible ~~physicians and other~~ health care providers ~~personnel~~. The report shall include recommendations to improve that ability.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.
(Source: P.A. 100-1148, eff. 12-10-18.)

(110 ILCS 935/7 rep.)

Section 15. The Family Practice Residency Act is amended by repealing Section 7.

Section 20. The Nurses in Advancement Law is amended by changing Section 1-20 as follows:

(110 ILCS 970/1-20) (from Ch. 144, par. 2781-20)

Sec. 1-20. Scholarship requirements. It shall be lawful for any organization to condition any loan or grant upon the recipient's executing an agreement to commit not more than 5 years of his or her professional career to the goals specifically outlined within the agreement including a requirement that recipient practice nursing or medicine in specifically designated practice and geographic areas.

Any agreement executed by an organization and any recipient of loan or grant assistance shall contain a provision for liquidated damages to be paid for any breach of any provision of the agreement, or any commitment contained therein, together with attorney's fees and costs for the enforcement thereof. Any such covenant shall be valid and enforceable in the courts of this State as liquidated damages and shall not be considered a penalty, provided that the provision for liquidated damages does not exceed $2,500 for each year remaining for the performance of the agreement.

This Section shall not be construed as pertaining to or limiting any liquidated damages resulting from scholarships awarded under the Underserved Physician Workforce ~~Family Practice Residency~~ Act.
(Source: P.A. 92-651, eff. 7-11-02.)

Section 25. The Private Medical Scholarship Agreement Act is amended by changing Section 3 as follows:

(110 ILCS 980/3) (from Ch. 144, par. 2703)

Sec. 3. Any such agreement executed by such an organization and any recipient of loan, grant assistance or recommendation may contain a provision for liquidated damages to be paid for any breach of any provision of the agreement, or any commitment contained therein, together with attorney's fees and costs for the enforcement thereof. Any such covenant shall be valid and enforceable in the courts of this State as liquidated damages and shall not be considered a penalty, provided that such provision for liquidated damages does not exceed $2,500 for each year remaining for the performance of such agreement.

This Section shall not be construed as pertaining to or limiting any liquidated damages resulting from scholarships awarded under the Underserved Physician Workforce ~~"Family Practice Residency~~ Act~~", as amended~~.
(Source: P.A. 86-999.)

Section 30. The Illinois Public Aid Code is amended by changing Section 12-4.24a as follows:

(305 ILCS 5/12-4.24a) (from Ch. 23, par. 12-4.24a)

Sec. 12-4.24a. Report and recommendations concerning designated shortage area. The Illinois Department shall analyze payments made to providers of medical services under Article V of this Code to determine whether any special compensatory standard should be applied to payments to such providers in designated shortage areas as defined in Section 3.04 of the Underserved Physician Workforce ~~Family Practice Residency~~ Act~~, as now or hereafter amended~~. The Illinois Department shall, not later than June 30, 1990, report to the Governor and the General Assembly concerning the results of its analysis, and may provide by rule for adjustments in its payment rates to medical service providers in such areas.
(Source: P.A. 92-111, eff. 1-1-02.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Crowe, **Senate Bill No. 447** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Martinez	Sims
Aquino	Fowler	McClure	Stadelman
Barickman	Gillespie	McConchie	Steans
Belt	Glowiak	McGuire	Stewart
Bennett	Harmon	Morrison	Syverson
Bertino-Tarrant	Hastings	Mulroe	Tracy
Brady	Holmes	Muñoz	Van Pelt
Bush	Hunter	Murphy	Villivalam
Castro	Hutchinson	Oberweis	Weaver
Crowe	Jones, E.	Peters	Wilcox
Cullerton, T.	Koehler	Plummer	Mr. President
Cunningham	Landek	Rezin	
Curran	Lightford	Righter	
DeWitte	Link	Rose	
Ellman	Manar	Sandoval	

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

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

SENATE BILL RECALLED

On motion of Senator Martinez, **Senate Bill No. 456** was recalled from the order of third reading to the order of second reading.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 456

AMENDMENT NO. 1. Amend Senate Bill 456 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 10-21.9, 21B-45, 21B-80, 24-14, 34-18.5, and 34-84b as follows:

(105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

Sec. 10-21.9. Criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database.

(a) Licensed and nonlicensed ~~Certified and noncertified~~ applicants for employment with a school district, except school bus driver applicants, are required as a condition of employment to authorize a fingerprint-based criminal history records check to determine if such applicants have been convicted of any disqualifying, ~~of the~~ enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the check shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the check to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the check of the applicant has been requested. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereinafter, until expunged, to the president of the school board for the school district that requested the check, or to the regional superintendent who requested the check. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such check, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check by the school district or by the regional superintendent, except that those applicants seeking employment as a substitute teacher with a school district may be charged a fee not to exceed the cost of the inquiry. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse school districts and regional superintendents for fees paid to obtain criminal history records checks under this Section.

(a-5) The school district or regional superintendent shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, for each applicant. The check of the Statewide Sex Offender Database must be conducted by the school district or regional superintendent once for every 5 years that an applicant remains employed by the school district.

(a-6) The school district or regional superintendent shall further perform a check of the Statewide Murderer and Violent Offender Against Youth Database, as authorized by the Murderer and Violent Offender Against Youth Community Notification Law, for each applicant. The check of the Statewide Murderer and Violent Offender Against Youth Database must be conducted by the school district or regional superintendent once for every 5 years that an applicant remains employed by the school district.

(b) Any information concerning the record of convictions obtained by the president of the school board or the regional superintendent shall be confidential and may only be transmitted to the superintendent of the school district or his designee, the appropriate regional superintendent if the check was requested by the school district, the presidents of the appropriate school boards if the check was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Educator Preparation and Licensure ~~State Teacher Certification~~ Board, any other person necessary to the decision of hiring the applicant for employment, or for clarification purposes the Department of State Police or Statewide Sex Offender Database, or both. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Upon the check of the Statewide Sex Offender Database, the school district or regional superintendent shall notify an applicant as to whether or not the applicant has been identified in the Database as a sex offender. If a check of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support

personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon a check ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent and if the regional superintendent upon a check ascertains that the applicant has not been identified in the Sex Offender Database as a sex offender, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and evidencing that as of the date that the regional superintendent conducted a check of the Statewide Sex Offender Database, the applicant has not been identified in the Database as a sex offender. The school board of any school district may rely on the certificate issued by any regional superintendent to that substitute teacher, concurrent part-time teacher, or concurrent educational support personnel employee or may initiate its own criminal history records check of the applicant through the Department of State Police and its own check of the Statewide Sex Offender Database as provided in subsection (a). Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.

(c) No school board shall knowingly employ a person who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to Section 21B-80 of this Code, except as provided under subsection (b) of Section 21B-80. Further, no school board shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. No school board shall knowingly employ a person who has been issued an indicated finding of abuse or neglect of a child by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act or by a child welfare agency of another jurisdiction.

(d) No school board shall knowingly employ a person for whom a criminal history records check and a Statewide Sex Offender Database check has not been initiated.

(e) No later than 15 business days after receipt of a record of conviction or of checking the Statewide Murderer and Violent Offender Against Youth Database or the Statewide Sex Offender Database and finding a registration, the superintendent of the employing school board or the applicable regional superintendent shall, in writing, notify the State Superintendent of Education of any license holder who has been convicted of a crime set forth in Section 21B-80 of this Code. Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any license ~~certificate~~ issued pursuant to Article 21B ~~21~~ or Section 34-8.1 or 34-83 of the School Code, the State Superintendent of Education may initiate licensure ~~certificate~~ suspension and revocation proceedings as authorized by law. If the receipt of the record of conviction or finding of child abuse is received within 6 months after the initial grant of or renewal of a license, the State Superintendent of Education may rescind the license holder's license.

(e-5) The superintendent of the employing school board shall, in writing, notify the State Superintendent of Education and the applicable regional superintendent of schools of any license ~~certificate~~ holder whom he or she has reasonable cause to believe has committed an intentional act of abuse or neglect with the result of making a child an abused child or a neglected child, as defined in Section 3 of the Abused and Neglected Child Reporting Act, and that act resulted in the license ~~certificate~~ holder's dismissal or resignation from the school district. This notification must be submitted within 30 days after the dismissal or resignation. The license ~~certificate~~ holder must also be contemporaneously sent a copy of the notice by the superintendent. All correspondence, documentation, and other information so received by the regional superintendent of schools, the State Superintendent of Education, the State Board of Education, or the State Educator Preparation and Licensure ~~State Teacher Certification~~ Board under this subsection (e-5) is confidential and must not be disclosed to third parties, except (i) as necessary for the State Superintendent of Education or his or her designee to investigate and prosecute pursuant to Article 21B ~~21~~ of this Code, (ii) pursuant to a court order, (iii) for disclosure to the license ~~certificate~~ holder or his or her representative, or (iv) as otherwise provided in this Article and provided that any such information admitted into evidence in a hearing is exempt from this confidentiality and non-disclosure requirement. Except for an act of willful or wanton misconduct, any superintendent who provides notification as required in this subsection (e-5) shall have immunity from any liability, whether civil or criminal or that otherwise might result by reason of such action.

(f) After January 1, 1990 the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal history records checks and checks of the Statewide Sex Offender Database on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for a criminal history records check prepared by each such employee and submitting the same to the Department of State Police and for conducting a check of the Statewide Sex Offender Database for each employee. Any information concerning the record of conviction and identification as a sex offender of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(f-5) Upon request of a school or school district, any information obtained by a school district pursuant to subsection (f) of this Section within the last year must be made available to the requesting school or school district.

(g) Prior to the commencement of any student teaching experience or required internship (which is referred to as student teaching in this Section) in the public schools, a student teacher is required to authorize a fingerprint-based criminal history records check. Authorization for and payment of the costs of the check must be furnished by the student teacher to the school district where the student teaching is to be completed. Upon receipt of this authorization and payment, the school district shall submit the student teacher's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department of State Police. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereinafter, until expunged, to the president of the school board for the school district that requested the check. The Department shall charge the school district a fee for conducting the check, which fee must not exceed the cost of the inquiry and must be deposited into the State Police Services Fund. The school district shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, and of the Statewide Murderer and Violent Offender Against Youth Database, as authorized by the Murderer and Violent Offender Against Youth Registration Act, for each student teacher. No school board may knowingly allow a person to student teach for whom a criminal history records check, a Statewide Sex Offender Database check, and a Statewide Murderer and Violent Offender Against Youth Database check have not been completed and reviewed by the district.

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

No school board shall ~~may~~ knowingly allow a person to student teach who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to subsection (c) of Section 21B-80 of this Code, except as provided under subsection (b) of Section 21B-80. Further, no school board shall allow a person to student teach if he or she ~~or who~~ has been found to be the perpetrator of sexual or physical abuse of a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. No school board shall knowingly allow a person to student teach who has been issued an indicated finding of abuse or neglect of a child by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act or by a child welfare agency of another jurisdiction.

(h) (Blank).

(Source: P.A. 99-21, eff. 1-1-16; 99-667, eff. 7-29-16.)

(105 ILCS 5/21B-45)

Sec. 21B-45. Professional Educator License renewal.

(a) Individuals holding a Professional Educator License are required to complete the licensure renewal requirements as specified in this Section, unless otherwise provided in this Code.

Individuals holding a Professional Educator License shall meet the renewal requirements set forth in this Section, unless otherwise provided in this Code. If an individual holds a license endorsed in more than one area that has different renewal requirements, that individual shall follow the renewal requirements for the position for which he or she spends the majority of his or her time working.

(b) All Professional Educator Licenses not renewed as provided in this Section shall lapse on September 1 of that year. Notwithstanding any other provisions of this Section, if a license holder's electronic mail address is available, the State Board of Education shall send him or her notification electronically that his or her license will lapse if not renewed, to be sent no more than 6 months prior to the license lapsing. Lapsed licenses may be immediately reinstated upon (i) payment by the applicant of a $500 penalty to the State Board of Education or (ii) the demonstration of proficiency by completing 9 semester hours of coursework from a regionally accredited institution of higher education in the content area that most aligns with one or more of the educator's endorsement areas. Any and all back fees, including without limitation registration fees owed from the time of expiration of the license until the date of reinstatement, shall be paid and kept in accordance with the provisions in Article 3 of this Code concerning an institute fund and the provisions in Article 21B of this Code concerning fees and requirements for registration. Licenses not registered in accordance with Section 21B-40 of this Code shall lapse after a period of 6 months from the expiration of the last year of registration or on January 1 of the fiscal year following initial issuance of the license. An unregistered license is invalid after September 1 for employment and performance of services in an Illinois public or State-operated school or cooperative and in a charter school. Any license or endorsement may be voluntarily surrendered by the license holder. A voluntarily surrendered license, except a substitute teaching license issued under Section 21B-20 of this Code, shall be treated as a revoked license. An Educator License with Stipulations with only a paraprofessional endorsement does not lapse.

(c) From July 1, 2013 through June 30, 2014, in order to satisfy the requirements for licensure renewal provided for in this Section, each professional educator licensee with an administrative endorsement who is working in a position requiring such endorsement shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, per fiscal year.

(d) Beginning July 1, 2014, in order to satisfy the requirements for licensure renewal provided for in this Section, each professional educator licensee may create a professional development plan each year. The plan shall address one or more of the endorsements that are required of his or her educator position if the licensee is employed and performing services in an Illinois public or State-operated school or cooperative. If the licensee is employed in a charter school, the plan shall address that endorsement or those endorsements most closely related to his or her educator position. Licensees employed and performing services in any other Illinois schools may participate in the renewal requirements by adhering to the same process.

Except as otherwise provided in this Section, the licensee's professional development activities shall align with one or more of the following criteria:

(1) activities are of a type that engage participants over a sustained period of time allowing for analysis, discovery, and application as they relate to student learning, social or emotional achievement, or well-being;

(2) professional development aligns to the licensee's performance;

(3) outcomes for the activities must relate to student growth or district improvement;

(4) activities align to State-approved standards; and

(5) higher education coursework.

(e) For each renewal cycle, each professional educator licensee shall engage in professional development activities. Prior to renewal, the licensee shall enter electronically into the Educator Licensure Information System (ELIS) the name, date, and location of the activity, the number of professional development hours, and the provider's name. The following provisions shall apply concerning professional development activities:

(1) Each licensee shall complete a total of 120 hours of professional development per 5-year renewal cycle in order to renew the license, except as otherwise provided in this Section.

(2) Beginning with his or her first full 5-year cycle, any licensee with an administrative endorsement who is not working in a position requiring such endorsement is not required to complete Illinois Administrators' Academy courses, as described in Article 2 of this Code. Such licensees must complete one Illinois Administrators' Academy course within one year after returning to a position that requires the administrative endorsement.

(3) Any licensee with an administrative endorsement who is working in a position requiring such endorsement or an individual with a Teacher Leader endorsement serving in an administrative capacity at least 50% of the day shall complete one Illinois Administrators' Academy course, as described in Article 2 of this Code, each fiscal year in addition to 100 hours of professional development per 5-year renewal cycle in accordance with this Code.

(4) Any licensee holding a current National Board for Professional Teaching Standards (NBPTS) master teacher designation shall complete a total of 60 hours of professional development per 5-year renewal cycle in order to renew the license.

(5) Licensees working in a position that does not require educator licensure or working in a position for less than 50% for any particular year are considered to be exempt and shall be required to pay only the registration fee in order to renew and maintain the validity of the license.

(6) Licensees who are retired and qualify for benefits from a State of Illinois retirement system shall notify the State Board of Education using ELIS, and the license shall be maintained in retired status. For any renewal cycle in which a licensee retires during the renewal cycle, the licensee must complete professional development activities on a prorated basis depending on the number of years during the renewal cycle the educator held an active license. If a licensee retires during a renewal cycle, the licensee must notify the State Board of Education using ELIS that the licensee wishes to maintain the license in retired status and must show proof of completion of professional development activities on a prorated basis for all years of that renewal cycle for which the license was active. An individual with a license in retired status shall not be required to complete professional development activities or pay registration fees until returning to a position that requires educator licensure. Upon returning to work in a position that requires the Professional Educator License, the licensee shall immediately pay a registration fee and complete renewal requirements for that year. A license in retired status cannot lapse. Beginning on January 6, 2017 (the effective date of Public Act 99-920) through December 31, 2017, any licensee who has retired and whose license has lapsed for failure to renew as provided in this Section may reinstate that license and maintain it in retired status upon providing proof to the State Board of Education using ELIS that the licensee is retired and is not working in a position that requires a Professional Educator License.

(7) For any renewal cycle in which professional development hours were required, but not fulfilled, the licensee shall complete any missed hours to total the minimum professional development hours required in this Section prior to September 1 of that year. Professional development hours used to fulfill the minimum required hours for a renewal cycle may be used for only one renewal cycle. For any fiscal year or renewal cycle in which an Illinois Administrators' Academy course was required but not completed, the licensee shall complete any missed Illinois Administrators' Academy courses prior to September 1 of that year. The licensee may complete all deficient hours and Illinois Administrators' Academy courses while continuing to work in a position that requires that license until September 1 of that year.

(8) Any licensee who has not fulfilled the professional development renewal requirements set forth in this Section at the end of any 5-year renewal cycle is ineligible to register his or her license and may submit an appeal to the State Superintendent of Education for reinstatement of the license.

(9) If professional development opportunities were unavailable to a licensee, proof that opportunities were unavailable and request for an extension of time beyond August 31 to complete the renewal requirements may be submitted from April 1 through June 30 of that year to the State Educator Preparation and Licensure Board. If an extension is approved, the license shall remain valid during the extension period.

(10) Individuals who hold exempt licenses prior to December 27, 2013 (the effective date of Public Act 98-610) shall commence the annual renewal process with the first scheduled registration due after December 27, 2013 (the effective date of Public Act 98-610).

(11) Notwithstanding any other provision of this subsection (e), if a licensee earns more than the required number of professional development hours during a renewal cycle, then the licensee may carry over any hours earned from April 1 through June 30 of the last year of the renewal cycle. Any hours carried over in this manner must be applied to the next renewal cycle. Illinois Administrators' Academy courses or hours earned in those courses may not be carried over.

(f) At the time of renewal, each licensee shall respond to the required questions under penalty of perjury.

(f-5) The State Board of Education shall conduct random audits of licensees to verify a licensee's fulfillment of the professional development hours required under this Section. Upon completion of a random audit, if it is determined by the State Board of Education that the licensee did not complete the required number of professional development hours or did not provide sufficient proof of completion, the licensee shall be notified that his or her license has lapsed. A license that has lapsed under this subsection may be reinstated as provided in subsection (b).

(g) The following entities shall be designated as approved to provide professional development activities for the renewal of Professional Educator Licenses:

(1) The State Board of Education.

(2) Regional offices of education and intermediate service centers.

(3) Illinois professional associations representing the following groups that are approved by the State Superintendent of Education:

(A) school administrators;

(B) principals;
(C) school business officials;
(D) teachers, including special education teachers;
(E) school boards;
(F) school districts;
(G) parents; and
(H) school service personnel.

(4) Regionally accredited institutions of higher education that offer Illinois-approved educator preparation programs and public community colleges subject to the Public Community College Act.

(5) Illinois public school districts, charter schools authorized under Article 27A of this Code, and joint educational programs authorized under Article 10 of this Code for the purposes of providing career and technical education or special education services.

(6) A not-for-profit organization that, as of December 31, 2014 (the effective date of Public Act 98-1147), has had or has a grant from or a contract with the State Board of Education to provide professional development services in the area of English Learning to Illinois school districts, teachers, or administrators.

(7) State agencies, State boards, and State commissions.

(8) Museums as defined in Section 10 of the Museum Disposition of Property Act.

(h) Approved providers under subsection (g) of this Section shall make available professional development opportunities that satisfy at least one of the following:

(1) increase the knowledge and skills of school and district leaders who guide continuous professional development;

(2) improve the learning of students;

(3) organize adults into learning communities whose goals are aligned with those of the school and district;

(4) deepen educator's content knowledge;

(5) provide educators with research-based instructional strategies to assist students in meeting rigorous academic standards;

(6) prepare educators to appropriately use various types of classroom assessments;

(7) use learning strategies appropriate to the intended goals;

(8) provide educators with the knowledge and skills to collaborate; or

(9) prepare educators to apply research to decision-making.

(i) Approved providers under subsection (g) of this Section shall do the following:

(1) align professional development activities to the State-approved national standards for professional learning;

(2) meet the professional development criteria for Illinois licensure renewal;

(3) produce a rationale for the activity that explains how it aligns to State standards and identify the assessment for determining the expected impact on student learning or school improvement;

(4) maintain original documentation for completion of activities;

(5) provide license holders with evidence of completion of activities; and

(6) request an Illinois Educator Identification Number (IEIN) for each educator during each professional development activity.

(j) The State Board of Education shall conduct annual audits of a subset of approved providers, except for school districts, which shall be audited by regional offices of education and intermediate service centers. The State Board of Education shall ensure that each approved provider, except for a school district, is audited at least once every 5 years. The State Board of Education may conduct more frequent audits of providers if evidence suggests the requirements of this Section or administrative rules are not being met. ~~The State Board of Education shall complete random audits of licensees.~~

(1) (Blank).

(2) Approved providers shall comply with the requirements in subsections (h) and (i) of this Section by annually submitting data to the State Board of Education demonstrating how the professional development activities impacted one or more of the following:

(A) educator and student growth in regards to content knowledge or skills, or both;

(B) educator and student social and emotional growth; or

(C) alignment to district or school improvement plans.

(3) The State Superintendent of Education shall review the annual data collected by the

State Board of Education, regional offices of education, and intermediate service centers in audits to determine if the approved provider has met the criteria and should continue to be an approved provider or if further action should be taken as provided in rules.

(k) Registration fees shall be paid for the next renewal cycle between April 1 and June 30 in the last year of each 5-year renewal cycle using ELIS. If all required professional development hours for the renewal cycle have been completed and entered by the licensee, the licensee shall pay the registration fees for the next cycle using a form of credit or debit card.

(l) Any professional educator licensee endorsed for school support personnel who is employed and performing services in Illinois public schools and who holds an active and current professional license issued by the Department of Financial and Professional Regulation or a national certification board, as approved by the State Board of Education, related to the endorsement areas on the Professional Educator License shall be deemed to have satisfied the continuing professional development requirements provided for in this Section. Such individuals shall be required to pay only registration fees to renew the Professional Educator License. An individual who does not hold a license issued by the Department of Financial and Professional Regulation shall complete professional development requirements for the renewal of a Professional Educator License provided for in this Section.

(m) Appeals to the State Educator Preparation and Licensure Board must be made within 30 days after receipt of notice from the State Superintendent of Education that a license will not be renewed based upon failure to complete the requirements of this Section. A licensee may appeal that decision to the State Educator Preparation and Licensure Board in a manner prescribed by rule.

(1) Each appeal shall state the reasons why the State Superintendent's decision should be reversed and shall be sent by certified mail, return receipt requested, to the State Board of Education.

(2) The State Educator Preparation and Licensure Board shall review each appeal regarding renewal of a license within 90 days after receiving the appeal in order to determine whether the licensee has met the requirements of this Section. The State Educator Preparation and Licensure Board may hold an appeal hearing or may make its determination based upon the record of review, which shall consist of the following:

(A) the regional superintendent of education's rationale for recommending nonrenewal of the license, if applicable;

(B) any evidence submitted to the State Superintendent along with the individual's electronic statement of assurance for renewal; and

(C) the State Superintendent's rationale for nonrenewal of the license.

(3) The State Educator Preparation and Licensure Board shall notify the licensee of its decision regarding license renewal by certified mail, return receipt requested, no later than 30 days after reaching a decision. Upon receipt of notification of renewal, the licensee, using ELIS, shall pay the applicable registration fee for the next cycle using a form of credit or debit card.

(n) The State Board of Education may adopt rules as may be necessary to implement this Section.

(Source: P.A. 99-58, eff. 7-16-15; 99-130, eff. 7-24-15; 99-591, eff. 1-1-17; 99-642, eff. 7-28-16; 99-920, eff. 1-6-17; 100-13, eff. 7-1-17; 100-339, eff. 8-25-17; 100-596, eff. 7-1-18; 100-863, eff. 8-14-18.)

(105 ILCS 5/21B-80)

Sec. 21B-80. Conviction of certain offenses as grounds for disqualification for licensure or suspension or revocation of a license.

(a) As used in this Section:

"Drug offense" means any one or more of the following offenses:

(1) Any offense defined in the Cannabis Control Act, except those defined in subdivisions (a), (b), and (c) of Section 4 and subdivisions (a) and (b) of Section 5 of the Cannabis Control Act and any offense for which the holder of a license is placed on probation under the provisions of Section 10 of the Cannabis Control Act, provided that if the terms and conditions of probation required by the court are not fulfilled, the offense is not eligible for this exception.

(2) Any offense defined in the Illinois Controlled Substances Act, except any offense for which the holder of a license is placed on probation under the provisions of Section 410 of the Illinois Controlled Substances Act, provided that if the terms and conditions of probation required by the court are not fulfilled, the offense is not eligible for this exception.

(3) Any offense defined in the Methamphetamine Control and Community Protection Act, except any offense for which the holder of a license is placed on probation under the provision of Section 70 of that Act, provided that if the terms and conditions of probation required by the court are not fulfilled, the offense is not eligible for this exception.

(4) Any attempt to commit any of the offenses listed in items (1) through (3) of this definition.

(5) Any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as one or more of the offenses listed in items (1) through (4) of this definition.

The changes made by Public Act 96-431 to this definition are declaratory of existing law.

"Sentence" includes any period of mandatory supervised release ~~supervision~~ or probation that was imposed either alone or in combination with a period of incarceration.

"Sex or other offense" means any one or more of the following offenses:

(A) Any offense defined in Sections 11-6, 11-9 through 11-9.5, inclusive, and 11-30 (if punished as a Class 4 felony) of the Criminal Code of 1961 or the Criminal Code of 2012; Sections 11-14.1 through 11-21, inclusive, of the Criminal Code of 1961 or the Criminal Code of 2012; Sections 11-23 (if punished as a Class 3 felony), 11-24, 11-25, and 11-26 of the Criminal Code of 1961 or the Criminal Code of 2012; Section 10-5.1, subsection (c) of Section 10-9, and Sections 11-6.6, 11-11, 12-3.05, 12-3.3, 12-6.4, 12-7.1, 12-34, 12-34.5, and 12-35 of the Criminal Code of 2012; and Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, ~~12-4.9,~~ 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-32, 12-33, 12C-45, and 26-4 (if punished pursuant to subdivision (4) or (5) of subsection (d) of Section 26-4) of the Criminal Code of 1961 or the Criminal Code of 2012.

(B) Any attempt to commit any of the offenses listed in item (A) of this definition.

(C) Any offense committed or attempted in any other state that, if committed or attempted in this State, would have been punishable as one or more of the offenses listed in items (A) and (B) of this definition.

(b) Whenever the holder of any license issued pursuant to this Article or applicant for a license to be issued pursuant to this Article has been convicted of any drug offense, other than as provided in subsection (c) of this Section, the State Superintendent of Education shall forthwith suspend the license or deny the application, whichever is applicable, until 7 years following the end of the sentence for the criminal offense. If the conviction is reversed and the holder is acquitted of the offense in a new trial or the charges against him or her are dismissed, the State Superintendent of Education shall forthwith terminate the suspension of the license.

(b-5) Whenever the holder of a license issued pursuant to this Article or applicant for a license to be issued pursuant to this Article has been charged with attempting to commit, conspiring to commit, soliciting, or committing any sex or other offense, first degree murder, or a Class X felony or any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses, the State Superintendent of Education shall immediately suspend the license or deny the application until the person's criminal charges are adjudicated through a court of competent jurisdiction. If the person is acquitted, his or her license or application shall be immediately reinstated.

(c) Whenever the holder of a license issued pursuant to this Article or applicant for a license to be issued pursuant to this Article has been convicted of attempting to commit, conspiring to commit, soliciting, or committing any sex or other offense, first degree murder, or a Class X felony or any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses, the State Superintendent of Education shall forthwith suspend the license or deny the application, whichever is applicable. If the conviction is reversed and the holder is acquitted of that offense in a new trial or the charges that he or she committed that offense are dismissed, the State Superintendent of Education shall forthwith terminate the suspension of the license. When the conviction becomes final, the State Superintendent of Education shall forthwith revoke the license.

(Source: P.A. 99-58, eff. 7-16-15; 99-667, eff. 7-29-16.)

(105 ILCS 5/24-14) (from Ch. 122, par. 24-14)

Sec. 24-14. Termination of contractual continued service by teacher. A teacher who has entered into contractual continued service may resign at any time by obtaining concurrence of the board or by serving at least 30 days' written notice upon the secretary of the board. However, no teacher may resign during the school term, without the concurrence of the board, in order to accept another teaching assignment. Any teacher terminating said service not in accordance with this Section may be referred by the board to the State Superintendent of Education ~~is guilty of unprofessional conduct and liable to suspension of licensure for a period not to exceed 1 year, as provided in Section 21B-75 of this Code~~. The State Superintendent or his or her designee shall convene an informal evidentiary hearing no later than 90 days after receipt of a resolution by the board. If the State Superintendent or his or her designee finds that the teacher resigned during the school term without the concurrence of the board to accept another teaching assignment, the State Superintendent must suspend the teacher's license for a period not to exceed one calendar year. In

lieu of a hearing and finding, the teacher may agree to a lesser licensure sanction at the discretion of the State Superintendent.

(Source: P.A. 97-607, eff. 8-26-11.)

(105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

Sec. 34-18.5. Criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database.

(a) Licensed and nonlicensed ~~Certified and noncertified~~ applicants for employment with the school district are required as a condition of employment to authorize a fingerprint-based criminal history records check to determine if such applicants have been convicted of any disqualifying, ~~of the~~ enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the check shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, or a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the check to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the check of the applicant has been requested. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereinafter, until expunged, to the president of the school board for the school district that requested the check, or to the regional superintendent who requested the check. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such check, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check by the school district or by the regional superintendent. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse the school district and regional superintendent for fees paid to obtain criminal history records checks under this Section.

(a-5) The school district or regional superintendent shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, for each applicant. The check of the Statewide Sex Offender Database must be conducted by the school district or regional superintendent once for every 5 years that an applicant remains employed by the school district.

(a-6) The school district or regional superintendent shall further perform a check of the Statewide Murderer and Violent Offender Against Youth Database, as authorized by the Murderer and Violent Offender Against Youth Community Notification Law, for each applicant. The check of the Murderer and Violent Offender Against Youth Database must be conducted by the school district or regional superintendent once for every 5 years that an applicant remains employed by the school district.

(b) Any information concerning the record of convictions obtained by the president of the board of education or the regional superintendent shall be confidential and may only be transmitted to the general superintendent of the school district or his designee, the appropriate regional superintendent if the check was requested by the board of education for the school district, the presidents of the appropriate board of education or school boards if the check was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Educator Preparation and Licensure ~~State Teacher Certification~~ Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Upon the check of the Statewide Sex Offender Database, the school district or regional superintendent shall notify an applicant as to whether or not the applicant has been identified in the Database as a sex offender. If a check of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon a check ascertains that the applicant has not been convicted of any of the enumerated criminal or drug

offenses in subsection (c) of this Section or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent and if the regional superintendent upon a check ascertains that the applicant has not been identified in the Sex Offender Database as a sex offender, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and evidencing that as of the date that the regional superintendent conducted a check of the Statewide Sex Offender Database, the applicant has not been identified in the Database as a sex offender. The school board of any school district may rely on the certificate issued by any regional superintendent to that substitute teacher, concurrent part-time teacher, or concurrent educational support personnel employee or may initiate its own criminal history records check of the applicant through the Department of State Police and its own check of the Statewide Sex Offender Database as provided in subsection (a). Any unauthorized release of confidential information may be a violation of Section 7 of the Criminal Identification Act.

(c) The board of education shall not knowingly employ a person who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to Section 21B-80 of this Code, except as provided under subsection (b) of 21B-80. Further, the board of education shall not knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. The board of education shall not knowingly employ a person who has been issued an indicated finding of abuse or neglect of a child by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act or by a child welfare agency of another jurisdiction.

(d) The board of education shall not knowingly employ a person for whom a criminal history records check and a Statewide Sex Offender Database check has not been initiated.

(e) No later than 15 business days after receipt of a record of conviction or of checking the Statewide Murderer and Violent Offender Against Youth Database or the Statewide Sex Offender Database and finding a registration, the general superintendent of schools or the applicable regional superintendent shall, in writing, notify the State Superintendent of Education of any license holder who has been convicted of a crime set forth in Section 21B-80 of this Code. Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any license ~~certificate~~ issued pursuant to Article 21B ~~21~~ or Section 34-8.1 or 34-83 of the School Code, the State Superintendent of Education may initiate licensure ~~certificate~~ suspension and revocation proceedings as authorized by law. If the receipt of the record of conviction or finding of child abuse is received within 6 months after the initial grant of or renewal of a license, the State Superintendent of Education may rescind the license holder's license.

(e-5) The general superintendent of schools shall, in writing, notify the State Superintendent of Education of any license ~~certificate~~ holder whom he or she has reasonable cause to believe has committed an intentional act of abuse or neglect with the result of making a child an abused child or a neglected child, as defined in Section 3 of the Abused and Neglected Child Reporting Act, and that act resulted in the license ~~certificate~~ holder's dismissal or resignation from the school district. This notification must be submitted within 30 days after the dismissal or resignation. The license ~~certificate~~ holder must also be contemporaneously sent a copy of the notice by the superintendent. All correspondence, documentation, and other information so received by the State Superintendent of Education, the State Board of Education, or the State Educator Preparation and Licensure ~~State Teacher Certification~~ Board under this subsection (e-5) is confidential and must not be disclosed to third parties, except (i) as necessary for the State Superintendent of Education or his or her designee to investigate and prosecute pursuant to Article 21B ~~21~~ of this Code, (ii) pursuant to a court order, (iii) for disclosure to the license ~~certificate~~ holder or his or her representative, or (iv) as otherwise provided in this Article and provided that any such information admitted into evidence in a hearing is exempt from this confidentiality and non-disclosure requirement. Except for an act of willful or wanton misconduct, any superintendent who provides notification as required in this subsection (e-5) shall have immunity from any liability, whether civil or criminal or that otherwise might result by reason of such action.

(f) After March 19, 1990, the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school

in such district. For purposes of criminal history records checks and checks of the Statewide Sex Offender Database on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for a criminal history records check prepared by each such employee and submitting the same to the Department of State Police and for conducting a check of the Statewide Sex Offender Database for each employee. Any information concerning the record of conviction and identification as a sex offender of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(f-5) Upon request of a school or school district, any information obtained by the school district pursuant to subsection (f) of this Section within the last year must be made available to the requesting school or school district.

(g) Prior to the commencement of any student teaching experience or required internship (which is referred to as student teaching in this Section) in the public schools, a student teacher is required to authorize a fingerprint-based criminal history records check. Authorization for and payment of the costs of the check must be furnished by the student teacher to the school district. Upon receipt of this authorization and payment, the school district shall submit the student teacher's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department of State Police. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, forever and hereinafter, until expunged, to the president of the board. The Department shall charge the school district a fee for conducting the check, which fee must not exceed the cost of the inquiry and must be deposited into the State Police Services Fund. The school district shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, and of the Statewide Murderer and Violent Offender Against Youth Database, as authorized by the Murderer and Violent Offender Against Youth Registration Act, for each student teacher. The board may not knowingly allow a person to student teach for whom a criminal history records check, a Statewide Sex Offender Database check, and a Statewide Murderer and Violent Offender Against Youth Database check have not been completed and reviewed by the district.

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

The board may not knowingly allow a person to student teach who has been convicted of any offense that would subject him or her to license suspension or revocation pursuant to subsection (c) of Section 21B-80 of this Code, except as provided under subsection (b) of Section 21B-80. Further, the board may not allow a person to student teach if he or she ~~or who~~ has been found to be the perpetrator of sexual or physical abuse of a minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. The board may not knowingly allow a person to student teach who has been issued an indicated finding of abuse or neglect of a child by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act or by a child welfare agency of another jurisdiction.

(h) (Blank).

(Source: P.A. 99-21, eff. 1-1-16; 99-667, eff. 7-29-16.)

(105 ILCS 5/34-84b) (from Ch. 122, par. 34-84b)

Sec. 34-84b. Conviction of criminal ~~sex~~ or narcotics offense, first degree murder, attempted first degree murder, or Class X felony as grounds for revocation of certificate.

(a) Whenever the holder of any certificate issued by the board of education has been convicted of any criminal ~~sex~~ offense or narcotics offense as defined in this Section, the board of education shall forthwith suspend the certificate. If the conviction is reversed and the holder is acquitted of the offense in a new trial or the charges against him are dismissed, the board shall forthwith terminate the suspension of the certificate. When the conviction becomes final, the board shall forthwith revoke the certificate. " Criminal ~~Sex~~ offense" as used in this Section means any one or more of the following offenses: (1) any offense defined in Sections 11-6, 11-9 through 11-9.5, inclusive, and 11-30 (if punished as a Class 4 felony) of the Criminal Code of 1961 or the Criminal Code of 2012; ~~,~~ Sections 11-14.1 ~~11-14~~ through 11-21, inclusive, of the Criminal Code of 1961 or the Criminal Code of 2012; Sections 11-23 (if punished as a Class 3 felony), 11-24, 11-25, and 11-26 of the Criminal Code of 1961 or the Criminal Code of 2012; Section 10-

5.1, subsection (c) of Section 10-9, and Sections 11-6.6, 11-11, 12-3.05, 12-3.3, 12-6.4, 12-7.1, 12-34, 12-34.5, and 12-35 of the Criminal Code of 2012; and ~~and~~ 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 , 12-32, 12-33, 12C-45, and 26-4 (if punished pursuant to subdivision (4) or (5) of subsection (d) of Section 26-4) of the Criminal Code of 1961 or the Criminal Code of 2012; (2) any attempt to commit any of the foregoing offenses, and (3) any offense committed or attempted in any other state which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. "Narcotics offense" as used in this Section means any one or more of the following offenses: (1) any offense defined in the Cannabis Control Act except those defined in Sections 4(a), 4(b) and 5(a) of that Act and any offense for which the holder of any certificate is placed on probation under the provisions of Section 10 of that Act and fulfills the terms and conditions of probation as may be required by the court; (2) any offense defined in the Illinois Controlled Substances Act except any offense for which the holder of any certificate is placed on probation under the provisions of Section 410 of that Act and fulfills the terms and conditions of probation as may be required by the court; (3) any offense defined in the Methamphetamine Control and Community Protection Act except any offense for which the holder of any certificate is placed on probation under the provision of Section 70 of that Act and fulfills the terms and conditions of probation as may be required by the court; (4) any attempt to commit any of the foregoing offenses; and (5) any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses.

(a-5) Whenever the holder of a license issued pursuant to Article 21B or applicant for a license to be issued pursuant to Article 21B has been charged with attempting to commit, conspiring to commit, soliciting, or committing a criminal offense, first degree murder, or a Class X felony or any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses, the State Superintendent of Education shall immediately suspend the license or deny the application until the person's criminal charges are adjudicated through a court of competent jurisdiction. If the person is acquitted, the license or application shall be immediately reinstated.

(b) Whenever the holder of any certificate issued by the board of education or pursuant to Article 21B ~~21~~ or any other provisions of the School Code has been convicted of first degree murder, attempted first degree murder, or a Class X felony, the board of education or the State Superintendent of Education shall forthwith suspend the certificate. If the conviction is reversed and the holder is acquitted of that offense in a new trial or the charges that he or she committed that offense are dismissed, the State Superintendent of Education ~~suspending authority~~ shall forthwith terminate the suspension of the certificate. When the conviction becomes final, the State Superintendent of Education shall forthwith revoke the certificate. The stated offenses of "first degree murder", "attempted first degree murder", and "Class X felony" referred to in this Section include any offense committed in another state that, if committed in this State, would have been punishable as any one of the stated offenses.
(Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Martinez, **Senate Bill No. 456** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Schimpf
Aquino	Fowler	Martinez	Sims
Barickman	Gillespie	McClure	Stadelman

Belt	Glowiak	McConchie	Steans
Bennett	Harmon	McGuire	Stewart
Bertino-Tarrant	Harris	Morrison	Syverson
Brady	Hastings	Mulroe	Tracy
Bush	Holmes	Muñoz	Van Pelt
Castro	Hunter	Murphy	Villivalam
Crowe	Hutchinson	Oberweis	Weaver
Cullerton, T.	Jones, E.	Peters	Wilcox
Cunningham	Koehler	Plummer	Mr. President
Curran	Landek	Righter	
DeWitte	Lightford	Rose	
Ellman	Link	Sandoval	

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

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

SENATE BILL RECALLED

On motion of Senator Stadelman, **Senate Bill No. 457** was recalled from the order of third reading to the order of second reading.

Senator Stadelman offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 457

AMENDMENT NO. 1. Amend Senate Bill 457 by replacing everything after the enacting clause with the following:

"Section 5. The University of Illinois Act is amended by changing Section 9 as follows:
(110 ILCS 305/9) (from Ch. 144, par. 30)

Sec. 9. Scholarships for children of veterans. For each of the following periods of hostilities, each county shall be entitled, annually, to one honorary scholarship in the University, for the benefit of the children of persons who served in the armed forces of the United States, except that the total number of scholarships annually granted to recipients from each county may not exceed 3: any time between September 16, 1940 and the termination of World War II, any time during the national emergency between June 25, 1950 and January 31, 1955, any time during the Viet Nam conflict between January 1, 1961 and May 7, 1975, any time during the siege of Beirut and the Grenada Conflict between June 14, 1982 and December 15, 1983, or any time on or after August 2, 1990 and until Congress or the President orders that persons in service are no longer eligible for the Southwest Asia Service Medal, Operation Enduring Freedom, and Operation Iraqi Freedom. Preference for scholarships shall be given to the children of persons who are deceased or to the children of persons who have a disability, including the children of veterans who were police officers or fire officers and were killed in the line of duty while employed by, or in the voluntary service of, this State or any local public entity in this State. Such scholarships shall be granted to such pupils as shall, upon public examination, conducted as the board of trustees of the University may determine, be decided to have attained the greatest proficiency in the branches of learning usually taught in the secondary schools, and who shall be of good moral character, and not less than 15 years of age. Such pupils, so selected, shall be entitled to receive, without charge for tuition, instruction in any or all departments of the University for a term of at least 4 consecutive years. Such pupils shall conform, in all respects, to the rules and regulations of the University, established for the government of the pupils in attendance.
(Source: P.A. 99-143, eff. 7-27-15; 99-377, eff. 8-17-15; 99-642, eff. 7-28-16.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Stadelman, **Senate Bill No. 457** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Sandoval
Aquino	Fowler	Martinez	Schimpf
Barickman	Gillespie	McClure	Sims
Belt	Glowiak	McConchie	Stadelman
Bennett	Harmon	McGuire	Steans
Bertino-Tarrant	Harris	Morrison	Stewart
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Crowe	Hutchinson	Oberweis	Villivalam
Cullerton, T.	Jones, E.	Peters	Weaver
Cunningham	Koehler	Plummer	Wilcox
Curran	Landek	Rezin	Mr. President
DeWitte	Lightford	Righter	
Ellman	Link	Rose	

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

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

SENATE BILL RECALLED

On motion of Senator Steans, **Senate Bill No. 458** was recalled from the order of third reading to the order of second reading.

Senator Steans offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 458

AMENDMENT NO. 1. Amend Senate Bill 458 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 14-7.02c as follows:

(105 ILCS 5/14-7.02c new)

Sec. 14-7.02c. Private therapeutic day schools; student enrollment data. The Illinois Purchased Care Review Board must accept amended student enrollment data from special education private therapeutic day schools that have specialized contractual agreements with a school district having a population exceeding 500,000 inhabitants in the 2016-2017 and 2017-2018 school years. The amended student enrollment data must be based on actual monthly enrollment days where a student placed by the school district was formally enrolled and began to receive services through the last date he or she was formally exited from the therapeutic day school. All enrolled days must be confined to the official beginning and end dates of the therapeutic day school's official calendar on file with the State Board of Education. In no instance may the amended enrollment be further reduced to account for student absences. A school district having a population of 500,000 or less inhabitants must be billed at the per diem rate approved by the Illinois Purchased Care Review Board based on days enrolled as prescribed in Section 900.330 of Title 89 of the Illinois Administrative Code.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Steans, **Senate Bill No. 458** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Schimpf
Aquino	Fowler	Martinez	Sims
Barickman	Gillespie	McClure	Stadelman
Belt	Glowiak	McConchie	Steans
Bennett	Harmon	McGuire	Stewart
Bertino-Tarrant	Harris	Morrison	Syverson
Brady	Hastings	Mulroe	Tracy
Bush	Holmes	Muñoz	Van Pelt
Castro	Hunter	Murphy	Villivalam
Crowe	Hutchinson	Oberweis	Weaver
Cullerton, T.	Jones, E.	Peters	Wilcox
Cunningham	Koehler	Plummer	Mr. President
Curran	Landek	Righter	
DeWitte	Lightford	Rose	
Ellman	Link	Sandoval	

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

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

SENATE BILL RECALLED

On motion of Senator J. Cullerton, **Senate Bill No. 528** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1 TO SENATE BILL 528

AMENDMENT NO. 1. Amend Senate Bill 528 by replacing everything after the enacting clause as follows:

"Section 5. The Illinois Pension Code is amended by changing Section 2-127 as follows:

(40 ILCS 5/2-127) (from Ch. 108 1/2, par. 2-127)

Sec. 2-127. Board created. The system shall be administered by a board of trustees of 7 members as follows: 3 ~~the President of the Senate, ex officio, or his designee; 2~~ members of the Senate appointed by the President; 3 members of the House of Representatives appointed by the Speaker; and one person elected from the member annuitants under rules prescribed by the board. Only participants are eligible to serve as board members. Not more than 2 ~~two~~ members of the House of Representatives, and not more than 2 members ~~one member~~ of the Senate so appointed shall be of the same political party. Appointed board members shall serve for 2-year terms. If the office of President of the Senate or Speaker of the House is vacant or its incumbent is not a participant, the position of trustee otherwise occupied by such officers

shall be deemed vacant and be filled by appointment by the Governor with a member of the Senate or the House, as the case may be. This appointment shall be of the same political party as the vacated position.

Elections for the annuitant member shall be held in January of 1993 and every fourth year thereafter. Nominations and elections shall be conducted in accordance with such procedures as the Board may prescribe. In the event that only one eligible person is nominated, the Board may declare the nominee elected at the close of the nomination period, and need not conduct an election. The annuitant member elected in 1989 shall serve for a term of 4 years beginning February 1, 1989; thereafter, an annuitant member shall serve for a period of 4 years from the February 1st immediately following the date of election, and until a successor is elected and qualified.

Every person designated to serve as a trustee shall take an oath of office and shall thereupon qualify as a trustee. The oath shall state that the person will diligently and honestly administer the affairs of the system, and will not knowingly violate or wilfully permit the violation of any of the provisions of this Article.

(Source: P.A. 86-273; 86-1488.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator J. Cullerton, **Senate Bill No. 528** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Sandoval
Aquino	Fowler	Martinez	Schimpf
Barickman	Gillespie	McClure	Sims
Belt	Glowiak	McConchie	Stadelman
Bennett	Harmon	McGuire	Steans
Bertino-Tarrant	Harris	Morrison	Stewart
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Crowe	Hutchinson	Oberweis	Villivalam
Cullerton, T.	Jones, E.	Peters	Weaver
Cunningham	Koehler	Plummer	Wilcox
Curran	Landek	Rezin	Mr. President
DeWitte	Lightford	Righter	
Ellman	Link	Rose	

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

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

At the hour of 3:23 o'clock p.m., Senator Harmon, presiding.

SENATE BILL RECALLED

On motion of Senator J. Cullerton, **Senate Bill No. 529** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1 TO SENATE BILL 529

AMENDMENT NO. 1. Amend Senate Bill 529 by replacing everything after the enacting clause with the following:

"Section 5. The Government Severance Pay Act is amended by changing Section 10 as follows:

(5 ILCS 415/10)

Sec. 10. Severance pay.

(a) A unit of government that enters into a contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, that contains a provision for severance pay with an officer, agent, employee, or contractor must include the following provisions in the contract:

(1) a requirement that severance pay provided may not exceed an amount greater than 20 weeks of compensation; and

(2) a prohibition of provision of severance pay when the officer, agent, employee, or contractor has been fired for misconduct by the unit of government.

(b) Nothing in this Section creates an entitlement to severance pay in the absence of its contractual authorization or as otherwise authorized by law.

(c) Notwithstanding any other provision to the contrary, this Act shall not apply to contracts or employment agreements for individuals employed by the department of intercollegiate athletics of a college or university when the employee's compensation is funded by non-State-appropriated funds, such as revenues generated by athletic events or activities, gifts or donations, or any combination thereof. Nothing in this Section entitles an individual employed by the department of intercollegiate athletics of a college or university to receive severance pay when that individual has been dismissed for misconduct.

(Source: P.A. 100-895, eff. 1-1-19.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator J. Cullerton, **Senate Bill No. 529** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS 3.

The following voted in the affirmative:

Anderson	Fowler	Manar	Sandoval
Aquino	Gillespie	Martinez	Schimpf
Barickman	Glowiak	McClure	Sims
Belt	Harmon	McConchie	Steans
Bertino-Tarrant	Harris	McGuire	Stewart
Brady	Hastings	Morrison	Syverson
Bush	Holmes	Mulroe	Van Pelt
Castro	Hunter	Muñoz	Villivalam
Crowe	Hutchinson	Murphy	Weaver
Cunningham	Jones, E.	Oberweis	Mr. President

Curran	Koehler	Peters
DeWitte	Landek	Plummer
Ellman	Lightford	Rezin
Fine	Link	Rose

The following voted in the negative:

Bennett
Righter
Wilcox

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

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

CONSIDERATION OF SENATE BILLS ON CONSIDERATION POSTPONED

On motion of Senator Link, **Senate Bill No. 1536,** having been read by title a third time on April 11, 2019, and pending roll call further consideration postponed, was taken up again on third reading.

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

YEAS 31; NAYS 19.

The following voted in the affirmative:

Aquino	Glowiak	Lightford	Sandoval
Belt	Harmon	Link	Sims
Bennett	Harris	Martinez	Stadelman
Bertino-Tarrant	Hastings	Morrison	Steans
Castro	Hunter	Mulroe	Van Pelt
Crowe	Hutchinson	Muñoz	Villivalam
Fine	Jones, E.	Murphy	Mr. President
Gillespie	Koehler	Peters	

The following voted in the negative:

Anderson	Fowler	Rezin	Syverson
Barickman	Landek	Righter	Tracy
Brady	McClure	Rose	Weaver
Curran	Oberweis	Schimpf	Wilcox
DeWitte	Plummer	Stewart	

This roll call verified.

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

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

On motion of Senator Rezin, **Senate Bill No. 1310,** having been read by title a third time on April 10, 2019, and pending roll call further consideration postponed, was taken up again on third reading.

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

YEAS 29; NAYS 8; Present 1.

The following voted in the affirmative:

Anderson	Fine	Peters	Tracy
Barickman	Fowler	Rezin	Villivalam
Belt	Gillespie	Righter	Weaver
Brady	Holmes	Rose	Wilcox
Crowe	Hunter	Sandoval	Mr. President
Cunningham	Jones, E.	Steans	
Curran	Koehler	Stewart	
DeWitte	McClure	Syverson	

The following voted in the negative:

Aquino	Castro	Oberweis
Bennett	Cullerton, T.	Schimpf
Bertino-Tarrant	Hutchinson	

The following voted present:

Martinez

This bill, having failed to receive the vote of a constitutional majority of the members elected, was declared lost.

SENATE BILL RECALLED

On motion of Senator Mulroe, **Senate Bill No. 531** was recalled from the order of third reading to the order of second reading.

Senator Mulroe offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 531

AMENDMENT NO. 1. Amend Senate Bill 531 by replacing everything after the enacting clause with the following:

"Section 5. The Public Use Trust Act is amended by changing Section 2 as follows:

(30 ILCS 160/2) (from Ch. 127, par. 4002)

Sec. 2. (a) The Department of Agriculture, ~~and~~ the Department of Natural Resources , and the Abraham Lincoln Presidential Library and Museum have the power to enter into a trust agreement with a person or group of persons under which the State agency may receive or collect money or other property from the person or group of persons and may expend such money or property solely for a public purpose within the powers and duties of that State agency and stated in the trust agreement. The State agency shall be the trustee under any such trust agreement.

(b) Money or property received under a trust agreement shall not be deposited in the State treasury and is not subject to appropriation by the General Assembly, but shall be held and invested by the trustee separate and apart from the State treasury. The trustee shall invest money or property received under a trust agreement as provided for trustees under the Trusts and Trustees Act or as otherwise provided in the trust agreement.

(c) The trustee shall maintain detailed records of all receipts and disbursements in the same manner as required for trustees under the Trusts and Trustees Act. The trustee shall provide an annual accounting of all receipts, disbursements, and inventory to all donors to the trust and the Auditor General. The annual accounting shall be made available to any member of the public upon request.

(Source: P.A. 100-695, eff. 8-3-18.)".

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.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Mulroe, **Senate Bill No. 531** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Manar	Sandoval
Aquino	Fine	Martinez	Schimpf
Barickman	Fowler	McClure	Sims
Belt	Gillespie	McConchie	Stadelman
Bennett	Glowiak	McGuire	Steans
Bertino-Tarrant	Harmon	Morrison	Stewart
Brady	Harris	Mulroe	Syverson
Bush	Hastings	Muñoz	Tracy
Castro	Holmes	Murphy	Van Pelt
Collins	Hunter	Oberweis	Villivalam
Crowe	Hutchinson	Peters	Weaver
Cullerton, T.	Jones, E.	Plummer	Wilcox
Cunningham	Koehler	Rezin	Mr. President
Curran	Lightford	Righter	
DeWitte	Link	Rose	

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

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

SENATE BILL RECALLED

On motion of Senator Bush, **Senate Bill No. 556** was recalled from the order of third reading to the order of second reading.

Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 556

AMENDMENT NO. 1. Amend Senate Bill 556 by replacing everything after the enacting clause with the following:

"Section 5. The Equitable Restrooms Act is amended by changing Section 20 and adding Section 25 as follows:

(410 ILCS 35/20) (from Ch. 111 1/2, par. 3751-20)

Sec. 20. Application. Except for Section 25, this ~~This~~ Act applies only to places of public accommodation that commence construction, or that commence alterations exceeding 50% of the entire place of public accommodation, after the effective date of this Act.

(Source: P.A. 87-472.)

(410 ILCS 35/25 new)

Sec. 25. All-gender single-occupancy restrooms.

(a) In this Section:

"Place of public accommodation" has the same meaning provided in Section 5-101 of the Illinois Human Rights Act.

"Single-occupancy restroom" means a fully enclosed room, with a locking mechanism controlled by the user, containing a sink, toilet stall, and no more than one urinal.

(b) This Section applies to any existing or future places of public accommodation or public buildings.

(c) Notwithstanding any other provision of law, every single-occupancy restroom in a place of public accommodation or public building shall be identified as all-gender and designated for use by no more than one person at a time or for family or assisted use. Each single-occupancy restroom shall be outfitted with exterior signage indicating "all-gender" or "gender-neutral".

(d) During any inspection of a place of public accommodation or public building by a health officer or health inspector, the health officer or health inspector may inspect the place of public accommodation or public building to determine whether it complies with this Section.

(e) The Department of Public Health shall adopt rules to implement this Section.

Section 99. Effective date. This Act takes effect January 1, 2020.".

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 556

AMENDMENT NO. _2_. Amend Senate Bill 556, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, by replacing lines 13 through 14 with the following: "outfitted with exterior signage that marks the single-occupancy restroom as a restroom and does not indicate any specific gender.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Bush, **Senate Bill No. 556** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Anderson	DeWitte	Lightford	Sandoval
Aquino	Ellman	Link	Schimpf
Barickman	Fine	Manar	Sims
Belt	Fowler	Martinez	Stadelman
Bennett	Gillespie	McGuire	Steans
Bertino-Tarrant	Glowiak	Morrison	Tracy
Brady	Harmon	Mulroe	Van Pelt
Bush	Harris	Muñoz	Villivalam
Castro	Hastings	Murphy	Weaver
Collins	Hunter	Oberweis	Wilcox
Crowe	Hutchinson	Peters	Mr. President
Cullerton, T.	Jones, E.	Rezin	
Cunningham	Koehler	Righter	
Curran	Landek	Rose	

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

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

SENATE BILL RECALLED

On motion of Senator Bush, **Senate Bill No. 557** was recalled from the order of third reading to the order of second reading.

Senator Bush offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 557

AMENDMENT NO. 1. Amend Senate Bill 557 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Carpet Stewardship Act.

Section 5. Findings and purpose. The General Assembly finds that:

(1) Based on data contained in the Illinois Commodity Waste Generation and Characterization Study, commissioned in 2014 by the Illinois Department of Commerce and Economic Opportunity, approximately 229,000 tons of carpet and carpet padding are landfilled each year, 1.5% of the total waste landfilled in this State.

(2) Discarded carpet and padding are currently being recycled in this State at a recycling rate estimated to be less than 1%, compared to a 15.4% recycling rate for the first 6 months of 2018 in California, which has enacted Extended Producer Responsibility legislation for carpet.

(3) Carpet recycling can be significantly expanded by utilizing an Extended Producer Responsibility approach which will lead to job creation through the collection, processing, and marketing of discarded carpet and padding. In California, this approach has created approximately 150 direct jobs.

(4) According to the U.S. Environmental Protection Agency, the recycling of discarded carpet has a positive impact on the reduction of greenhouse gases when compared to the landfilling or incineration of discarded carpet, which increases the generation of greenhouse gases.

Section 10. Definitions. In this Act:

"Agency" means the Illinois Environmental Protection Agency.

"Blended carpet" means carpet with a nonuniform face fiber, which is manufactured with multiple polymer types, fiber types, or both, in the face of the constructed material.

"Brand" means a name, symbol, word, or mark that identifies the carpet, rather than its components, and attributes the product to the owner or licensee of the brand as the producer.

"Carpet" means a manufactured article that is (i) used in commercial buildings or single or multifamily residential buildings, (ii) affixed or placed on the floor or building walking surface as a decorative or functional building interior or exterior feature, and (iii) primarily constructed of a top visible surface of synthetic face fibers or yarns or tufts attached to a backing system derived from synthetic or natural materials. "Carpet" includes, but is not limited to, a commercial or residential broadloom carpet, modular carpet tiles, and artificial turf. "Carpet" includes a pad or underlayment used in conjunction with a carpet. "Carpet" does not include handmade rugs, area rugs, or mats.

"Clearinghouse" means the entity incorporated as a nonprofit within the meaning of 26 U.S.C. 501 representing carpet producers, and other designated representatives who are cooperating with one another to collectively establish and operate a discarded carpet recycling and reuse program for the purpose of complying with this Act.

"Clearinghouse plan" means a single, detailed plan prepared by the clearinghouse that includes all the information required by this Act.

"Consumer" means any person who makes a purchase at retail.

"Discarded carpet" means carpet that is no longer used for its manufactured purpose.

"Distributor" or "wholesaler" means a person who buys or otherwise acquires carpet from another source and sells or offers to sell that carpet to retailers in this State.

"Nylon carpet" means carpet made with a uniform face fiber made with either nylon 6 or nylon 6,6.

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

"PET carpet" means carpet made from polyethylene terephthalate.

"Producer" means a person that:

(1) has legal ownership of the brand, brand name, or co-brand of carpet sold in this State;

(2) imports carpet branded by a producer who meets the definition under paragraph (1) when that producer has no physical presence in the United States;

(3) if paragraphs (1) and (2) do not apply, makes unbranded carpet that is sold in this State; or

(4) sells carpet at wholesale or retail, does not have legal ownership of the brand, and elects to fulfill the responsibilities of the producer for the product.

"Polypropylene carpet" means carpet made from polypropylene.

"Program year" means a calendar year. The first program year is 2021.

"PTT carpet" means carpet made from polytrimethylene terephthalate.

"Recycling" means the process by which discarded carpet is collected, processed, and returned to the economic mainstream in the form of raw materials or products. "Recycling" is further defined to include only those pounds of discarded carpet that are an output of a recycling facility destined for an end market or reuse and is not meant to mean the gross input pounds of discarded carpet accepted by a recycling facility. "Recycling" does not include energy recovery or energy generation by means of combusting discarded carpet, and it does not include any disposal or use of discarded carpet within the permitted boundaries of a municipal solid waste landfill unit.

"Recycling rate" means the percentage of discarded carpet that is managed through recycling or reuse, as defined by this Act, and is computed by dividing the amount of discarded carpet that is collected and recycled or reused by the total amount of discarded carpet that is generated over a program year. To determine the annual recycling rates required by this Act the amount of discarded carpet generated shall be calculated using an industry standard calculation based on annual sales, replacement rate, and the average weight of carpet.

"Retailer" means any person engaged in the business of making sales at retail that generate occupation or use tax revenue.

"Reuse" means donating or selling a discarded carpet back into the market for its original intended use, when the discarded carpet retains its original purpose and performance characteristics.

"Sale" or "sell" means a transfer of title to carpet for consideration, including a remote sale conducted through a sales outlet, catalog, website, or similar electronic means. "Sale" or "sell" includes a lease through which carpet is provided to a consumer by a producer, distributor, or retailer.

"Stewardship assessment" means the amount added to the purchase price of carpet sold in this State that is necessary to cover the cost of collecting, transporting, processing and marketing discarded carpet by the clearinghouse pursuant to the clearinghouse plan, and shall not be used to pay for any fines or penalties levied pursuant to this Act or for the final disposal or incineration of discarded carpet.

"Wool carpet" means carpet made from wool.

Section 15. Formation, duties and powers of the Clearinghouse.

(a) To administer the carpet stewardship program a clearinghouse shall be created, and shall consist of the following members, to be appointed by the Director of the Agency:

(1) two individuals who are representatives of a statewide association representing retailers;

(2) two individuals who are representatives of carpet producers;

(3) one individual who is a representative of a national association representing manufacturers of carpet;

(4) two individuals who are representatives of carpet recyclers;

(5) two individuals who are representatives of a statewide association representing waste disposal companies;

(6) two individuals who are representatives of environmental organizations;

(7) two individuals who are representatives of county or municipal joint action agency waste management programs;

(8) one individual who is a representative of a company that utilizes discarded carpet to manufacture a new product, not including new carpet; and

(9) one individual who is a representative of an association representing installers of carpet.

(b) Members of the clearinghouse shall serve without compensation but shall be reimbursed for travel expenses with proceeds from the stewardship assessment, and the Agency shall be responsible for monitoring these expenses. Members shall serve on the clearinghouse until a successor is appointed and qualified.

(c) The clearinghouse's duties include, but are not limited to:

(1) preparing the clearinghouse plan, and any required amendments, on an annual basis in

compliance with this Act;

(2) implementing the clearinghouse plan;

(3) creating and administering a grant program to assist in subsidizing the costs to collect, process, or market discarded carpet for reuse or recycling;

(4) being responsible for meeting the performance goals specified by this Act;

(5) submitting annual program reports as required by this Act;

(6) recommending to the Agency in the annual clearinghouse plan any increases or decreases in the stewardship assessment; and

(7) overseeing an annual audit of the carpet stewardship program's revenues and expenditures, and reporting those findings to the Agency.

(d) The clearinghouse may hire a director and necessary staff, and may organize itself into committees to implement this Act, which shall be funded by the stewardship assessment. The Agency shall monitor these expenses.

Section 20. Carpet stewardship program and sale requirement.

(a) For all carpet sold in this State, producers shall, through the clearinghouse, implement and finance a statewide carpet stewardship program that: manages carpet by reducing its waste generation; promotes its recycling and reuse; and provides for negotiation and execution of agreements to collect, transport, process, or market the discarded carpet for end-of-life recycling or reuse.

(b) On and after January 1, 2021, a producer, distributor, or retailer that offers carpet for sale in this State is not in compliance with this Act and is subject to penalties under Section 70 if the carpet is not subject to the clearinghouse plan that is submitted by the clearinghouse and approved by the Agency under Section 30.

Section 25. Clearinghouse plan.

(a) By July 1, 2020 and by July 1 every 3 years thereafter, beginning with program year 2021, the clearinghouse shall submit a 3-year plan to the Agency and receive approval of the plan. The clearinghouse plan shall include, at a minimum, each of the following:

(1) Certification that the carpet stewardship program will accept for collection all discarded carpet, regardless of type or which producer manufactured the product and its individual components.

(2) Contact information for each individual representing the clearinghouse, designation of a program manager responsible for administering the program in this State, a list of all producers participating in the carpet stewardship program, and the brands covered by the product stewardship program.

(3) A description of the methods by which discarded carpet will be collected in this State with no charge to any person, including an explanation of how the collection system will be convenient and adequate to serve the needs of businesses and residents in both urban and rural areas on an ongoing basis and how the stewardship group will achieve a convenience standard of having collection sites in all counties with a population density of greater than or equal to 100 individuals per square mile in this State by January 1, 2021 for program year 2021, and all counties with a population density of greater than or equal to 50 individuals per square mile for program year 2022 and thereafter.

(4) An evaluation, beginning with the second three-year plan submitted by July 1, 2023, of the feasibility and cost of expanding the convenience standard to at least one collection site in every county in the State.

(5) A description of how the adequacy of the collection program will be monitored, evaluated, and maintained.

(6) The names and locations of collectors, transporters, and processors who will manage discarded carpet.

(7) A description of how the discarded carpet and the products' components will be safely and securely transported, tracked, and handled from collection through final recycling and processing.

(8) A description of the methods to be used to reuse, deconstruct, or recycle discarded carpet to ensure that the products' components, to the extent feasible, are transformed or remanufactured into finished products for use.

(9) A description of the methods to be used to manage or dispose of discarded carpet that cannot be recycled or reused,

(10) A description of the promotion and outreach activities and proposed budget that

will be used to encourage participation in the collection and recycling programs and how the activities' effectiveness will be evaluated and the program modified, if necessary.

(11) Evidence of adequate insurance and financial assurance that may be required for collection, handling, and disposal operations.

(12) A 3-year rolling performance goal, including an estimate of the percentage of discarded carpet that will be collected, reused, and recycled during each of the next 3 years of the stewardship plan, with a minimum goal of achieving a 15% recycling rate by December 31, 2023. The performance goals shall include a specific goal for the amount of discarded carpet that will be collected, recycled, and reused during each year of the plan. The performance goals must be based on:

(A) the most recent collection data available for this State;

(B) the estimated amount of discarded carpet disposed of annually;

(C) the weight of the discarded carpet that is expected to be available for collection annually; and

(D) actual collection data from other existing carpet stewardship programs.

The clearinghouse plan must state the methodology used to determine these goals. By March 1, 2023, the Agency, in consultation with the clearinghouse, shall establish a recycling rate goal for the 3-year plan period beginning January 1, 2024. Thereafter, the Agency, in consultation with the clearinghouse, shall establish a recycling rate goal for each subsequent 3-year plan period by March 1 of the calendar year preceding the first year of that 3-year plan period.

(13) A discussion of the status of end markets for discarded carpet and what, if any, additional end markets are needed to improve the functioning of the program.

(14) A discussion of carpet design and manufacturing changes that the producers are considering or have implemented in order to reduce toxicity, water use, or energy use associated with the production of carpet and efforts to increase the recycled content, recyclability, or carpet longevity.

(15) A funding mechanism consistent with Section 35 that demonstrates sufficient funding to carry out the plan, including the administrative, operational, and capital costs of the plan, and payment of incentive payments to carpet collectors, processors, and end use markets to assist with the implementation of this Act.

(16) Annual budgets showing revenue and expenditure projections for the current program year and projected for the next 2 years of the program.

(17) A process by which the financial activities of the clearinghouse that are related to the implementation of the plan shall be subject to an annual independent audit, which shall be reviewed by the Agency.

(18) An evaluation of the feasibility and effectiveness of a ban on landfilling discarded carpet in this State, and an opinion on whether to recommend a landfill ban.

(19) Baseline information, for the most current year for which data is available, on the amount of square feet and pounds of carpet sold in this State, by type of polymer or non-polymer material used to make the carpet.

(20) A discussion of the feasibility, cost, and effectiveness of labeling the backside of new carpet with the polymer type or non-polymer material used to manufacture the carpet to assist processors in more easily identifying the type of discarded carpet collected for processing.

(21) A description of the program that shall be implemented to train carpet installers on how to properly manage discarded carpet so that it can be reused or recycled pursuant to this Act.

(b) An update to the plan shall be submitted, at a minimum, every 3 years, or if the Agency determines that a plan update is needed, prior to the minimum of once every 3 years. If the Agency determines that a plan update is necessary, such update shall be submitted to the Agency by the clearinghouse within 30 days of receiving notice from the Agency of the update's necessity.

(c) The clearinghouse shall notify the Agency within 30 days of any significant changes or modifications to the plan or its implementation. Within 30 days of the notification, a written plan revision shall be submitted to the Agency for review and approval.

Section 30. Review and approval of the clearinghouse plan and plan updates.

(a) Within 14 days of receipt of the clearinghouse plan, the Agency shall post the plan or plan update on its website. Within 30 days of its posting on the Agency website, any interested person living within the State of Illinois may provide written comments to the clearinghouse regarding the plan or plan update and those comments shall be responded to by the clearinghouse within 30 days after receipt of the comments.

(b) Within 90 days after receipt of the proposed plan or plan update, and not prior to the public comment opportunity provided in subsection (a), the Agency shall determine whether the plan or plan update

complies with Section 25. If the Agency approves a plan or plan update, the Agency shall notify the clearinghouse of the plan approval in writing within 14 days of receipt. If the Agency rejects a plan or plan update, the Agency shall notify the clearinghouse in writing of the reasons for rejecting the plan within 14 days of receipt. The clearinghouse shall submit a revised plan to the Agency within 60 days after receiving notice of rejection. Any proposed changes to a plan or plan update must be approved by the Agency in writing.

(c) The clearinghouse plan and plan updates approved by the Agency shall be placed on the Agency's website and made available at the Agency's headquarters for public review within 30 days of the Agency's approval.

Section 35. Carpet stewardship assessment.

(a) On and after January 1, 2020 a producer of carpet shall add a carpet stewardship assessment fee of 4 cents per square foot to the purchase price of nylon carpet, polypropylene carpet, and wool carpet, and 6 cents per square foot to the purchase price of PET carpet, PTT carpet, and blended carpet sold in this State by that producer. The assessment added under this Section shall be remitted by the producer on a quarterly basis to the clearinghouse.

(b) Notwithstanding any provision of law to the contrary, the assessment established under this Section is exempt from taxes imposed by the Illinois Department of Revenue and shall meet both of the following requirements:

(1) The assessment shall be added by the producer to the purchase price of all carpet sold by producers to an Illinois retailer or distributor or otherwise sold for use in this State. The assessment shall be clearly visible on all invoices or functionally equivalent billing documents as a separate line item and shall be accompanied by a brief description of the assessment.

(2) Each retailer and distributor shall add the assessment to the purchase price of all carpet sold in this State. The assessment shall be clearly visible on all invoices or functionally equivalent billing documents as a separate line item and shall be accompanied by a brief description of the assessment.

(c) It is the intent of the General Assembly that the amount of the assessment fee be reduced by the clearinghouse as the carpet stewardship program is implemented over time and becomes more efficient.

(d) If the amount of the assessment is too low to properly fund the carpet stewardship program the clearinghouse may submit a plan update, which must be approved by the Agency, in accordance with Section 30, prior to the fee being increased.

(e) The assessment shall be lowered if at any time the fee generates a fund balance at the end of a program year that is greater than one year's operating costs of the carpet stewardship program. If a fund balance greater than one year's operating cost is reached, the clearinghouse shall submit a plan update to reduce the assessment in accordance with Section 30.

(f) The assessment fee shall be deposited by the clearinghouse into an Illinois chartered bank, and if for any reason this Act is repealed, the entire assessment fund balance shall be transferred by the clearinghouse to the State of Illinois to be deposited into the Solid Waste Management Fund.

Section 40. State action antitrust exemption. Each producer and the clearinghouse shall be immune from liability for any claim of violation of antitrust law or unfair trade practice if the conduct is a violation of antitrust law, to the extent the producer or clearinghouse is exercising authority under the provisions of this Act.

Section 45. Requirements applicable to producers.

(a) On and after January 1, 2020, a producer of carpet shall add the stewardship assessment, as established in Section 35, to the cost of carpet sold to retailers and distributors in this State by the producer.

(b) Producers shall provide consumers with educational materials regarding the stewardship assessment and carpet stewardship program as required by paragraph (1) of subsection (b) of Section 35 of this Act. The materials shall include, but are not limited to, (i) information regarding available end-of-life management options for carpet offered through the carpet stewardship program and (ii) information that notifies the consumers that a charge for the operation of the carpet stewardship program is included in the purchase price of carpet sold in this State.

(c) Producers who sell carpet in this State shall register with the Agency by January 1, 2020 and annually thereafter for as long as that producer sells carpet in this State.

Section 50. Requirements applicable to retailers and distributors.

(a) Three months after program plan approval, no carpet may be sold in this State unless the product's producer is participating the clearinghouse plan.

(b) Any retailer or distributor may participate, on a voluntary basis, as a designated collection point pursuant to a product stewardship program and in accordance with applicable law.

(c) No retailer or distributor shall be found to be in violation of this Section if, on the date the carpet was ordered from the producer or its agent, the producer was listed as compliant on the Agency's website in accordance with this Act.

Section 55. Requirements applicable to the Agency.

(a) Beginning January 1, 2020, and annually thereafter, the Agency shall post on its website the list of carpet producers that registered with the Agency, in accordance with Section 45, and who are in compliance with this Act.

(b) Beginning January 1, 2021, and annually thereafter, for the benefit of assisting consumers who wish to find collection sites for recycling carpet, the Agency shall post on its website the location of all collection sites identified to the Agency by the clearinghouse in its plans and annual reports.

(c) The Agency shall post on its website the plan as approved by the Agency and any subsequent updates within 30 days of receipt pursuant to Section 30.

(d) Beginning May 1, 2022, and annually thereafter, the Agency shall post on its website copies of the annual reports.

(e) Beginning March 1, 2023, and once every 3 years thereafter, the Agency shall, in consultation with the clearinghouse, establish the recycling rate performance goal in the clearinghouse plan, beginning with program year 2024.

Section 60. Annual stewardship reports.

(a) By April 1, 2022, and by April 1 of each year thereafter, the clearinghouse shall submit a report to the Agency that includes, for the previous program year, a description of the carpet stewardship program, including, but not limited to, the following:

(1) the amount of carpet sold by square feet and pounds in this State during the reporting period by polymer type or non-polymer material, including a separate reporting of the amount of carpet sold in this State for which the carpet stewardship assessment was collected;

(2) a description of the methods used to collect, transport, and process discarded carpet in regions of this State, and a listing of the persons used to collect, transport, and process discarded carpet;

(3) identification of all discarded carpet collection sites in this State and whether the requirement of paragraph (3) of subsection (a) of Section 25 has been met;

(4) the weight of all discarded carpet collected and reused or recycled in all regions of this State, a comparison to the performance goals and recycling rates established in the clearinghouse plan, and, if appropriate, an explanation stating the reason or reasons performance goals were not met;

(5) the weight of discarded carpet collected in this State but not recycled and its ultimate disposition, and a comparison to the performance goals in the clearinghouse plan;

(6) the total cost of implementing the clearinghouse plan and a copy of the independent audit regarding the financial activities of the clearinghouse;

(7) a proposed budget for implementing the clearinghouse plan in the subsequent calendar year;

(8) an evaluation of the funding mechanism and its ability to properly fund the implementation of the clearinghouse plan, and provide adequate incentive payments to collectors, processors and end markets for managing carpet;

(9) identification of the facilities processing carpet, the weight processed at each facility, and each facility's processing capacity;

(10) an evaluation of the effectiveness of the clearinghouse plan, and anticipated steps, if needed, to improve performance;

(11) a discussion of progress made toward achieving carpet design changes according to paragraph (14) of subsection (a) of Section 25;

(12) samples of educational materials provided to consumers and carpet installers, and an evaluation of the effectiveness of the materials and the methods used to disseminate the materials. The evaluation shall include, but shall not be limited to, information on the number of consumers and carpet installers that received or viewed the educational materials, and any consumer and carpet installer survey data that may have been collected regarding the educational materials used; and

(13) an evaluation of the feasibility and effectiveness of a ban on landfilling carpet

in this State, and an opinion on whether to recommend a landfill ban.

Section 65. Administrative fee.

(a) The clearinghouse shall pay the Agency an annual administrative fee of $100,000 which may be paid for from revenue from the carpet stewardship assessment.

(b) The clearinghouse shall pay the Agency's administrative fee under subsection (a) on or before January 1, 2021, and annually thereafter.

(c) The Agency shall deposit the fees collected under this Section into the Solid Waste Management Fund.

Section 70. Enforcement.

(a) On and after the implementation date of the carpet stewardship program, no producer, distributor, or retailer shall sell or offer for sale carpet to any person in this State if the producer of the carpet is not registered with the Agency pursuant to subsection (c) of Section 45 and participating in implementing the clearinghouse plan.

(b) No retailer or distributor shall be found in violation of the provisions of subsection (a) if, on the date the carpet was ordered from the producer or its agent, the producer was listed on the Agency's website in accordance with the provisions of subsection (a) of Section 55.

(c) The Attorney General or State's Attorney may request, and a Court may impose, after providing notice and opportunity to be heard, a civil penalty in the amount of $5,000 per day per violation against any person who violates the terms of this Act.

(d) Nothing in this Act prohibits a retailer or distributor from selling their inventory of carpet existing prior to the date the first stewardship plan prepared by the clearinghouse is approved by the Agency.

(e) The penalties provided for in this Section may be recovered in a civil action brought in the name of the People of the State of Illinois by the State's Attorney of the county in which the violation occurred or by the Attorney General. Any funds collected under this Section in an action in which the Attorney General has prevailed shall be deposited in the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Trust Fund Act.

Section 75. State procurement of carpet. Beginning on January 1, 2022, at least 35% of carpet purchased by State agencies shall be carpet with a minimum of 10% post-consumer recycled content by weight from discarded carpet and comply with the National Science Foundation/American National Standards Institute (NSF/ANSI) 140-2009 Standard, Platinum Level or the most current version in effect as provided by the American National Standards Institute. The carpet shall be purchased from a carpet producer with a third party certified closed loop recycling facility. Thereafter, those purchases shall increase by a rate of 10% per year until it reaches 75%. Prior to January 1, 2022, the clearinghouse shall provide a report to the Illinois Department of Central Management Services on the other types of products that contain recycled carpet as a feedstock that the State should consider purchasing.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Bush, **Senate Bill No. 557** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Link	Sandoval

Aquino	Fine	Manar	Sims
Barickman	Fowler	Martinez	Stadelman
Belt	Gillespie	McClure	Steans
Bennett	Glowiak	McConchie	Syverson
Bertino-Tarrant	Harmon	McGuire	Tracy
Brady	Harris	Morrison	Van Pelt
Bush	Hastings	Mulroe	Villivalam
Castro	Holmes	Muñoz	Weaver
Collins	Hunter	Murphy	Wilcox
Crowe	Hutchinson	Oberweis	Mr. President
Cullerton, T.	Jones, E.	Peters	
Cunningham	Koehler	Plummer	
Curran	Landek	Rezin	
DeWitte	Lightford	Rose	

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

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

SENATE BILL RECALLED

On motion of Senator McGuire, **Senate Bill No. 584** was recalled from the order of third reading to the order of second reading.

Senator McGuire offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 584

AMENDMENT NO. 1. Amend Senate Bill 584 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 8-11-1.3 as follows:

(65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

Sec. 8-11-1.3. Non-Home Rule Municipal Retailers' Occupation Tax Act. The corporate authorities of a non-home rule municipality may impose a tax upon all persons engaged in the business of selling tangible personal property, other than on an item of tangible personal property which is titled and registered by an agency of this State's Government, at retail in the municipality for expenditure on public infrastructure or for property tax relief or both as defined in Section 8-11-1.2 if approved by referendum as provided in Section 8-11-1.1, of the gross receipts from such sales made in the course of such business. If the tax is approved by referendum on or after July 14, 2010 (the effective date of Public Act 96-1057), the corporate authorities of a non-home rule municipality may, until July 1, 2030 ~~December 31, 2020~~, use the proceeds of the tax for expenditure on municipal operations, in addition to or in lieu of any expenditure on public infrastructure or for property tax relief. The tax imposed may not be more than 1% and may be imposed only in 1/4% increments. The tax may not be imposed on tangible personal property taxed at the 1% rate under the Retailers' Occupation Tax Act. The tax imposed by a municipality pursuant to this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The certificate of registration which is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit such retailer to engage in a business which is taxable under any ordinance or resolution enacted pursuant to this Section without registering separately with the Department under such ordinance or resolution or under this Section. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided, and to determine all rights to credit memoranda, arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of

the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act as fully as if those provisions were set forth herein.

No municipality may impose a tax under this Section unless the municipality also imposes a tax at the same rate under Section 8-11-1.4 of this Code.

Persons subject to any tax imposed pursuant to the authority granted in this Section may reimburse themselves for their seller's tax liability hereunder by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act, pursuant to such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the non-home rule municipal retailers' occupation tax fund.

The Department shall forthwith pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected hereunder.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this Section during the second preceding calendar month for sales within a STAR bond district.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities, the municipalities to be those from which retailers have paid taxes or penalties hereunder to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts which were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality, and not including any amount which the Department determines is necessary to offset any amounts which were payable to a different taxing body but were erroneously paid to the municipality, and not including any amounts that are transferred to the STAR Bonds Revenue Fund, less 1.5% of the remainder, which the Department shall transfer into the Tax Compliance and Administration Fund. The Department, at the time of each monthly disbursement to the municipalities, shall prepare and certify to the State Comptroller the amount to be transferred into the Tax Compliance and Administration Fund under this Section. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the municipalities and the Tax Compliance and Administration Fund provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification.

For the purpose of determining the local governmental unit whose tax is applicable, a retail sale, by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

Nothing in this Section shall be construed to authorize a municipality to impose a tax upon the privilege of engaging in any business which under the constitution of the United States may not be made the subject of taxation by this State.

When certifying the amount of a monthly disbursement to a municipality under this Section, the Department shall increase or decrease such amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a misallocation is discovered.

The Department of Revenue shall implement Public Act 91-649 ~~this amendatory Act of the 91st General Assembly~~ so as to collect the tax on and after January 1, 2002.

As used in this Section, "municipal" and "municipality" means a city, village or incorporated town, including an incorporated town which has superseded a civil township.

This Section shall be known and may be cited as the "Non-Home Rule Municipal Retailers' Occupation Tax Act".

(Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17; 100-587, eff. 6-4-18; 100-1171, eff. 1-4-19; revised 1-9-19.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator McGuire, **Senate Bill No. 584** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAY 1.

The following voted in the affirmative:

Anderson	Ellman	Link	Sandoval
Aquino	Fine	Manar	Schimpf
Barickman	Fowler	Martinez	Sims
Belt	Gillespie	McClure	Stadelman
Bennett	Glowiak	McConchie	Steans
Bertino-Tarrant	Harmon	McGuire	Syverson
Brady	Harris	Morrison	Tracy
Bush	Hastings	Mulroe	Van Pelt
Castro	Holmes	Muñoz	Villivalam
Collins	Hunter	Murphy	Weaver
Crowe	Hutchinson	Oberweis	Wilcox
Cullerton, T.	Jones, E.	Peters	Mr. President
Cunningham	Koehler	Rezin	
Curran	Landek	Righter	
DeWitte	Lightford	Rose	

The following voted in the negative:

Plummer

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

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

SENATE BILL RECALLED

On motion of Senator T. Cullerton, **Senate Bill No. 640** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1 TO SENATE BILL 640

AMENDMENT NO. 1. Amend Senate Bill 640 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by adding Section 9-15 as follows:

(305 ILCS 5/9-15 new)

Sec. 9-15. Township food pantries. In a county under township organization, a township may provide, from moneys received and collected for public aid to all persons eligible therefor under Article VI of this Code, funds and administer programs for providing in-kind aid in meeting basic maintenance

requirements, including, but not limited to, food, paper goods, toiletries, and clothing, to persons who are poor, indigent, homeless, or in need of immediate assistance, in addition to financial aid provided under this Code.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator T. Cullerton, **Senate Bill No. 640** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Link	Rose
Aquino	Fine	Manar	Sandoval
Barickman	Fowler	Martinez	Schimpf
Belt	Gillespie	McClure	Sims
Bennett	Glowiak	McConchie	Stadelman
Bertino-Tarrant	Harmon	McGuire	Steans
Brady	Harris	Morrison	Syverson
Bush	Hastings	Mulroe	Tracy
Castro	Holmes	Muñoz	Van Pelt
Collins	Hunter	Murphy	Villivalam
Crowe	Hutchinson	Oberweis	Weaver
Cullerton, T.	Jones, E.	Peters	Mr. President
Cunningham	Koehler	Plummer	
Curran	Landek	Rezin	
DeWitte	Lightford	Righter	

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

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

SENATE BILL RECALLED

On motion of Senator Sandoval, **Senate Bill No. 653** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was held in the Committee on Licensed Activities.

Senator Sandoval offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 653

AMENDMENT NO. 2. Amend Senate Bill 653 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.30 and by adding Section 4.40 as follows:

(5 ILCS 80/4.30)

Sec. 4.30. Acts repealed on January 1, 2020. The following Acts are repealed on January 1, 2020:

The Auction License Act.

The Community Association Manager Licensing and Disciplinary Act.
The Illinois Architecture Practice Act of 1989.
~~The Illinois Landscape Architecture Act of 1989.~~
The Illinois Professional Land Surveyor Act of 1989.
The Orthotics, Prosthetics, and Pedorthics Practice Act.
The Perfusionist Practice Act.
The Pharmacy Practice Act.
The Professional Engineering Practice Act of 1989.
The Real Estate License Act of 2000.
The Structural Engineering Practice Act of 1989.
(Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17; 100-863, eff. 8-14-18.)
(5 ILCS 80/4.40 new)
Sec. 4.40. Act repealed on January 1, 2030. The following Act is repealed on January 1, 2030:
The Illinois Landscape Architecture Act of 1989.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Sandoval, **Senate Bill No. 653** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Link	Rose
Aquino	Fine	Manar	Sandoval
Barickman	Fowler	Martinez	Schimpf
Belt	Gillespie	McClure	Sims
Bennett	Glowiak	McConchie	Stadelman
Bertino-Tarrant	Harmon	McGuire	Steans
Brady	Harris	Morrison	Syverson
Bush	Hastings	Mulroe	Tracy
Castro	Holmes	Muñoz	Van Pelt
Collins	Hunter	Murphy	Villivalam
Crowe	Hutchinson	Oberweis	Weaver
Cullerton, T.	Jones, E.	Peters	Wilcox
Cunningham	Koehler	Plummer	Mr. President
Curran	Landek	Rezin	
DeWitte	Lightford	Righter	

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

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

SENATE BILL RECALLED

On motion of Senator Aquino, **Senate Bill No. 656** was recalled from the order of third reading to the order of second reading.

Senator Aquino offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 656

AMENDMENT NO. 1. Amend Senate Bill 656 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.30 and by adding Section 4.40 as follows:

(5 ILCS 80/4.30)

Sec. 4.30. Acts repealed on January 1, 2020. The following Acts are repealed on January 1, 2020:

The Auction License Act.

The Community Association Manager Licensing and Disciplinary Act.

The Illinois Architecture Practice Act of 1989.

The Illinois Landscape Architecture Act of 1989.

The Illinois Professional Land Surveyor Act of 1989.

The Orthotics, Prosthetics, and Pedorthics Practice Act.

~~The Perfusionist Practice Act.~~

The Pharmacy Practice Act.

The Professional Engineering Practice Act of 1989.

The Real Estate License Act of 2000.

The Structural Engineering Practice Act of 1989.

(Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17; 100-863, eff. 8-14-18.)

(5 ILCS 80/4.40 new)

Sec. 4.40. Act repealed on January 1, 2030. The following Act is repealed on January 1, 2030:

The Perfusionist Practice Act.

Section 10. The Perfusionist Practice Act is amended by changing Sections 10, 15, 25, 30, 60, 65, 70, 75, 80, 90, 105, 115, 120, 125, 140, 150, 170, 185, 200, 210, and 220 and by adding Sections 11, 26, and 31 as follows:

(225 ILCS 125/10)

(Section scheduled to be repealed on January 1, 2020)

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

"Address of Record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department. ~~It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's website or by directly contacting the Department.~~

"Board" means the Board of Licensing for Perfusionists.

"Department" means the Department of Financial and Professional Regulation.

"Email address of record" means the designated email address of record by the Department in the applicant's application file or the licensee's license file as maintained by the Department's licensure maintenance unit.

"Extracorporeal circulation" means the diversion of a patient's blood through a heart-lung machine or a similar device that assumes the functions of the patient's heart, lungs, kidney, liver, or other organs.

"New graduate perfusionist" means a perfusionist practicing within a period of one year since the date of graduation from a Commission on Accreditation of Allied Health Education Programs accredited perfusion education program.

"Perfusion" means the functions necessary for the support, treatment, measurement, or supplementation of the cardiovascular systems or other organs, or a combination of those functions, and to ensure the safe management of physiologic functions by monitoring and analyzing the parameters of the systems under an order and under the supervision of a physician licensed to practice medicine in all its branches.

"Perfusionist" means a person, qualified by academic and clinical education, to operate the extracorporeal circulation equipment during any medical situation where it is necessary to support or replace a person's cardiopulmonary, circulatory, or respiratory function. A perfusionist is responsible for the selection of appropriate equipment and techniques necessary for support, treatment, measurement, or supplementation of the cardiopulmonary and circulatory system of a patient, including the safe monitoring, analysis, and treatment of physiologic conditions under an order and under the supervision of a physician licensed to practice medicine in all its branches and in coordination with a registered professional nurse.

"Perfusion protocols" means perfusion related policies and protocols developed or approved by a licensed health facility or a physician through collaboration with administrators, licensed perfusionists, and other health care professionals.

"Physician" or "operating physician" means a person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/11 new)

Sec. 11. Address of record; email address of record. All applicants and licensees shall:

(1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) inform the Department of any change of address of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.

(225 ILCS 125/15)

(Section scheduled to be repealed on January 1, 2020)

Sec. 15. Functions, powers, ~~Powers~~ and duties of the Department. The Department shall, subject ~~Subject~~ to the provisions of this Act, exercise the following functions, powers, and duties ~~the Department may~~:

(1) Authorize examinations to ascertain the fitness and qualifications of applicants for licensure and pass ~~(a) Pass~~ upon the qualifications of applicants for licensure by endorsement.

(2) Adopt rules required for the administration of this Act ~~(b) Conduct hearings on proceedings to refuse to issue or renew a license, or to revoke or suspend a license, or to place on probation, reprimand, or take any other disciplinary or non-disciplinary action with regard to a person licensed under this Act~~.

(3) ~~(c)~~ Formulate rules required for the administration of this Act.

(4) Conduct hearings on proceedings to refuse to issue or renew licenses, or to revoke, suspend, place on probation, or reprimand persons licensed under this Act ~~(d) Obtain written recommendations from the Board regarding (i) curriculum content, standards of professional conduct, formal disciplinary actions, and the formulation of rules, and (ii) when petitioned by the applicant, opinions regarding the qualifications of applicants for licensing~~.

(5) Issue licenses to those who meet the requirements of this Act ~~(e) Maintain rosters of the names and address of all licensees, and all persons whose licenses have been suspended, revoked, or denied renewal for cause or otherwise disciplined within the previous calendar year. These rosters shall be available upon written request and payment of the required fee as established by rule.~~

(6) Conduct investigations related to possible violations of this Act.

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/25)

(Section scheduled to be repealed on January 1, 2020)

Sec. 25. Board of Licensing for Perfusionists.

(a) The Secretary shall appoint a Board of Licensing for Perfusionists ~~which shall serve in an advisory capacity to the Secretary~~. The Board shall consist ~~be comprised~~ of 5 members who shall serve in an advisory capacity to the Secretary ~~persons appointed by the Secretary, who shall give due consideration to recommendations by members of the profession of perfusion and perfusion organizations within the State~~. All shall be residents of Illinois. ~~(b)~~ Two members must hold an active license to engage in the practice of perfusion in this State . One ~~, one~~ member shall ~~must~~ be a physician licensed under the Medical Practice Act of 1987 who is board certified in and actively engaged in the practice of cardiothoracic surgery . One ~~, one~~ member shall ~~must~~ be a licensed registered professional nurse certified by the Association of periOperative Registered ~~Operating Room~~ Nurses . In addition to the 4 licensed members, there shall be ~~,~~ ~~and~~ one public member. The public member shall not hold a license ~~must be a member of the public who is not licensed~~ under this Act or a similar Act of this State ~~another jurisdiction~~ and who shall have ~~has~~ no connection with the profession of perfusion.

(b) ~~(c)~~ Members shall serve 4-year terms and until their successors are appointed and qualified~~, except that, of the initial appointments, 2 members shall be appointed to serve for 2 years, 2 members shall be appointed to serve for 3 years, and 1 member shall be appointed to serve for 4 years, and until their successors are appointed and qualified~~.

(c) In appointing members to the Board, the Secretary shall give due consideration to recommendations made by members and organizations of the perfusionist profession.

(d) The membership of the Board should reasonably reflect representation from the geographic areas in this State.

(e) No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 8 consecutive years.

(f) ~~(d)~~ Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term.

~~(e) The Board shall annually elect a chairperson and a vice-chairperson who shall preside in the absence of the chairperson.~~

~~(f) Insofar as possible, the licensed professionals appointed to serve on the Board shall be generally representative of the occupational and geographical distribution of licensed professionals within this State.~~

~~(g) The Secretary may remove or suspend any member for cause at any time before the expiration of his or her term. The Secretary shall be the sole arbiter of cause.~~

~~(h) The Secretary may give due consideration to all recommendations of the Board.~~

(g) ~~(i)~~ Three Board members shall constitute a quorum. A quorum is required for all Board decisions.

(h) The Secretary may terminate the appointment of any member for cause which in the opinion of the Secretary reasonably justified such termination which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings.

(i) Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made therein.

(j) Members of the Board shall have no liability in any action based upon disciplinary proceedings or other activity performed in good faith as members of the Board.

(k) Members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses.

~~(j) Except for willful or wanton misconduct, members of the Board shall be immune from liability in any action based upon any disciplinary proceeding or other activity performed in good faith as a member of the Board.~~

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/26 new)

Sec. 26. Powers and duties of the Board. Subject to the provisions of this Act, the Board shall exercise the following functions, powers, and duties:

(1) The Board shall hold at least 2 regular meetings each year.

(2) The Board shall annually elect a Chairperson and a Vice Chairperson, both of whom shall be Illinois licensed perfusionists.

(3) The Board, upon request by the Department, may make an evaluation to approve a perfusionist program, examination, or certification.

(4) The Board shall assist the Department in conducting oral interviews, disciplinary conferences, informal conferences, and formal evidentiary hearings.

The Department may at any time seek the expert advice and knowledge of the Board on any matter related to the enforcement of this Act.

(225 ILCS 125/30)

(Section scheduled to be repealed on January 1, 2020)

Sec. 30. Application for licensure.

(a) An application for an original ~~initial~~ license shall be made to the Department in writing on forms or electronically as prescribed by the Department and shall be accompanied by the required ~~nonrefundable~~ fee , which shall not be refundable. All applications shall contain information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license as a perfusionist. ~~An application shall require information that, in the judgment of the Department, will enable the Department to evaluate the qualifications of an applicant for licensure.~~

(b) If an applicant fails to obtain a license under this Act within 3 years after filing his or her application, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication. ~~The applicant may make a new application, which shall be accompanied by the required nonrefundable fee. The applicant shall be required to meet the qualifications required for licensure at the time of reapplication.~~

~~A person shall be qualified for licensure as a perfusionist if that person:~~

~~(1) has applied to the Department for licensure in accordance with this Section;~~

~~(2) has not violated a provision of Section 110 of this Act; in addition the Department may take into consideration any felony conviction of the applicant, but a conviction shall not operate as an absolute bar to licensure; and~~

~~(3) has successfully completed the examination provided by the American Board of Cardiovascular Perfusion (ABCP) or its successor agency or a substantially equivalent examination approved by the Department;~~

~~(4) has met the requirements for certification set forth by the American Board of Cardiovascular Perfusion or its successor agency; and~~

~~(5) has graduated from a school accredited by the Commission on the Accreditation of Allied Health Education Programs (CAAHEP) or a similar accrediting body approved by the Department.~~

(Source: P.A. 91-580, eff. 1-1-00.)

(225 ILCS 125/31 new)

Sec. 31. Qualification. A person shall be qualified for licensure as a perfusionist if that person:

(1) has applied to the Department for licensure in accordance with this Act;

(2) has not violated any provision of this Act; and

(3) has met the requirements for licensure as set forth by this Act and rules.

(225 ILCS 125/60)

(Section scheduled to be repealed on January 1, 2020)

Sec. 60. Display of license~~; change of address~~. A licensee shall maintain on file at all times during which the licensee provides services in a health care facility a true and correct copy of the license certificate in the appropriate records of the facility.

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/65)

(Section scheduled to be repealed on January 1, 2020)

Sec. 65. Endorsement ~~Licensure by endorsement~~.

(a) The Department may, upon application in writing on forms or electronically accompanied by the required fee, issue a license as a perfusionist to an applicant who is a perfusionist licensed under the law of another state, the District of Columbia, territory, or country, if the requirements for licensure in that jurisdiction were, at the date of original licensure, substantially equivalent to the requirements in force in this State.

(b) An applicant who holds a current certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion, or its equivalent, as approved by the Department, prior to January 1, 1999 may apply for endorsement as stated in subsection (a) of this Section.

(c) If the accuracy of any submitted documentation or relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies, or conflicts in information given, or a need for clarification, the applicant seeking licensure may be required to provide additional information.

(d) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

~~The Department may, in its discretion, license as a perfusionist, without examination and on payment of the required fee, an applicant who (1) is licensed as a perfusionist under the laws of another state, territory, or country, if the requirements for licensure in that state, territory, or country in which the applicant was licensed were, at the date of his or her licensure, substantially equal to the requirements in force in this State on that date or (2) holds a current certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion (ABCP), or its successor organization, prior to January 1, 1999.~~

(Source: P.A. 91-580, eff. 1-1-00.)

(225 ILCS 125/70)

(Section scheduled to be repealed on January 1, 2020)

Sec. 70. Renewal, reinstatement, or restoration of license; persons in military service.

(a) The expiration date and renewal period for each license issued under this Act shall be set by the Department by rule. The holder of a license ~~A licensee~~ may renew the ~~his or her~~ license during the month preceding the expiration date of the license by paying the required fee. ~~It is the responsibility of the licensee to notify the Department in writing of a change of address.~~

(b) A licensee who has permitted his or her license to expire or who has had his or her license placed on inactive status may have his or her ~~the~~ license restored by making application to the Department, and ~~by~~ filing proof acceptable to the Department of his or her fitness to have the license restored, including, but not limited to, sworn practice in another jurisdiction satisfactory to the Department and by paying the required fees as determined by rule. ~~Proof of fitness may include sworn evidence certifying to active lawful practice in another jurisdiction.~~

(c) A perfusionist ~~If the licensee has not maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule, his or her fitness for restoration of the license and shall establish procedures and requirements for restoration. However, a licensee~~ whose license has expired while engaged ~~he or she was~~ (1) in federal service on active duty with the Armed Forces of the United States or the State Militia called into service or training , or (2)

in training or education under the supervision of the United States before induction into the military service, may have the license restored or reinstated without paying any lapsed reinstatement, renewal, or restoration fees if within 2 years after ~~honorable~~ termination other than by dishonorable discharge of such ~~the~~ service, training, or education and ~~he or she furnishes~~ the Department is furnished with satisfactory evidence ~~to the effect~~ that the licensee ~~he or she~~ has been so engaged in the practice of perfusion and that such ~~and that his or her~~ service, training, or education has been so terminated.

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/75)

(Section scheduled to be repealed on January 1, 2020)

Sec. 75. Continuing education. The Department may adopt rules of continuing education for persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the guidelines for continuing education requirements. The requirements of this Section shall apply to any person seeking renewal or restoration under Sections 70 and 80 of this Act ~~licensees that require 30 hours of continuing education per 2 year license renewal cycle. The rules shall address variances in part or in whole for good cause, including without limitation temporary illness or hardship. The Department may approve continuing education programs offered, provided, and approved by the American Board of Cardiovascular Perfusion, or its successor agency. The Department may approve additional continuing education sponsors. Each licensee is responsible for maintaining records of his or her completion of the continuing education and shall be prepared to produce the records when requested by the Department~~.

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/80)

(Section scheduled to be repealed on January 1, 2020)

Sec. 80. Inactive status. A person licensed under this Act ~~licensee~~ who notifies the Department , in writing on forms prescribed by the Department, may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her intention to restore the license. ~~A licensee requesting restoration from inactive status shall pay the current renewal fee and shall restore his or her license in accordance with Section 70 of this Act.~~ A licensee whose license is on inactive status shall not practice as a perfusionist in this State. ~~A licensee who engages in practice as a perfusionist while his or her license is lapsed or on inactive status shall be considered to be practicing without a license, which shall be grounds for discipline under Section 105 of this Act.~~

(Source: P.A. 91-580, eff. 1-1-00.)

(225 ILCS 125/90)

(Section scheduled to be repealed on January 1, 2020)

Sec. 90. Fees; deposit of fees and fines.

(a) The Department shall provide ~~set~~ by rule for a schedule of fees to be paid for licenses by applicants ~~for the administration of this Act, including, but not limited to, fees for initial and renewal licensure and restoration of a license~~. All ~~The~~ fees are ~~shall be~~ nonrefundable.

(b) The fees for the administration and enforcement of the Act, including but not limited to original licensure, renewal, and restoration shall be set by rule by the Department.

(c) ~~(b)~~ All ~~of the~~ fees and fines collected as authorized under this Act shall be deposited into the General Professions Dedicated Fund. The monies deposited into the Fund shall be appropriated to the Department for expenses of the Department in the administration of this Act.

(Source: P.A. 96-682, eff. 8-25-09; 96-1000, eff. 7-2-10.)

(225 ILCS 125/105)

(Section scheduled to be repealed on January 1, 2020)

Sec. 105. Grounds for disciplinary action ~~Disciplinary actions~~.

(a) The Department may refuse to issue, renew, or restore a license, or may revoke, ~~or~~ suspend ~~a license, or may~~ place on probation, reprimand, or take any other disciplinary or non-disciplinary action as the Department may deem proper ~~with regard to a person licensed under this Act~~, including ~~but not limited to the imposition of~~ fines not to exceed $10,000 per ~~for each~~ violation with regard to any license issued under this Act, for any one or a ~~any~~ combination of the following reasons ~~causes~~:

(1) Making a material misstatement in furnishing information to the Department.

(2) Negligence, incompetence, or misconduct in the practice of perfusion ~~Violation of this Act or any rule promulgated under this Act~~.

(3) Failure to comply with any provisions of this Act or any of its rules ~~Conviction of, or entry of a plea of guilty or nolo contendere to, any crime that is a felony under the laws of the United States or any state or territory thereof, or any crime that is a misdemeanor of which an essential element is dishonesty, or any crime that is directly related to the practice as a perfusionist~~.

(4) Fraud or any misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal or restoration of a license under this Act ~~Making a misrepresentation for the purpose of obtaining, renewing, or restoring a license~~.

(5) Purposefully making false statements or signing false statements, certificates, or affidavits to induce payment ~~Aiding or assisting another person in violating a provision of this Act or its rules~~.

(6) Conviction of or entry of a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty, that is directly related to the practice of the profession of perfusion ~~Failing to provide information within 60 days in response to a written request made by the Department~~.

(7) Aiding or assisting another in violating any provision of this Act or its rules ~~Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public, as defined by rule of the Department~~.

(8) Failing to provide information in response to a written request made by the Department within 60 days after receipt of such written request ~~Discipline by another state, the District of Columbia, or territory, or a foreign nation, if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Section~~.

(9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public as defined by rule ~~Directly or indirectly giving to or receiving from a person, firm, corporation, partnership, or association a fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered. Nothing in this paragraph (9) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (9) shall be construed to require an employment arrangement to receive professional fees for services rendered~~.

(10) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, narcotics, stimulants, or any other substances that results in the inability to practice with reasonable judgment, skill, or safety ~~A finding by the Board that the licensee, after having his or her license placed on probationary status, has violated the terms of probation~~.

(11) A finding by the Department that an applicant or licensee has failed to pay a fine imposed by the Department ~~Wilfully making or filing false records or reports in his or her practice, including but not limited to false records or reports filed with State agencies or departments~~.

(12) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation, or failed to comply with such terms ~~Wilfully making or signing a false statement, certificate, or affidavit to induce payment~~.

(13) Inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, mental illness, or disability ~~Wilfully failing to report an instance of suspected child abuse or neglect as required under the Abused and Neglected Child Reporting Act~~.

(14) Discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other government agency if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Act ~~Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act~~.

(15) The making of any willfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act ~~Employment of fraud, deception, or any unlawful means in applying for or securing a license as a perfusionist~~.

(16) Using or attempting to use an expired, inactive, suspended, or revoked license, or the certificate or seal of another, or impersonating another licensee ~~Allowing another person to use his or her license to practice~~.

(17) Directly or indirectly giving to or receiving from any person or entity any fee, commission, rebate, or other form of compensation for any professional service not actually or personally rendered ~~Failure to report to the Department (A) any adverse final action taken against the licensee by another licensing jurisdiction, government agency, law enforcement agency, or any court or (B) liability for conduct that would constitute grounds for action as set forth in this Section~~.

(18) Willfully making or filing false records or reports related to the licensee's practice, including, but not limited to, false records filed with federal or State agencies or departments ~~Inability to practice the profession with reasonable judgment, skill or safety as a result of a physical illness, including but not limited to deterioration through the aging process or loss of motor skill, or a mental illness or disability~~.

(19) Willfully failing to report an instance of suspected child abuse or neglect as required under the Abused and Neglected Child Reporting Act ~~Inability to practice the profession for which he or she is licensed with reasonable judgment, skill, or safety as a result of habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug~~.

(20) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act and upon proof, by clear and convincing evidence, that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act ~~Gross malpractice~~.

(21) Immoral conduct in the commission of an act related to the licensee's practice, including but not limited to sexual abuse, sexual misconduct, or sexual exploitation.

(22) Violation of the Health Care Worker Self-Referral Act.

(23) Solicitation of business or professional services, other than permitted advertising.

(24) Conviction of or cash compromise of a charge or violation of the Illinois Controlled Substances Act.

(25) Gross, willful, or continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

(26) Practicing under a false name or, except as allowed by law, an assumed name.

~~(27) Violating any provision of this Act or the rules promulgated under this Act, including, but not limited to, advertising.~~

~~(b) A licensee or applicant who, because of a physical or mental illness or disability, including, but not limited to, deterioration through the aging process or loss of motor skill, is unable to practice the profession with reasonable judgment, skill, or safety, may be required by the Department to submit to care, counseling or treatment by physicians approved or designated by the Department, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. Submission to care, counseling or treatment as required by the Department shall not be considered discipline of the licensee. If the licensee refuses to enter into a care, counseling or treatment agreement or fails to abide by the terms of the agreement the Department may file a complaint to suspend or revoke the license or otherwise discipline the licensee. The Secretary may order the license suspended immediately, pending a hearing by the Department. Fines shall not be assessed in the disciplinary actions involving physical or mental illness or impairment.~~

~~(b-5) The Department may refuse to issue or may suspend, without a hearing as provided for in the Civil Administrative Code of Illinois, the license of a person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).~~

~~(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as amended, operates as an automatic suspension. The suspension will end only upon a finding by a court that the licensee is no longer subject to the involuntary admission or judicial admission and issues an order so finding and discharging the licensee; and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume his or her practice.~~

(b) ~~(d)~~ In enforcing this Section, the Department or Board, upon a showing of a possible violation, may order a licensee or applicant to submit to a mental or physical examination, or both, at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning his or her examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The licensee or applicant may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of a licensee or applicant to submit to any such examination when directed, without reasonable cause as defined by rule, shall be grounds for either the immediate suspension of his or her license or immediate denial of his or her application.

(1) If the Secretary immediately suspends the license of a licensee for his or her failure to submit to a mental or physical examination when directed, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay.

(2) If the Secretary otherwise suspends a license pursuant to the results of the licensee's mental or physical examination, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the licensee's record of treatment and counseling regarding the relevant impairment or impairments to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

(3) Any licensee suspended or otherwise affected under this subsection (b) ~~(d)~~ shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under the provisions of his or her license.

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the licensee is no longer subject to the involuntary admission or judicial admission and issues an order so finding and discharging the licensee; and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume his or her practice.

(d) In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with subdivision (a)(5) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(e) The Department shall deny a license or renewal authorized by this Act to a person who has failed to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(Source: P.A. 98-756, eff. 7-16-14.)

(225 ILCS 125/115)

(Section scheduled to be repealed on January 1, 2020)

Sec. 115. Injunction ~~Injunctive action~~; cease and desist order.

(a) If any person violates the provisions of this Act, the Secretary, in the name of the People of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred, may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

~~(c) If a person practices as a perfusionist or holds himself or herself out as a perfusionist without being licensed under this Act, then any licensee under this Act, interested party, or person injured thereby, in addition to the Secretary or State's Attorney, may petition for relief as provided in subsection (a) of this Section.~~

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/120)

(Section scheduled to be repealed on January 1, 2020)

Sec. 120. Investigation; notice; hearing.

(a) The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a ~~perfusionist~~ license under this Act.

(b) The Department shall, before disciplining an applicant or licensee, ~~refusing to issue or renew, suspending, or revoking a license or taking other discipline pursuant to Section 105 of this Act, and~~ at least 30 days prior to the date set for the hearing, (i) notify in writing the applicant or licensee of the ~~any~~ charges made and the time and ~~the~~ place for the hearing on the charges, (ii) direct the applicant or licensee ~~him or~~

~~her~~ to file a written answer to the charges ~~with the Board~~ under oath within 20 days after the service ~~on him or her~~ of the notice, ~~and shall direct the applicant or licensee to file a written answer to the Department under oath within 20 days after the service on him or her of the notice~~ and (iii) inform the applicant or licensee ~~accused~~ that failure to file a written answer to the charges will result in a default being entered against the applicant or licensee ~~, if he or she fails to answer, default will be taken against him or her or that his or her license may be suspended, revoked, or placed on probationary status, or other disciplinary action may be taken with regard to the licensee, including limiting the scope, nature, or extent of practice, as the Department may consider proper~~.

(c) Written or electronic notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant or licensee at his or her address of record or email address of record.

(d) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges ~~,~~ and the parties or their counsel shall be accorded ample opportunity to present any statement ~~pertinent statements~~, testimony, evidence, and argument as may be pertinent to the charges or to their defense ~~arguments~~. The Board or hearing officer may continue the hearing from time to time.

(e) In case the licensee or applicant ~~person~~, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Secretary ~~Department~~, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status, or be subject to ~~the Department may take~~ whatever disciplinary action the Secretary ~~it~~ considers proper, including limiting the scope, nature, or extent of the person's practice or ~~the~~ imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. ~~The written notice may be served by personal delivery or by certified mail to the address of record or the address specified by the accused in his or her last communication with the Department.~~

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/125)

(Section scheduled to be repealed on January 1, 2020)

Sec. 125. Record of proceedings.

(a) The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case in which a license under this Act may be revoked, suspended, placed on probationary status, reprimanded, fined, or subjected to other disciplinary action with reference to the license when a disciplinary action is authorized under this Act and rules ~~at a formal hearing conducted pursuant to Section 120 of this Act~~. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board or hearing officer, and orders of the Department shall be the record of the proceeding. The record may be made available to any ~~The Department shall supply a transcript of the record to a~~ person interested in the hearing on payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law.

(b) The Department may contract for court reporting services, and, if it does so, the Department shall provide the name and contact information for the certified shorthand reporter who transcribed the testimony at a hearing to any person interested, who may obtain a copy of the transcript of any proceedings at a hearing upon payment of the fee specified by the certified shorthand reporter.

(Source: P.A. 99-642, eff. 7-28-16.)

(225 ILCS 125/140)

(Section scheduled to be repealed on January 1, 2020)

Sec. 140. Subpoena; depositions; oaths.

(a) The Department has the power to subpoena documents, books, records or other materials and to bring before it any person and to take testimony either orally or by deposition, with the same fees and mileage and in the same manner as is prescribed in civil cases in circuit courts of this State.

(b) The Secretary, the designated hearing officer, and any Board member has the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct, and any other oaths authorized in any Act administered by the Department.

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/150)

(Section scheduled to be repealed on January 1, 2020)

Sec. 150. Hearing; motion for ~~Board;~~ rehearing.

(a) The Board or hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence produced by the licensee. At the conclusion of the hearing, the Board or hearing officer shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. If the Board fails to present its report, the applicant or licensee may request in writing

a direct appeal to the Secretary, in which case the Secretary may issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order.

(b) At the conclusion of the hearing, a copy of the Board's report shall be served upon the applicant or licensee by the Department, either personally or as provided in this Act for the service of a notice of hearing. Within 20 days after such ~~the~~ service, the applicant or licensee may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for a rehearing. The Department may respond to the motion for rehearing within 20 days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the specified time for filing such a motion, or upon denial of ~~if~~ a motion for rehearing ~~is denied, then upon the denial~~ the Secretary may enter an order in accordance with the recommendations of the Board or hearing officer ~~, except as provided in Section 160 of this Act~~. If the applicant or licensee orders ~~a transcript of the record~~ from the reporting service and pays for a ~~the~~ transcript of the record within the time for filing a motion for rehearing, the 20-day period within which such a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee.

(c) If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order contrary to the report.

(d) Whenever the Secretary is not satisfied that substantial justice has been done, the Secretary may order a hearing by the same or another hearing officer.

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary.
(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/170)

(Section scheduled to be repealed on January 1, 2020)

Sec. 170. Hearing officer. Notwithstanding any provision of this Act, the ~~The~~ Secretary shall have the authority to appoint an attorney licensed to practice law in this State to serve as the hearing officer in any action for refusal to issue, restore, or renew a license or to discipline a licensee. The Board may have at least one member present at any hearing conducted by the hearing officer. The hearing officer shall have full authority to conduct the hearing. ~~A Board member or members may attend the hearing.~~ The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Secretary and the Board. ~~The Board shall have 60 days from receipt of the report to review the report of the hearing officer and to present its findings of fact, conclusions of law, and recommendations to the Secretary and to all parties to the proceeding. If the Board fails to present its report within the 60-day period, the respondent may request in writing a direct appeal to the Secretary, in which case the Secretary shall, within 7 calendar days after such request, issue an order directing the Board to issue its findings of fact, conclusions of law, and recommendations to the Secretary within 30 calendar days of such order. If the Board fails to issue its findings of fact, conclusions of law, and recommendations within that time frame to the Secretary after the entry of such order, the Secretary shall, within 30 calendar days thereafter, issue an order based upon the report of the hearing officer and the record of the proceedings in accordance with such order. If (i) a direct appeal is requested, (ii) the Board fails to issue its findings of fact, conclusions of law, and recommendations within its 30-day mandate from the Secretary or the Secretary fails to order the Board to do so, and (iii) the Secretary fails to issue an order within 30 calendar days thereafter, then the hearing officer's report is deemed accepted and a final decision of the Secretary. Notwithstanding the foregoing, should the Secretary, upon review, determine that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license, or other disciplinary action taken per the result of the entry of such hearing officer's report, the Secretary may order a rehearing by the same or another examiner. If the Secretary disagrees with the recommendation of the Board or hearing officer, he or she may issue an order in contravention of the recommendation.~~
(Source: P.A. 96-682, eff. 8-25-09; 96-1000, eff. 7-2-10.)

(225 ILCS 125/185)

(Section scheduled to be repealed on January 1, 2020)

Sec. 185. Restoration from disciplinary status ~~of a suspended or revoked license~~.

(a) At any time after the successful completion of a term of probation, suspension, or revocation of a license, the Department may restore the license ~~it~~ to the licensee upon written recommendation of the Board unless, after an investigation and a hearing, the Department ~~Board~~ determines that restoration is not in the public interest.

(b) Where circumstances of suspension or revocation so indicate, or on the recommendation of the Board, the Department may require an examination of the licensee before restoring his or her license.

(c) No person whose license has been revoked as authorized in this Act may apply for restoration of that license until such time as provided for in the Civil Administrative Code of Illinois.

(d) A license that has been suspended or revoked shall be considered nonrenewed for purposes of restoration and a licensee restoring his or her license from suspension or revocation must comply with the requirements for restoration as set forth in Section 70 of this Act and any related rules adopted.

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/200)

(Section scheduled to be repealed on January 1, 2020)

Sec. 200. Temporary ~~Summary~~ suspension of a license. The Secretary may temporarily ~~summarily~~ suspend the license of a perfusionist without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 120 of this Act, if the Secretary finds that evidence in the Secretary's possession indicates that continuation in practice would constitute an imminent danger to the public. If ~~In the event~~ the Secretary suspends a license of a licensed perfusionist without a hearing, a hearing must be commenced within 30 days after the suspension has occurred and shall be concluded as expeditiously as may be practical.

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/210)

(Section scheduled to be repealed on January 1, 2020)

Sec. 210. Administrative review ~~Review Law~~.

(a) All final administrative decisions of the Department are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party seeking review resides. If the party seeking review is not a resident of this State, venue shall be in Sangamon County.

(c) The Department shall not be required to certify any record to the court or file any answer in court, or to otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department.

(d) Failure on part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(e) During the pendency and hearing of any and all judicial proceedings incident to a disciplinary action, the sanctions imposed upon the applicant or licensee by the Department shall remain in full force and effect.

(Source: P.A. 91-580, eff. 1-1-00.)

(225 ILCS 125/220)

(Section scheduled to be repealed on January 1, 2020)

Sec. 220. Unlicensed practice; violations; civil penalties.

(a) Any ~~No~~ person who practices ~~shall practice~~, offers ~~offer~~ to practice, attempts ~~attempt~~ to practice, or holds ~~hold~~ himself or herself out to practice as a perfusionist without being licensed or exempt ~~a license issued by the Department to that person~~ under this Act shall, in ~~. (b) In~~ addition to any other penalty provided by law, ~~a person who violates subsection (a) of this Section shall~~ pay a civil penalty to the Department in an amount not to exceed $10,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provisions of a hearing for the discipline of a licensee ~~of this Act~~.

(b) ~~(c)~~ The Department may ~~has the authority and power to~~ investigate any actual, alleged, or suspected ~~and all~~ unlicensed activity.

(c) ~~(d)~~ The civil penalty ~~assessed under this Act~~ shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a final judgment and may be filed and execution had thereon in the same manner as a judgment from a court of record.

(d) A person or entity not licensed under this Act who has violated any provision of this Act or its rules is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for a second and subsequent offenses. ~~(e) All moneys collected under this Section shall be deposited into the General Professions Dedicated Fund.~~

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/95 rep.) (225 ILCS 125/100 rep.) (225 ILCS 125/135 rep.) (225 ILCS 125/145 rep.) (225 ILCS 125/155 rep.) (225 ILCS 125/212 rep.) (225 ILCS 125/215 rep.) (225 ILCS 125/225 rep.) (225 ILCS 125/227 rep.)

Section 15. The Perfusionist Practice Act is amended by repealing Sections 95, 100, 135, 145, 155, 212, 215, 225, and 227.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Aquino, **Senate Bill No. 656** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Sandoval
Aquino	Fowler	Martinez	Schimpf
Barickman	Gillespie	McClure	Sims
Belt	Glowiak	McConchie	Stadelman
Bennett	Harmon	McGuire	Steans
Bertino-Tarrant	Harris	Morrison	Syverson
Brady	Hastings	Mulroe	Tracy
Bush	Holmes	Muñoz	Van Pelt
Castro	Hunter	Murphy	Villivalam
Collins	Hutchinson	Oberweis	Weaver
Crowe	Jones, E.	Peters	Wilcox
Cullerton, T.	Koehler	Plummer	Mr. President
Cunningham	Landek	Rezin	
Curran	Lightford	Righter	
Ellman	Link	Rose	

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

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

Senator DeWitte asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 656**.

SENATE BILL RECALLED

On motion of Senator Hastings, **Senate Bill No. 657** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was held in the Committee on Licensed Activities.

Senator Hastings offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 657

AMENDMENT NO. 2. Amend Senate Bill 657 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.30 and by adding Section 4.40 as follows:

(5 ILCS 80/4.30)

Sec. 4.30. Acts repealed on January 1, 2020. The following Acts are repealed on January 1, 2020:

The Auction License Act.
The Community Association Manager Licensing and Disciplinary Act.
The Illinois Architecture Practice Act of 1989.
The Illinois Landscape Architecture Act of 1989.
The Illinois Professional Land Surveyor Act of 1989.
The Orthotics, Prosthetics, and Pedorthics Practice Act.
The Perfusionist Practice Act.
The Pharmacy Practice Act.
The Professional Engineering Practice Act of 1989.
The Real Estate License Act of 2000.
~~The Structural Engineering Practice Act of 1989.~~
(Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17; 100-863, eff. 8-14-18.)
(5 ILCS 80/4.40 new)
Sec. 4.40. Act repealed on January 1, 2030. The following Act is repealed on January 1, 2030:
The Structural Engineering Practice Act of 1989.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Hastings, **Senate Bill No. 657** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Link	Rose
Aquino	Fine	Manar	Sandoval
Barickman	Fowler	Martinez	Schimpf
Belt	Gillespie	McClure	Sims
Bennett	Glowiak	McConchie	Stadelman
Bertino-Tarrant	Harmon	McGuire	Steans
Brady	Harris	Morrison	Syverson
Bush	Hastings	Mulroe	Tracy
Castro	Holmes	Muñoz	Van Pelt
Collins	Hunter	Murphy	Villivalam
Crowe	Hutchinson	Oberweis	Weaver
Cullerton, T.	Jones, E.	Peters	Wilcox
Cunningham	Koehler	Plummer	Mr. President
Curran	Landek	Rezin	
DeWitte	Lightford	Righter	

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

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

SENATE BILL RECALLED

On motion of Senator T. Cullerton, **Senate Bill No. 658** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was held in the Committee on Licensed Activities.

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

AMENDMENT NO. 2 TO SENATE BILL 658

AMENDMENT NO. 2. Amend Senate Bill 658 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.30 and by adding Section 4.40 as follows:

(5 ILCS 80/4.30)

Sec. 4.30. Acts repealed on January 1, 2020. The following Acts are repealed on January 1, 2020:

The Auction License Act.

The Community Association Manager Licensing and Disciplinary Act.

The Illinois Architecture Practice Act of 1989.

The Illinois Landscape Architecture Act of 1989.

~~The Illinois Professional Land Surveyor Act of 1989.~~

The Orthotics, Prosthetics, and Pedorthics Practice Act.

The Perfusionist Practice Act.

The Pharmacy Practice Act.

The Professional Engineering Practice Act of 1989.

The Real Estate License Act of 2000.

The Structural Engineering Practice Act of 1989.

(Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17; 100-863, eff. 8-14-18.)

(5 ILCS 80/4.40 new)

Sec. 4.40. Act repealed on January 1, 2030. The following Act is repealed on January 1, 2030:

The Illinois Professional Land Surveyor Act of 1989.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator T. Cullerton, **Senate Bill No. 658** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Link	Rose
Aquino	Fine	Manar	Sandoval
Barickman	Fowler	Martinez	Schimpf
Belt	Gillespie	McClure	Sims
Bennett	Glowiak	McConchie	Stadelman
Bertino-Tarrant	Harmon	McGuire	Steans
Brady	Harris	Morrison	Stewart
Bush	Hastings	Mulroe	Syverson
Castro	Holmes	Muñoz	Tracy
Collins	Hunter	Murphy	Van Pelt
Crowe	Hutchinson	Oberweis	Villivalam

Cullerton, T.	Jones, E.	Peters	Weaver
Cunningham	Koehler	Plummer	Mr. President
Curran	Landek	Rezin	
DeWitte	Lightford	Righter	

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

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

SENATE BILL RECALLED

On motion of Senator Aquino, **Senate Bill No. 659** was recalled from the order of third reading to the order of second reading.

Senator Aquino offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 659

AMENDMENT NO. 1. Amend Senate Bill 659 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.30 and by adding Section 4.40 as follows:

(5 ILCS 80/4.30)

Sec. 4.30. Acts repealed on January 1, 2020. The following Acts are repealed on January 1, 2020:

The Auction License Act.

The Community Association Manager Licensing and Disciplinary Act.

The Illinois Architecture Practice Act of 1989.

The Illinois Landscape Architecture Act of 1989.

The Illinois Professional Land Surveyor Act of 1989.

The Orthotics, Prosthetics, and Pedorthics Practice Act.

The Perfusionist Practice Act.

~~The Pharmacy Practice Act.~~

The Professional Engineering Practice Act of 1989.

The Real Estate License Act of 2000.

The Structural Engineering Practice Act of 1989.

(Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17; 100-863, eff. 8-14-18.)

(5 ILCS 80/4.40 new)

Sec. 4.40. Act repealed on January 1, 2030. The following Act is repealed on January 1, 2030:

The Pharmacy Practice Act.

Section 10. The Pharmacy Practice Act is amended by changing Sections 30, 33, 35.3, 35.5, 35.9, 35.10 and 35.21 as follows:

(225 ILCS 85/30) (from Ch. 111, par. 4150)

(Section scheduled to be repealed on January 1, 2020)

Sec. 30. Refusal, revocation, suspension, or other discipline.

(a) The Department may refuse to issue or renew, or may revoke a license, or may suspend, place on probation, fine, or take any disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed $10,000 for each violation, with regard to any licensee for any one or combination of the following causes:

1. Material misstatement in furnishing information to the Department.

2. Violations of this Act, or the rules promulgated hereunder.

3. Making any misrepresentation for the purpose of obtaining licenses.

4. A pattern of conduct which demonstrates incompetence or unfitness to practice.

5. Aiding or assisting another person in violating any provision of this Act or rules.

6. Failing, within 60 days, to respond to a written request made by the Department for information.

7. Engaging in unprofessional, dishonorable, or unethical conduct of a character likely to deceive, defraud or harm the public.

8. Adverse action taken by another state or jurisdiction against a license or other authorization to practice as a pharmacy, pharmacist, registered certified pharmacy technician, or registered pharmacy technician that is the same or substantially equivalent to those set forth in this Section, a certified copy of the record of the action taken by the other state or jurisdiction being prima facie evidence thereof.

9. Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered. Nothing in this item 9 affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this item 9 shall be construed to require an employment arrangement to receive professional fees for services rendered.

10. A finding by the Department that the licensee, after having his license placed on probationary status has violated the terms of probation.

11. Selling or engaging in the sale of drug samples provided at no cost by drug manufacturers.

12. Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill which results in the inability to practice the profession with reasonable judgment, skill or safety.

13. A finding that licensure or registration has been applied for or obtained by fraudulent means.

14. Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of pharmacy.

15. Habitual or excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill or safety.

16. Willfully making or filing false records or reports in the practice of pharmacy, including, but not limited to false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Public Aid Code.

17. Gross and willful overcharging for professional services including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing false statements for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Public Aid Code.

18. Dispensing prescription drugs without receiving a written or oral prescription in violation of law.

19. Upon a finding of a substantial discrepancy in a Department audit of a prescription drug, including controlled substances, as that term is defined in this Act or in the Illinois Controlled Substances Act.

20. Physical or mental illness or any other impairment or disability, including, without limitation: (A) deterioration through the aging process or loss of motor skills that results in the inability to practice with reasonable judgment, skill or safety; or (B) mental incompetence, as declared by a court of competent jurisdiction.

21. Violation of the Health Care Worker Self-Referral Act.

22. Failing to sell or dispense any drug, medicine, or poison in good faith. "Good faith", for the purposes of this Section, has the meaning ascribed to it in subsection (u) of Section 102 of the Illinois Controlled Substances Act. "Good faith", as used in this item (22), shall not be limited to the sale or dispensing of controlled substances, but shall apply to all prescription drugs.

23. Interfering with the professional judgment of a pharmacist by any licensee under this Act, or the licensee's agents or employees.

24. Failing to report within 60 days to the Department any adverse final action taken against a pharmacy, pharmacist, registered pharmacy technician, or registered certified pharmacy technician by another licensing jurisdiction in any other state or any territory of the United States or any

foreign jurisdiction, any governmental agency, any law enforcement agency, or any court for acts or conduct similar to acts or conduct that would constitute grounds for discipline as defined in this Section.

25. Failing to comply with a subpoena issued in accordance with Section 35.5 of this Act.

26. Disclosing protected health information in violation of any State or federal law.

27. Willfully failing to report an instance of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult as defined in and required by the Adult Protective Services Act.

28. Being named as an abuser in a verified report by the Department on Aging under the Adult Protective Services Act, and upon proof by clear and convincing evidence that the licensee abused, neglected, or financially exploited an eligible adult as defined in the Adult Protective Services Act.

(b) The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(c) The Department shall revoke any license issued under the provisions of this Act or any prior Act of this State of any person who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act, or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license issued under the provisions of this Act or any prior Act of this State is revoked under this subsection (c) shall be prohibited from engaging in the practice of pharmacy in this State.

(d) Fines may be imposed in conjunction with other forms of disciplinary action, but shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury to a patient. Fines shall be paid within 60 days or as otherwise agreed to by the Department. Any funds collected from such fines shall be deposited in the Illinois State Pharmacy Disciplinary Fund.

(e) The entry of an order or judgment by any circuit court establishing that any person holding a license or certificate under this Act is a person in need of mental treatment operates as a suspension of that license. A licensee may resume his or her practice only upon the entry of an order of the Department based upon a finding by the Board that he or she has been determined to be recovered from mental illness by the court and upon the Board's recommendation that the licensee be permitted to resume his or her practice.

(f) The Department shall issue quarterly to the Board a status of all complaints related to the profession received by the Department.

(g) In enforcing this Section, the Board or the Department, upon a showing of a possible violation, may compel any licensee or applicant for licensure under this Act to submit to a mental or physical examination or both, as required by and at the expense of the Department. The examining physician, or multidisciplinary team involved in providing physical and mental examinations led by a physician consisting of one or a combination of licensed physicians, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and other professional and administrative staff, shall be those specifically designated by the Department. The Board or the Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this mental or physical examination of the licensee or applicant. No information, report, or other documents in any way related to the examination shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee or applicant and the examining physician or any member of the multidisciplinary team. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to a mental or physical examination when directed shall result in the automatic suspension of his or her license until such time as the individual submits to the examination. If the Board or Department finds a pharmacist, registered certified pharmacy technician, or registered pharmacy technician unable to practice because of the reasons set forth in this Section, the Board or Department shall require such pharmacist, registered certified pharmacy technician, or registered pharmacy technician to submit to care, counseling, or treatment by physicians or other appropriate health care providers approved or designated by the Department as a condition for continued, restored ~~reinstated~~, or renewed licensure to practice. Any pharmacist, registered certified pharmacy technician, or registered pharmacy technician whose license was granted, continued, restored ~~reinstated~~, renewed, disciplined, or supervised, subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions or to complete a required program of care, counseling, or treatment, as determined by the chief pharmacy coordinator, shall be referred to the Secretary for a determination as to whether the licensee shall have his or her license suspended immediately, pending a hearing by the Board. In instances in which the Secretary

immediately suspends a license under this subsection (g), a hearing upon such person's license must be convened by the Board within 15 days after such suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject pharmacist's, registered certified pharmacy technician's, or registered pharmacy technician's record of treatment and counseling regarding the impairment.

(h) An individual or organization acting in good faith, and not in a willful and wanton manner, in complying with this Section by providing a report or other information to the Board, by assisting in the investigation or preparation of a report or information, by participating in proceedings of the Board, or by serving as a member of the Board shall not, as a result of such actions, be subject to criminal prosecution or civil damages.

(i) Members of the Board shall have no liability in any action based upon any disciplinary proceedings or other activity performed in good faith as a member of the Board ~~be indemnified by the State for any actions occurring within the scope of services on the Board, done in good faith, and not willful and wanton in nature~~. The Attorney General shall defend all such actions unless he or she determines either that there would be a conflict of interest in such representation or that the actions complained of were not in good faith or were willful and wanton.

If the Attorney General declines representation, the member shall have the right to employ counsel of his or her choice, whose fees shall be provided by the State, after approval by the Attorney General, unless there is a determination by a court that the member's actions were not in good faith or were willful and wanton.

The member must notify the Attorney General within 7 days of receipt of notice of the initiation of any action involving services of the Board. Failure to so notify the Attorney General shall constitute an absolute waiver of the right to a defense and indemnification.

The Attorney General shall determine, within 7 days after receiving such notice, whether he or she will undertake to represent the member.

(Source: P.A. 100-497, eff. 9-8-17.)

(225 ILCS 85/33) (from Ch. 111, par. 4153)

(Section scheduled to be repealed on January 1, 2020)

Sec. 33. The Secretary may, upon receipt of a written communication from the Secretary of Human Services, the Director of Healthcare and Family Services (formerly Director of Public Aid), or the Director of Public Health that continuation of practice of a person licensed or registered under this Act constitutes an immediate danger to the public, immediately suspend the license of such person without a hearing. In instances in which the Secretary immediately suspends a license under this Act, a hearing upon such person's license must be convened by the Board within 15 days after such suspension and completed without appreciable delay, such hearing held to determine whether to recommend to the Secretary that the person's license be revoked, suspended, placed on probationary status or restored ~~reinstated~~, or such person be subject to other disciplinary action. In such hearing, the written communication and any other evidence submitted therewith may be introduced as evidence against such person; provided however, the person, or his counsel, shall have the opportunity to discredit or impeach such evidence and submit evidence rebutting same.

(Source: P.A. 100-497, eff. 9-8-17.)

(225 ILCS 85/35.3) (from Ch. 111, par. 4155.3)

(Section scheduled to be repealed on January 1, 2020)

Sec. 35.3. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case involving the refusal to issue, renew or discipline of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board or hearing officer, exhibits, and orders of the Department shall be the record of such proceeding.

(Source: P.A. 85-796.)

(225 ILCS 85/35.5) (from Ch. 111, par. 4155.5)

(Section scheduled to be repealed on January 1, 2020)

Sec. 35.5. The Department shall have power to subpoena and bring before it any person in this State and to take testimony, either orally or by deposition or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State. The Department may subpoena and compel the production of documents, papers, files, books, and records in connection with any hearing or investigation.

The Secretary, hearing officer, and any member of the Board, shall each have power to administer oaths to witnesses at any hearing which the Department is authorized to conduct under this Act, and any other oaths required or authorized to be administered by the Department hereunder.

(Source: P.A. 100-497, eff. 9-8-17.)

(225 ILCS 85/35.9) (from Ch. 111, par. 4155.9)

(Section scheduled to be repealed on January 1, 2020)

Sec. 35.9. Whenever the Secretary ~~Director~~ is satisfied that substantial justice has not been done in the revocation, suspension or refusal to issue or renew a license or registration, the Secretary ~~Director~~ may order a rehearing by the same hearing officer and Board.

(Source: P.A. 88-428.)

(225 ILCS 85/35.10) (from Ch. 111, par. 4155.10)

(Section scheduled to be repealed on January 1, 2020)

Sec. 35.10. None of the disciplinary functions, powers and duties enumerated in this Act shall be exercised by the Department except upon the review of the Board.

~~In all instances, under this Act, in which the Board has rendered a recommendation to the Director with respect to a particular license or certificate, the Director shall, in the event that he or she disagrees with or takes action contrary to the recommendation of the Board, file with the Board his or her specific written reasons of disagreement with the Board.~~

(Source: P.A. 95-689, eff. 10-29-07.)

(225 ILCS 85/35.21)

(Section scheduled to be repealed on January 1, 2020)

Sec. 35.21. Citations.

(a) The Department may ~~shall~~ adopt rules to permit the issuance of citations to any licensee for any violation of this Act or the rules. The citation shall be issued to the licensee or other person alleged to have committed one or more violations and shall contain the licensee's or other person's name and address, the licensee's license number, if any, a brief factual statement, the Sections of this Act or the rules allegedly violated, and the penalty imposed, which shall not exceed $1,000. The citation must clearly state that if the cited person wishes to dispute the citation, he or she may request in writing, within 30 days after the citation is served, a hearing before the Department. If the cited person does not request a hearing within 30 days after the citation is served, then the citation shall become a final, non-disciplinary order and any fine imposed is due and payable. If the cited person requests a hearing within 30 days after the citation is served, the Department shall afford the cited person a hearing conducted in the same manner as a hearing provided in this Act for any violation of this Act and shall determine whether the cited person committed the violation as charged and whether the fine as levied is warranted. If the violation is found, any fine shall constitute discipline and be due and payable within 30 days of the order of the Secretary. Failure to comply with any final order may subject the licensed person to further discipline or other action by the Department or a referral to the State's Attorney.

(b) A citation must be issued within 6 months after the reporting of a violation that is the basis for the citation.

(c) Service of a citation shall be made in person, electronically, or by mail to the licensee at the licensee's address of record or email address of record.

(d) Nothing in this Section shall prohibit or limit the Department from taking further action pursuant to this Act and rules for additional, repeated, or continuing violations.

(Source: P.A. 100-497, eff. 9-8-17.)

(225 ILCS 85/2.5 rep.) (225 ILCS 85/29 rep.) (225 ILCS 85/35.12 rep.)

Section 15. The Pharmacy Practice Act is amended by repealing Sections 2.5, 29, and 35.12.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Aquino, **Senate Bill No. 659** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 59; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Link	Rose
Aquino	Fine	Manar	Sandoval
Barickman	Fowler	Martinez	Schimpf
Belt	Gillespie	McClure	Sims
Bennett	Glowiak	McConchie	Stadelman
Bertino-Tarrant	Harmon	McGuire	Steans
Brady	Harris	Morrison	Stewart
Bush	Hastings	Mulroe	Syverson
Castro	Holmes	Muñoz	Tracy
Collins	Hunter	Murphy	Van Pelt
Crowe	Hutchinson	Oberweis	Villivalam
Cullerton, T.	Jones, E.	Peters	Weaver
Cunningham	Koehler	Plummer	Wilcox
Curran	Landek	Rezin	Mr. President
DeWitte	Lightford	Righter	

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

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

SENATE BILL RECALLED

On motion of Senator Bertino-Tarrant, **Senate Bill No. 654** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was held in the Committee on Licensed Activities.

Senator Bertino-Tarrant offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 654

AMENDMENT NO. 2. Amend Senate Bill 654 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.30 and by adding Section 4.40 as follows:

(5 ILCS 80/4.30)

Sec. 4.30. Acts repealed on January 1, 2020. The following Acts are repealed on January 1, 2020:

The Auction License Act.

The Community Association Manager Licensing and Disciplinary Act.

The Illinois Architecture Practice Act of 1989.

The Illinois Landscape Architecture Act of 1989.

The Illinois Professional Land Surveyor Act of 1989.

The Orthotics, Prosthetics, and Pedorthics Practice Act.

The Perfusionist Practice Act.

The Pharmacy Practice Act.

~~The Professional Engineering Practice Act of 1989.~~

The Real Estate License Act of 2000.

The Structural Engineering Practice Act of 1989.

(Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17; 100-863, eff. 8-14-18.)

(5 ILCS 80/4.40 new)

Sec. 4.40. Act repealed on January 1, 2030. The following Act is repealed on January 1, 2030:

The Professional Engineering Practice Act of 1989.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Bertino-Tarrant, **Senate Bill No. 654** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Link	Sandoval
Aquino	Fine	Manar	Schimpf
Barickman	Fowler	Martinez	Sims
Belt	Gillespie	McClure	Stadelman
Bennett	Glowiak	McConchie	Steans
Bertino-Tarrant	Harmon	McGuire	Stewart
Brady	Harris	Morrison	Syverson
Bush	Hastings	Mulroe	Tracy
Castro	Holmes	Muñoz	Van Pelt
Collins	Hunter	Murphy	Villivalam
Crowe	Hutchinson	Oberweis	Weaver
Cullerton, T.	Jones, E.	Peters	Wilcox
Cunningham	Koehler	Plummer	Mr. President
Curran	Landek	Rezin	
DeWitte	Lightford	Rose	

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

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

On motion of Senator Sandoval, **Senate Bill No. 102** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAY 1.

The following voted in the affirmative:

Anderson	Ellman	Link	Sandoval
Aquino	Fine	Manar	Schimpf
Barickman	Fowler	Martinez	Sims
Belt	Gillespie	McClure	Stadelman
Bennett	Glowiak	McConchie	Steans
Bertino-Tarrant	Harmon	McGuire	Stewart
Brady	Harris	Morrison	Syverson
Bush	Hastings	Mulroe	Tracy
Castro	Holmes	Muñoz	Van Pelt
Collins	Hunter	Murphy	Villivalam
Crowe	Hutchinson	Oberweis	Weaver
Cullerton, T.	Jones, E.	Peters	Mr. President

Cunningham	Koehler	Rezin
Curran	Landek	Righter
DeWitte	Lightford	Rose

The following voted in the negative:

Wilcox

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

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

On motion of Senator Morrison, **Senate Bill No. 726** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Sandoval
Aquino	Fowler	Martinez	Sims
Barickman	Gillespie	McClure	Stadelman
Belt	Glowiak	McConchie	Steans
Bennett	Harmon	McGuire	Stewart
Bertino-Tarrant	Harris	Morrison	Syverson
Brady	Hastings	Mulroe	Van Pelt
Bush	Holmes	Muñoz	Villivalam
Castro	Hunter	Murphy	Weaver
Collins	Hutchinson	Oberweis	Wilcox
Crowe	Jones, E.	Peters	Mr. President
Cullerton, T.	Koehler	Plummer	
Cunningham	Landek	Rezin	
DeWitte	Lightford	Righter	
Ellman	Link	Rose	

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

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

On motion of Senator Glowiak, **Senate Bill No. 727** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Link	Sandoval
Aquino	Fine	Manar	Sims
Barickman	Fowler	Martinez	Stadelman
Belt	Gillespie	McClure	Steans
Bennett	Glowiak	McConchie	Stewart
Bertino-Tarrant	Harmon	McGuire	Syverson
Brady	Harris	Morrison	Tracy

Bush	Hastings	Mulroe	Van Pelt
Castro	Holmes	Muñoz	Villivalam
Collins	Hunter	Murphy	Weaver
Crowe	Hutchinson	Oberweis	Wilcox
Cullerton, T.	Jones, E.	Peters	Mr. President
Cunningham	Koehler	Rezin	
Curran	Landek	Righter	
DeWitte	Lightford	Rose	

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

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

SENATE BILL RECALLED

On motion of Senator Sandoval, **Senate Bill No. 728** was recalled from the order of third reading to the order of second reading.

Senator Sandoval offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 728

AMENDMENT NO. 1. Amend Senate Bill 728 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the DUI Prevention and Education Commission Act.

Section 5. The DUI Prevention and Education Commission.

(a) The DUI Prevention and Education Commission is created, consisting of the following members:

(1) one member from the Office of the Secretary of State, appointed by the Secretary of State;

(2) one member representing law enforcement, appointed by the Department of State Police;

(3) one member from the Division of Substance Use Prevention and Recovery of the Department of Human Services, appointed by the Secretary of the Department of Human Services;

(4) one member from the Bureau of Safety Programs and Engineering of the Department of Transportation, appointed by the Secretary of the Department of Transportation; and

(5) the Director of the Office of the State's Attorneys Appellate Prosecutor, or his or her designee.

(b) The members of the Commission shall be appointed within 60 days after the effective date of this Act.

(c) The members of the Commission shall receive no compensation for serving as members of the Commission.

(d) The Department of Transportation shall provide administrative support to the Commission.

Section 10. Meetings.

(a) Each member of the Commission shall have voting rights and all actions and recommendations shall be approved by a simple majority vote of the members. A quorum shall consist of 3 members.

(b) The initial meeting of the Commission shall take place within 90 days after the effective date of this Act. At the initial meeting, the Commission shall elect one member as a Chairperson by a simple majority vote. The Chairperson shall call any subsequent meetings.

Section 15. Powers. The Commission shall:

(1) create rules and guidelines to consider in accepting, reviewing, and determining grant applications;

(2) as necessary, meet to determine recipients of grants from the DUI Prevention and Education Fund; and

(3) provide a list of eligible grant recipients to the Department of Transportation.

Section 20. DUI Prevention and Education Fund; transfer of funds.

(a) The DUI Prevention and Education Fund is created as a special fund in the State treasury. Subject to appropriation, all moneys in the DUI Prevention and Education Fund shall be distributed by the Department of Transportation with guidance from the DUI Prevention and Education Commission as grants for crash victim programs and materials, impaired driving prevention programs, law enforcement support, and other DUI-related programs.

(b) As soon as practical after the effective date of this Act, the State Comptroller shall direct and the State Treasurer shall transfer any remaining balance in excess of $30,000 from the Roadside Memorial Fund to the DUI Prevention and Education Fund.

Section 25. The State Finance Act is amended by adding Section 5.891 as follows:

(30 ILCS 105/5.891 new)

Sec. 5.891. DUI Prevention and Education 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.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Sandoval, **Senate Bill No. 728** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Link	Rose
Aquino	Fine	Manar	Sandoval
Barickman	Fowler	Martinez	Sims
Belt	Gillespie	McClure	Stadelman
Bennett	Glowiak	McConchie	Steans
Bertino-Tarrant	Harmon	McGuire	Stewart
Brady	Harris	Morrison	Syverson
Bush	Hastings	Mulroe	Tracy
Castro	Holmes	Muñoz	Van Pelt
Collins	Hunter	Murphy	Villivalam
Crowe	Hutchinson	Oberweis	Weaver
Cullerton, T.	Jones, E.	Peters	Wilcox
Cunningham	Koehler	Plummer	Mr. President
Curran	Landek	Rezin	
DeWitte	Lightford	Righter	

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

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

At the hour of 4:19 o'clock p.m., Senator Koehler, presiding.

SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 685** was recalled from the order of third reading to the order of second reading.

Floor Amendment Nos. 1 and 2 were withdrawn by the sponsor.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 685

AMENDMENT NO. 3. Amend Senate Bill 685 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 18-185 and by adding Section 18-190.3 as follows:

(35 ILCS 200/18-185)

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

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

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

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

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

"Aggregate extension" for taxing districts to which this Law applied before the 1995 levy year means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before October 1, 1991; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before October 1, 1991; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after October 1, 1991 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before October 1, 1991 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before October 1, 1991, to pay for the building project; (g) made for payments due under installment contracts entered into before October 1, 1991; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), (e), and (h) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made by a school district that participates in the Special Education District of Lake County, created by special education joint agreement under Section 10-22.31 of the School Code, for payment of the school district's share of the amounts required to be contributed by the Special Education District of Lake County to the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code; the amount of any extension under this item (k) shall be certified by the school district to the county clerk; (l) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (m) made for temporary relocation loan repayment purposes pursuant to Sections 2-3.77

and 17-2.2d of the School Code; (n) made for payment of principal and interest on any bonds issued under the authority of Section 17-2.2d of the School Code; (o) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; and (p) made for road purposes in the first year after a township assumes the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of a road district abolished under the provisions of Section 6-133 of the Illinois Highway Code.

"Aggregate extension" for the taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213) means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 1, 1995; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 1, 1995; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 1, 1995 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 1, 1995 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 1, 1995 to pay for the building project; (g) made for payments due under installment contracts entered into before March 1, 1995; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (h-4) made for stormwater management purposes by the Metropolitan Water Reclamation District of Greater Chicago under Section 12 of the Metropolitan Water Reclamation District Act; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum and bonds described in subsection (h) of this definition; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made for payments of principal and interest on bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium or museum projects; (l) made for payments of principal and interest on bonds authorized by Public Act 87-1191 or 93-601 and (i) issued pursuant to Section 21.2 of the Cook County Forest Preserve District Act, (ii) issued under Section 42 of the Cook County Forest Preserve District Act for zoological park projects, or (iii) issued under Section 44.1 of the Cook County Forest Preserve District Act for botanical gardens projects; (m) made pursuant to Section 34-53.5 of the School Code, whether levied annually or not; (n) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (o) made by the Chicago Park District for recreational programs for persons with disabilities under subsection (c) of Section 7.06 of the Chicago Park District Act; (p) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; (q) made by Ford Heights School District 169 under Section 17-9.02 of the School Code; and (r) made for the purpose of making employer contributions to the Public School Teachers' Pension and Retirement Fund of Chicago under Section 34-53 of the School Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before

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

"Aggregate extension" for all taxing districts to which this Law applies in accordance with paragraph (2) of subsection (e) of Section 18-213 means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the effective date of this amendatory Act of 1997; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the effective date of this amendatory Act of 1997; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the effective date of this amendatory Act of 1997 if the bonds were approved by referendum after the effective date of this amendatory Act of 1997; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the effective date of this amendatory Act of 1997 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the effective date of this amendatory Act of 1997 to pay for the building project; (g) made for payments due under installment contracts entered into before the effective date of this amendatory Act of 1997; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Debt service extension base" means an amount equal to that portion of the extension for a taxing district for the 1994 levy year, or for those taxing districts subject to this Law in accordance with Section 18-213, except for those subject to paragraph (2) of subsection (e) of Section 18-213, for the levy year in which the referendum making this Law applicable to the taxing district is held, or for those taxing districts subject to this Law in accordance with paragraph (2) of subsection (e) of Section 18-213 for the 1996 levy year, constituting an extension for payment of principal and interest on bonds issued by the taxing district

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

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

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

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

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

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

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

"Recovered tax increment value" means, except as otherwise provided in this paragraph, the amount of the current year's equalized assessed value, in the first year after a municipality terminates the designation of an area as a redevelopment project area previously established under the Tax Increment Allocation

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

Except as otherwise provided in this Section, "limiting rate" means a fraction the numerator of which is the last preceding aggregate extension base times an amount equal to one plus the extension limitation defined in this Section and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. If an increase in the district's aggregate extension has been approved by referendum pursuant to Section 18-190.3, then, for the year for which the increase has been approved, the limiting rate for that district shall be a fraction, the numerator of which is the sum of (i) the last preceding aggregate extension base times an amount equal to one plus the extension limitation defined in this Section and (ii) the amount of the increase approved by referendum under Section 18-190.3 of this Law, and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. For those taxing districts that reduced their aggregate extension for the last preceding levy year, except for school districts that reduced their extension for educational purposes pursuant to Section 18-206, the highest aggregate extension in any of the last 3 preceding levy years shall be used for the purpose of computing the limiting rate. The denominator shall not include new property or the recovered tax increment value. If a new rate, a rate decrease, or a limiting rate increase has been approved at an election held after March 21, 2006, then (i) the otherwise applicable limiting rate shall be increased by the amount of the new rate or shall be reduced by the amount of the rate decrease, as the case may be, or (ii) in the case of a limiting rate increase, the limiting rate shall be equal to the rate set forth in the proposition approved by the voters for each of the years specified in the proposition, after which the limiting rate of the taxing district shall be calculated as otherwise provided. In the case of a taxing district that obtained referendum approval for an increased limiting rate on March 20, 2012, the limiting rate for tax year 2012 shall be the rate that generates the approximate total amount of taxes extendable for that tax year, as set forth in the proposition approved by the voters; this rate shall be the final rate applied by the county clerk for the aggregate of all capped funds of the district for tax year 2012. (Source: P.A. 99-143, eff. 7-27-15; 99-521, eff. 6-1-17; 100-465, eff. 8-31-17.)

(35 ILCS 200/18-190.3 new)

Sec. 18-190.3. Direct referendum; increased aggregate extension. A taxing district subject to this Law may increase its aggregate extension to an amount that exceeds the amount that would otherwise be permitted under this Law if the taxing district obtains referendum approval as provided in this Section.

The proposition seeking to obtain referendum approval to increase the aggregate extension under the Section for a single levy year shall be in substantially the following form:

"Shall the aggregate extension (the total dollar amount extended for the taxing district for all purposes included in the Property Tax Cap, otherwise known as the Property Tax Extension Limitation Law) for (insert legal name, number, if any, and county or counties of taxing district and geographic or other common name by which a school or community college district is known and referred to), Illinois, be increased by (insert the amount of increase sought) for levy year (insert the levy year for which the increase will take effect) over the amount that would otherwise be permitted under the Property Tax Cap?"

The votes must be recorded as "Yes" or "No".

The proposition seeking to obtain referendum approval to increase the aggregate extension under this Section for more than one levy year shall be in substantially the following form and shall list the amount of each increase sought and the levy year for which such increased aggregate extension will be applicable, which years must be consecutive and may not exceed 4:

"Shall the aggregate extension (the total dollar amount extended for the taxing district for all purposes included in the Property Tax Cap, otherwise known as the Property Tax Extension Limitation Law) for (insert legal name, number, if any, and county or counties of taxing district and geographic or other common name by which a school or community college district is known and referred to), Illinois, be increased by (insert the amount of increase sought) for levy year (insert the levy year for which the increase will take effect), and be increased by (insert the amount of increase sought) for levy year (insert the levy year for which the increase will take effect), and be increased by (insert the amount of increase sought) for levy year (insert the levy year for which the increase will take effect) over the amount that would otherwise be permitted under the Property Tax Cap?"

The votes must be recorded as "Yes" or "No".

The ballot for any proposition submitted pursuant to this Section for a single levy year shall have printed thereon, but not as a part of the proposition submitted, only the following supplemental information (which shall be supplied to the election authority by the taxing district) in substantially the following form:

"(1) The amount of taxes extended which were subject to the Property Tax Cap for levy year (insert most recent levy year) was (insert the most recent levy year's aggregate extension base). The taxing district may increase its extension for levy year (insert the levy year for which the increase will take effect) by the lesser of 5% or the percent increase in the Consumer Price Index during the 12-month calendar year preceding such levy year. If the proposition is approved, then the taxing district may increase its extension for levy year (insert levy year) by an additional (insert the amount of increase sought).

(2) For the (insert levy year for which the increase will be applicable) levy year, the approximate amount of the additional taxes on property containing a single family residence and having a fair market value at the time of the referendum of $100,000 is estimated to be (insert amount).".

The votes must be recorded as "Yes" or "No".

The ballot for any proposition submitted pursuant to this Section for multiple levy years shall have printed thereon, but not as a part of the proposition submitted, only the following supplemental information (which shall be supplied to the election authority by the taxing district) in substantially the following form:

"(1) The amount of taxes extended which were subject to the Property Tax Cap for levy year (insert most recent levy year) was (insert the most recent levy year's aggregate extension base). The taxing district may increase its extension for levy year (insert each levy year for which an increase will take effect) by the lesser of 5% or the percent increase in the Consumer Price Index during the calendar year preceding the applicable levy year. If the proposition is approved, then the taxing district may increase its extension for [repeat for each applicable levy year] levy year (insert levy year) by an additional (insert the amount of increase sought).

(2) [Repeat for each applicable levy year] For the (insert levy year for which the increase will be applicable) levy year, the approximate amount of the additional taxes on property containing a single family residence and having a fair market value at the time of the referendum of $100,000 is estimated to be (insert amount).".

The votes must be recorded as "Yes" or "No".

In either case, the approximate amount of the additional taxes extendable shown in paragraph (2) shall be calculated by multiplying $100,000 (the fair market value of the property without regard to any property tax exemptions) by (i) the percentage level of assessment prescribed for that property by statute, or by ordinance of the county board in counties that classify property for purposes of taxation in accordance with Section 4 of Article IX of the Illinois Constitution; (ii) the most recent final equalization factor certified to the county clerk by the Department of Revenue at the time the taxing district initiates the submission of the proposition to the electors; and (iii) the applicable increase in the aggregate extension proposed in the question; and dividing the result by the last known equalized assessed value of the taxing district at the time the submission of the question is initiated by the taxing district. Any notice required to be published in connection with the submission of the proposition shall also contain this supplemental information and shall not contain any other supplemental information regarding the proposition. Any error, miscalculation, or inaccuracy in computing any amount set forth on the ballot and in the notice that is not deliberate shall not invalidate or affect the validity of any proposition approved. Notice of the referendum shall be published and posted as otherwise required by law, and the submission of the proposition shall be initiated as provided by law.

If a majority of all ballots cast on the proposition are in favor of the proposition, the aggregate extension increase shall be applicable as provided in the referendum.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Harmon, **Senate Bill No. 685** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Lightford	Rose
Aquino	Fine	Link	Sandoval
Barickman	Fowler	Manar	Schimpf
Belt	Gillespie	Martinez	Sims
Bennett	Glowiak	McClure	Stadelman
Bertino-Tarrant	Harmon	McGuire	Steans
Bush	Harris	Morrison	Stewart
Castro	Hastings	Mulroe	Tracy
Collins	Holmes	Muñoz	Van Pelt
Crowe	Hunter	Murphy	Villivalam
Cullerton, T.	Hutchinson	Oberweis	Weaver
Cunningham	Jones, E.	Peters	Wilcox
Curran	Koehler	Plummer	Mr. President
DeWitte	Landek	Rezin	

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

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

On motion of Senator Morrison, **Senate Bill No. 182** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Link	Sandoval
Aquino	Fine	Manar	Schimpf
Barickman	Fowler	Martinez	Sims
Belt	Gillespie	McClure	Stadelman
Bennett	Glowiak	McGuire	Steans
Bertino-Tarrant	Harmon	Morrison	Stewart
Brady	Harris	Mulroe	Syverson
Bush	Hastings	Muñoz	Tracy

Castro	Holmes	Murphy	Van Pelt
Collins	Hunter	Oberweis	Villivalam
Crowe	Hutchinson	Peters	Weaver
Cullerton, T.	Jones, E.	Plummer	Wilcox
Cunningham	Koehler	Rezin	Mr. President
Curran	Landek	Righter	
DeWitte	Lightford	Rose	

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

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

On motion of Senator Morrison, **Senate Bill No. 190** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Link	Sandoval
Aquino	Fine	Manar	Sims
Barickman	Fowler	Martinez	Stadelman
Belt	Gillespie	McClure	Steans
Bennett	Glowiak	McConchie	Stewart
Bertino-Tarrant	Harmon	McGuire	Syverson
Brady	Harris	Morrison	Tracy
Bush	Hastings	Mulroe	Van Pelt
Castro	Holmes	Muñoz	Villivalam
Collins	Hunter	Oberweis	Weaver
Crowe	Hutchinson	Peters	Wilcox
Cullerton, T.	Jones, E.	Plummer	Mr. President
Cunningham	Koehler	Rezin	
Curran	Landek	Righter	
DeWitte	Lightford	Rose	

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

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

READING CONSTITUTIONAL AMENDMENT A SECOND TIME

On motion of Senator Harmon, **Senate Joint Resolution Constitutional Amendment No. 1**, as amended, having been printed, was again taken, read in full a second time and ordered to a third reading.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 342

Offered by Senator Bennett and all Senators:

Mourns the death of Lois "Kaye" Boyer.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

INTRODUCTION OF BILL

SENATE BILL NO. 2250. Introduced by Senator Harris, a bill for AN ACT concerning revenue.

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

MESSAGES FROM THE HOUSE

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 2
A bill for AN ACT concerning health.
HOUSE BILL NO. 88
A bill for AN ACT concerning civil law.
HOUSE BILL NO. 190
A bill for AN ACT concerning education.
HOUSE BILL NO. 2528
A bill for AN ACT concerning business.
HOUSE BILL NO. 2652
A bill for AN ACT concerning State government.
HOUSE BILL NO. 2675
A bill for AN ACT concerning liquor.
HOUSE BILL NO. 3482
A bill for AN ACT concerning State government.
Passed the House, April 11, 2019.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 2, 88, 190, 2528, 2652, 2675 and 3482** were taken up, ordered printed and placed on first reading.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 92
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 471
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 2627
A bill for AN ACT concerning education.
HOUSE BILL NO. 3334
A bill for AN ACT concerning gaming.
HOUSE BILL NO. 3424
A bill for AN ACT concerning veterans.
HOUSE BILL NO. 3503
A bill for AN ACT concerning regulation.
Passed the House, April 11, 2019.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 92, 471, 2627, 3334, 3424 and 3503** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 331
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 1633
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 1690
A bill for AN ACT concerning State government.
HOUSE BILL NO. 2540
A bill for AN ACT concerning business.
HOUSE BILL NO. 2766
A bill for AN ACT concerning first responders.
HOUSE BILL NO. 3096
A bill for AN ACT concerning revenue.
Passed the House, April 11, 2019.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 331, 1633, 1690, 2540, 2766 and 3096** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1873
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 2121
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 2259
A bill for AN ACT concerning public aid.
HOUSE BILL NO. 2847
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 3302
A bill for AN ACT concerning education.
HOUSE BILL NO. 3462
A bill for AN ACT concerning education.
Passed the House, April 11, 2019.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 1873, 2121, 2259, 2847, 3302 and 3462** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 124
A bill for AN ACT concerning government.
HOUSE BILL NO. 1652
A bill for AN ACT concerning State government.
HOUSE BILL NO. 2676
A bill for AN ACT concerning regulation.

HOUSE BILL NO. 3393
A bill for AN ACT concerning business.
HOUSE BILL NO. 3590
A bill for AN ACT concerning revenue.
HOUSE BILL NO. 3661
A bill for AN ACT concerning gaming.
Passed the House, April 11, 2019.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 124, 1652, 2676, 3393, 3590 and 3661** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 245
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 907
A bill for AN ACT concerning State government.
HOUSE BILL NO. 1579
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 1876
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 2625
A bill for AN ACT concerning courts.
HOUSE BILL NO. 3586
A bill for AN ACT concerning education.
Passed the House, April 11, 2019.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 245, 907, 1579, 1876, 2625 and 3586** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Hollman, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 250
A bill for AN ACT concerning revenue.
HOUSE BILL NO. 359
A bill for AN ACT concerning finance.
HOUSE BILL NO. 1613
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 1915
A bill for AN ACT concerning business.
HOUSE BILL NO. 2076
A bill for AN ACT concerning safety.
HOUSE BILL NO. 2165
A bill for AN ACT concerning education.
HOUSE BILL NO. 3522
A bill for AN ACT concerning public employee benefits.
Passed the House, April 11, 2019.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 250, 359, 1613, 1915, 2076, 2165 and 3522** were taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 124, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 245, sponsored by Senator Villivalam, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 250, sponsored by Senator Barickman, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1579, sponsored by Senator Cunningham, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1613, sponsored by Senator Sims, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1652, sponsored by Senator Belt, was taken up, read by title a first time and referred to the Committee on Assignments.

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

House Bill No. 2076, sponsored by Senator Gillespie, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2676, sponsored by Senator Bertino-Tarrant, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3522, sponsored by Senator Sandoval, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3586, sponsored by Senator Koehler, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3590, sponsored by Senator Bush, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3661, sponsored by Senator Lightford, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 88, sponsored by Senator J. Cullerton, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 92, sponsored by Senator Barickman, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 331, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 471, sponsored by Senator Fine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1633, sponsored by Senator Hastings, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2121, sponsored by Senator Sandoval, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2259, sponsored by Senator Morrison, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2540, sponsored by Senator T. Cullerton, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2627, sponsored by Senator Castro, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2675, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2766, sponsored by Senator Cunningham, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2847, sponsored by Senator Morrison, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3096, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3302, sponsored by Senator Koehler, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3334, sponsored by Senator Syverson, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3462, sponsored by Senator Plummer, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3503, sponsored by Senator Bertino-Tarrant, was taken up, read by title a first time and referred to the Committee on Assignments.

ANNOUNCEMENT

The Chair announced that the deadline for passage of substantive Senate bills on third reading is tomorrow, April 12, 2019.

At the hour of 4:32 o'clock p.m., the Chair announced that the Senate stands adjourned until Friday, April 12, 2019, at 10:30 o'clock a.m.