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ONE HUNDRED SECOND GENERAL ASSEMBLY

65TH LEGISLATIVE DAY

WEDNESDAY, OCTOBER 27, 2021

10:24 O'CLOCK A.M.

NO. 65
[October 27, 2021]

SENATE
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65th Legislative Day

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The Senate met pursuant to adjournment.
Senator Linda Holmes, Aurora, Illinois, presiding.
Silent prayer was observed by all members of the Senate.
Senator Glowiak Hilton led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journals of Wednesday, October 20, 2021 and Tuesday, October 26, 2021, be postponed, pending arrival of the printed Journals.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Crime Victim and Witness Notification Advisory Committee, submitted by the Attorney General.

VCVA Fund Receipts, submitted by the Attorney General.

2021 Budgeting for Results 11th Annual Commission Report, submitted by the Governor's Office of Management and Budget.

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

LEGISLATIVE MEASURES FILED

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

Amendment No. 2 to House Bill 106
Amendment No. 2 to House Bill 3136
Amendment No. 3 to House Bill 3136
Amendment No. 1 to House Bill 3293
Amendment No. 2 to House Bill 3293
Amendment No. 2 to House Bill 3416
Amendment No. 2 to House Bill 3490
Amendment No. 1 to House Bill 3512
Amendment No. 6 to House Bill 3666

JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Motion to Concur in House Amendment No. 2 to Senate Bill 1040

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 600

Offered by Senator Connor and all Senators:
Mourns the death of Emma Doris "Dot" Amos.

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

MOTION

Senator Hunter moved that pursuant to Senate Rule 4-1(e), Senators Aquino, Collins, Ellman, Stewart and Van Pelt be allowed to remotely participate and vote in today's session.

The motion prevailed.

HOUSE BILL RECALLED

On motion of Senator Peters, **House Bill No. 2791** was recalled from the order of third reading to the order of second reading.

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

Senator Peters offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 2791

AMENDMENT NO. 2 . Amend House Bill 2791 by replacing everything after the enacting clause with the following:

"Section 5. The Reimagine Public Safety Act is amended by changing Sections 35-10, 35-15, 35-20, 35-25, 35-30, 35-35, and 35-40 as follows:

(430 ILCS 69/35-10)

Sec. 35-10. Definitions. As used in this Act:

"Approved technical assistance and training provider" means an organization that has experience in improving the outcomes of local community-based organizations by providing supportive services that address the gaps in their resources and knowledge about content-based work or provide support and knowledge about the administration and management of organizations, or both. Approved technical assistance and training providers as defined in this Act are intended to assist community organizations with evaluating the need for evidence-based ~~evidenced based~~ violence prevention services, promising violence prevention programs, starting up programming, and strengthening the quality of existing programming.

"Community" or "communities" ~~"Communities"~~ means, for municipalities with a 1,000,000 or more population in Illinois, the 77 designated neighborhood areas defined by the University of Chicago Social Science Research Committee as amended in 1980.

"Concentrated firearm violence" means the 10 ~~17~~ most violent communities in Illinois municipalities with ~~greater than~~ 1,000,000 or more ~~one million~~ residents and the 10 most violent municipalities with less than 1,000,000 residents and greater than 35,000 ~~25,000~~ residents with the most per capita fatal and nonfatal firearm-shot victims, excluding self-inflicted incidents, ~~incidents~~ from January 1, 2016 through December 31, 2020.

"Criminal and juvenile justice-involved" means an individual who has been arrested, indicted, convicted, adjudicated delinquent, or otherwise detained by criminal or juvenile justice authorities for violation of Illinois criminal laws.

"Evidence-based high-risk youth intervention services" means programs that have been proven to reduce involvement in the criminal or juvenile justice system, increase school attendance, and includes referrals of ~~refer~~ high-risk teens into therapeutic programs that address trauma recovery and other mental health improvements based on best practices in the youth intervention services field.

"Evidence-based~~Evidenced based~~ violence prevention services" means coordinated programming and services that may include, but are not limited to, effective emotional or trauma related therapies, housing, employment training, job placement, family engagement, or wrap-around support services that have been proven effective or are considered to be best practice for reducing violence within the field of violence intervention research and practice.

"Evidence-based youth development programs" means after-school and summer programming that provides services to teens to increase their school attendance, school performance, reduce involvement in the criminal justice system, and develop nonacademic interests that build social emotional persistence and intelligence based on best practices in the field of youth development services for high-risk youth.

"Options school" means a secondary school where 75% or more of attending students have either stopped attending or failed their secondary school courses since first attending ninth grade.

"Violence ~~Qualified violence~~ prevention organization" means an organization that manages and employs qualified violence prevention professionals.

"Violence ~~Qualified violence~~ prevention professional" means a community health worker who renders violence preventive services.

"Social organization" means an organization of individuals who form the organization for the purposes of enjoyment, work, and other mutual interests.

(Source: P.A. 102-16, eff. 6-17-21; revised 7-16-21.)

(430 ILCS 69/35-15)

Sec. 35-15. Findings. The Illinois General Assembly finds that:

(1) Discrete neighborhoods in municipalities across Illinois are experiencing concentrated and perpetual firearm violence that is a public health epidemic.

(2) Within neighborhoods experiencing this firearm violence epidemic, violence is concentrated among teens and young adults that have chronic exposure to the risk of violence and criminal legal system involvement and related trauma in small geographic areas where these young people live or congregate.

(3) Firearm violence victimization and perpetration is highly concentrated in particular neighborhoods, particular blocks within these neighborhoods, and among a small number of individuals living in these areas.

(4) People who are chronically exposed to the risk of firearm violence victimization are substantially more likely to be violently injured or violently injure another person. People who have been violently injured are substantially more likely to be violently reinjured. Chronic exposure to violence additionally leads individuals to engage in behavior, as part of a cycle of community violence, trauma, and retaliation that substantially increases their own risk of violent injury or reinjury.

(5) Evidence-based programs that engage individuals at the highest risk of firearm violence and provide life stabilization, case management, and culturally competent group and individual therapy reduce firearm violence victimization and perpetration and can end Illinois' firearm violence epidemic.

(6) A public health approach to ending Illinois' firearm violence epidemic requires targeted, integrated behavioral health services and economic opportunity that promotes self-sufficiency for victims of firearm violence and those with chronic exposure to the risk of firearm violence victimization.

(7) A public health approach to ending Illinois' firearm violence epidemic further requires broader preventive investments in the census tracts and blocks that reduce risk factors for youth and families living in areas at the highest ~~with extreme~~ risk of firearm violence victimization.

(8) A public health approach to ending Illinois' firearm violence epidemic requires empowering residents and community-based organizations within impacted neighborhoods to provide culturally competent care based on lived experience in these areas and long-term relationships of mutual interest that promote safety and stability.

(9) A public health approach to ending Illinois' firearm violence epidemic further requires that preventive youth development services for youth in these neighborhoods be fully integrated with a team-based model of mental health care to address trauma recovery for those young people at the highest ~~extreme~~ risk of firearm violence victimization.

(10) Community revitalization can be an effective violence prevention strategy, provided that revitalization is targeted to the highest risk geographies within communities and revitalization efforts are designed and led by individuals living and working in the impacted communities.

(Source: P.A. 102-16, eff. 6-17-21.)

(430 ILCS 69/35-20)

Sec. 35-20. Office of Firearm Violence Prevention.

(a) On or before October ~~September~~ 1, 2021, an Office of Firearm Violence Prevention is established within the Illinois Department of Human Services. The Assistant Secretary of Violence Prevention shall report his or her actions to the Secretary of Human Services and the Office of the Governor. The Office shall have the authority to coordinate and integrate all programs and services listed in this Act and other programs and services the Governor establishes by executive order to maximize an integrated approach to reducing Illinois' firearm violence epidemic and ultimately ending this public health crisis.

(b) The Department of Human Services and the Office of Firearm Violence Prevention shall have grant making, operational, and procurement authority to distribute funds to ~~qualified~~ violence prevention organizations, youth development organizations, high-risk youth intervention organizations, approved technical assistance and training providers, ~~and qualified~~ evaluation and assessment organizations, and other

entities necessary to execute the functions established in this Act and other programs and services the Governor establishes by executive order for the Department and the ~~this~~ Office.

(c) The Assistant Secretary of Firearm Violence Prevention shall be appointed by the Governor with the advice and consent of the Senate. The Assistant Secretary of Firearm Violence Prevention shall report to the Secretary of Human Services and also report his or her actions to the Office of the Governor.

(d) For Illinois municipalities with a 1,000,000 or more population, the Office of Firearm Violence Prevention shall determine the 10 ~~17~~ most violent neighborhoods. When possible, this shall be determined by measuring ~~as measured by~~ the number of per capita fatal and nonfatal firearm-shot victims, excluding self-inflicted incidents, from January 1, 2016 through December 31, 2020. These 10 ~~17~~ communities shall qualify for grants under this Act and coordination of other State services from the Office of Firearm Violence Prevention. The Office shall, after identifying the top 10 neighborhoods, identify an additional 7 eligible neighborhoods by considering the number of victims in rank order in addition to the per capita rate. If appropriate, and subject to appropriation, the Office shall have the authority to consider adding up to 5 additional eligible neighborhoods or clusters of contiguous neighborhoods utilizing the same data sets so as to maximize the potential impact for firearm violence reduction. For Illinois municipalities with less than 1,000,000 residents and more than 35,000 ~~25,000~~ residents, the Office of Firearm Violence Prevention shall identify the 10 municipalities or contiguous geographic areas that have the greatest concentrated firearm violence victims. When possible, this shall be determined by measuring ~~as measured by~~ the number of fatal and nonfatal firearm-shot victims, excluding self-inflicted incidents, from January 1, 2016 through December 31, 2020 divided by the number of residents for each municipality or area. These 10 municipalities or contiguous geographic areas and up to 5 additional ~~other~~ municipalities or contiguous geographic areas identified by the Office of Firearm Violence Prevention shall qualify for grants under this Act and coordination of other State services from the Office of Firearm Violence Prevention. The Office of Firearm Violence Prevention shall consider factors listed in subsection (a) of Section 35-40 to determine up to 5 additional municipalities or contiguous geographic areas that qualify for grants under this Act. The Office of Firearm Violence Prevention may, subject to appropriation, identify up to 5 additional neighborhoods, municipalities, contiguous geographic areas, or other local government-identified boundary areas to receive funding under this Act after considering additional risk factors that contribute to community firearm violence. The data analysis to identify new eligible neighborhoods and municipalities shall be updated to reflect eligibility based on the most recently available 5 full years of data no more frequently than once every 3 years.

(e) The Office of Firearm Violence Prevention shall issue a report to the General Assembly no later than January 1 of each year that identifies communities within Illinois municipalities of 1,000,000 or more residents and municipalities with less than 1,000,000 residents and more than 35,000 ~~25,000~~ residents that are experiencing concentrated firearm violence, explaining the investments that are being made to reduce concentrated firearm violence, and making further recommendations on how to end Illinois' firearm violence epidemic.

(Source: P.A. 102-16, eff. 6-17-21.)

(430 ILCS 69/35-25)

Sec. 35-25. Integrated violence prevention and other services.

(a) Subject to appropriation, for municipalities with 1,000,000 or more residents, the Office of Firearm Violence Prevention shall make grants to ~~qualified~~ violence prevention organizations for evidence-based ~~firearm~~ violence prevention services. Approved technical assistance and training providers shall create learning communities for the exchange of information between community-based organizations in the same or similar fields. Firearm ~~Evidence-based firearm~~ violence prevention organizations ~~services~~ shall prioritize ~~recruit~~ individuals at the highest risk of firearm violence victimization and provide these individuals with evidence-based comprehensive services that reduce their exposure to chronic firearm violence.

(b) Violence ~~Qualified violence~~ prevention organizations shall develop the following expertise in the geographic areas that they cover:

(1) Analyzing and leveraging data to identify the individuals ~~people~~ who will most benefit from evidence-based ~~firearm~~ violence prevention services in their geographic areas.

(2) Identifying the conflicts that are responsible for recurring violence.

(3) Having relationships with individuals who are most able to reduce conflicts.

(4) Addressing the stabilization and trauma recovery needs of individuals impacted by violence by providing direct services for their unmet needs or referring them to other qualified service providers.

(5) Having and building relationships with community members and community organizations that provide evidence-based violence prevention services and get referrals of people who will most benefit from evidence-based ~~firearm~~ violence prevention services in their geographic areas.

(6) Providing training and technical assistance to local law enforcement agencies to improve their effectiveness without having any role, requirement, or mandate to participate in the policing, enforcement, or prosecution of any crime.

(c) Violence ~~Qualified violence~~ prevention organizations receiving grants under this Act shall coordinate services with other ~~qualified~~ violence prevention organizations in their area.

(d) The Office of Firearm Violence Prevention shall identify, for each separate eligible service area under this Act, an experienced violence prevention organization to serve as the ~~name a~~ Lead ~~Qualified~~ Violence Prevention Convener for that area ~~each of the 17 neighborhoods~~ and provide each with a grant of ~~$50,000~~ up to $100,000 to these organizations ~~this organization~~ to coordinate monthly meetings between ~~qualified~~ violence prevention organizations and youth development organizations under this Act. The Lead ~~Qualified~~ Violence Prevention Convener may also receive, ~~funding~~ from the Office of Firearm Violence Prevention, ~~for~~ technical assistance or training through approved providers when needs are jointly identified. The Lead ~~Qualified~~ Violence Prevention Convener shall:

(1) provide the convened organizations with summary notes ~~on the meetings and summarize~~ recommendations made at the monthly meetings to improve the effectiveness of evidence-based violence prevention services based on review of timely data on shootings and homicides in his or her relevant neighborhood;

(2) attend monthly meetings where the cause of violence and other neighborhood disputes is discussed and strategize on how to resolve ongoing conflicts and execute on agreed plans;

(3) (blank); ~~provide qualitative review of other qualified violence prevention organizations in the Lead Qualified Violence Prevention Convener's neighborhood as required by the Office of Firearm Violence Prevention;~~

(4) on behalf of the convened organizations, make consensus recommendations to the Office of Firearm Violence Prevention and local law enforcement on how to reduce violent conflict in his or her neighborhood;

(5) meet on an emergency basis when conflicts that need immediate attention and resolution arise;

(6) share knowledge and strategies of the community violence dynamic in monthly meetings with local youth development specialists receiving grants under this Act;

(7) select when and where needed an approved Office of Violence Prevention-funded technical assistance and ~~service~~ training service provider to receive ~~and contract with the provider for~~ agreed upon services; and

(8) after meeting with community residents and other community organizations that have expertise in housing, mental health, economic development, education, and social services, make ~~consensus~~ recommendations to the Office of Firearm Violence Prevention on how to target community revitalization resources available from federal and State funding sources.

The Office of Firearm Violence Prevention shall compile recommendations from all Lead ~~Qualified~~ Violence Prevention Conveners and report to the General Assembly bi-annually on these funding recommendations. The Lead ~~Qualified~~ Violence Prevention Convener may also serve as a youth development provider.

(e) The Illinois Office of Firearm Violence Prevention shall select, when possible and appropriate, no fewer than 2 and no more than 3 approved technical assistance and training providers to deliver technical assistance and training to the ~~qualified~~ violence prevention organizations that request to receive ~~agree to contract with an~~ approved technical assistance and training ~~provider~~. Violence ~~Qualified violence~~ prevention organizations shall have complete authority to select among the approved technical assistance services providers funded by the Office of Firearm Violence Prevention.

(f) Approved technical assistance and training providers may:

(1) provide training and certification to ~~qualified~~ violence prevention professionals on how to perform violence prevention services and other professional development to ~~qualified~~ violence prevention professionals.

(2) provide management training on how to manage ~~qualified~~ violence prevention professionals;

(3) provide training and assistance on how to develop memorandum of understanding for referral services or create approved provider lists for these referral services, or both;

(4) share lessons learned among ~~qualified~~ violence prevention professionals and service providers in their network; and

(5) provide technical assistance and training on human resources, grants management, capacity building, and fiscal management strategies.

(g) Approved technical assistance and training providers shall:

(1) provide additional services identified as necessary by the Office of Firearm Violence Prevention and ~~qualified~~ service providers in their network; and

(2) receive a base ~~vendor contract or~~ grant of up to $250,000 plus negotiated service rates to provide group and individualized ~~plus fees negotiated for~~ services to ~~from~~ participating ~~qualified~~ violence prevention organizations.

(h) (Blank). ~~Fees negotiated for approved technical assistance and training providers shall not exceed 12% of awarded grant funds to a qualified violence prevention organization.~~

(i) The Office of Firearm Violence Prevention shall issue grants, when possible and appropriate, to no fewer than 2 ~~qualified~~ violence prevention organizations in each of the eligible service areas ~~17 neighborhoods served~~ and no more than 6 organizations ~~in the 17 neighborhoods served~~. When possible, grants ~~Grants~~ shall be for no less than $300,000 ~~$400,000~~ per ~~qualified~~ violence prevention organization. The Office of Firearm Violence Prevention may establish grant award ranges to ensure grants will have the potential to reduce violence in each neighborhood.

(j) No ~~qualified~~ violence prevention organization can serve more than 3 eligible service areas ~~neighborhoods~~ unless the Office of Firearm Violence Prevention is unable to identify ~~qualified~~ violence prevention organizations to provide adequate coverage.

(k) No approved technical assistance and training provider shall provide evidence-based ~~qualified~~ violence prevention services in an eligible service area ~~a neighborhood~~ under this Act unless the Office of Firearm Violence Prevention is unable to identify qualified violence prevention organizations to provide adequate coverage.

(Source: P.A. 102-16, eff. 6-17-21.)

(430 ILCS 69/35-30)

Sec. 35-30. Integrated youth services.

(a) Subject to appropriation, for municipalities with 1,000,000 or more residents, the Office of Firearm Violence Prevention shall make grants to ~~qualified~~ youth development organizations for evidence-based youth after-school and summer programming. Evidence-based youth development programs shall provide services to teens that increase their school attendance, school performance, reduce involvement in the criminal and juvenile justice systems ~~system~~, and develop nonacademic interests that build social emotional persistence and intelligence.

(b) The Office of Firearm Violence Prevention shall identify municipal blocks where more than 35% of all fatal and nonfatal firearm-shot incidents take place and focus ~~all~~ youth development service grants to residents of these identified ~~municipality~~ blocks in the designated eligible service areas ~~17 targeted neighborhoods~~. The Department of Human Services shall prioritize funding to youth ~~Youth~~ development service programs that ~~shall be required to~~ serve the following teens before expanding services to the broader community:

(1) criminal and juvenile justice-involved youth;

(2) students who are attending or have attended option schools;

(3) family members of individuals working with ~~qualified~~ violence prevention organizations; and

(4) youth living on the blocks where more than 35% of the violence takes place in a neighborhood.

(c) Each program participant enrolled in a youth development program under this Act, when possible and appropriate, shall receive an individualized needs assessment to determine if the participant requires intensive youth services as provided for in Section 35-35 of this Act. The needs assessment should be the best available instrument that considers the physical and mental condition of each youth based on the youth's family ties, financial resources, past substance use, criminal justice involvement, and trauma related to chronic exposure to firearm violence behavioral health assessment to determine the participant's broader

support and mental health needs. The Office of Firearm Violence Prevention shall determine best practices for referring program participants who are at the highest risk of violence and ~~criminal~~ justice involvement to be referred to a high-risk youth ~~development~~ intervention program established in Section 35-35.

(d) Youth development prevention program participants shall receive services designed to empower participants with the social and emotional skills necessary to forge paths of healthy development and disengagement from high-risk behaviors. Within the context of engaging social, physical, and personal development activities, participants should build resilience and the skills associated with healthy social, emotional, and identity development.

(e) Youth development providers shall develop the following expertise in the geographic areas they cover:

(1) Knowledge of the teens and their social organization in the blocks they are designated to serve.

(2) Youth development organizations receiving grants under this Act shall be required to coordinate services with other ~~qualified~~ youth development organizations in their neighborhood by sharing lessons learned in monthly meetings.

(3) (Blank). ~~Providing qualitative review of other youth development organizations in their neighborhood as required by the Office of Firearm Violence Prevention.~~

(4) Meeting on an emergency basis when conflicts related to program participants that need immediate attention and resolution arise.

(5) Sharing knowledge and strategies of the neighborhood violence dynamic in monthly meetings with local ~~qualified~~ violence prevention organizations receiving grants under this Act.

(6) Selecting an approved technical assistance and ~~service~~ training service provider to receive ~~and contract with them for~~ agreed upon services.

(f) The Illinois Office of Firearm Violence Prevention shall select, when possible and appropriate, no fewer than 2 and no more than 3 approved technical assistance and training providers to deliver technical assistance and training to the youth development organizations that request to receive ~~agree to contract with an~~ approved technical assistance and training ~~provider~~. Youth development organizations must use an approved technical assistance and training provider but have complete authority to select among the approved technical assistance services providers funded by the Office of Firearm Violence Prevention.

(g) Approved technical assistance and training providers may:

(1) provide training to youth development workers on how to perform outreach services;

(2) provide management training on how to manage youth development workers;

(3) provide training and assistance on how to develop memorandum of understanding for referral services or create approved provider lists for these referral services, or both;

(4) share lessons learned among youth development service providers in their network; and

(5) provide technical assistance and training on human resources, grants management, capacity building, and fiscal management strategies.

(h) Approved technical assistance and training providers shall:

(1) provide additional services identified as necessary by the Office of Firearm Violence Prevention and youth development service providers in their network; and

(2) receive an annual base grant of up to $250,000 plus negotiated service rates to provide group and individualized ~~plus fees negotiated for~~ services to ~~from~~ participating youth development service organizations.

(i) (Blank). ~~Fees negotiated for approved technical assistance and training providers shall not exceed 10% of awarded grant funds to a youth development services organization.~~

(j) The Office of Firearm Violence Prevention shall issue youth development services grants, when possible and appropriate, to no fewer than 4 youth services organizations in each of the eligible service areas ~~17 neighborhoods served~~ and no more than 8 organizations ~~in each of the 17 neighborhoods~~. When possible, grants shall be for no less than $300,000 per youth development organization. The Office of Firearm Violence Prevention may establish award ranges to ensure grants will have the potential to reduce violence in each neighborhood. ~~Youth services grants shall be for no less than $400,000 per youth development organization.~~

(k) No youth development organization can serve more than 3 eligible service areas ~~neighborhoods~~ unless the Office of Firearm Violence Prevention is unable to identify youth development organizations to provide adequate coverage.

(l) No approved technical assistance and training provider shall provide youth development services in any neighborhood under this Act.

(Source: P.A. 102-16, eff. 6-17-21.)

(430 ILCS 69/35-35)

Sec. 35-35. Intensive youth intervention services.

(a) Subject to appropriation, for municipalities with 1,000,000 or more residents, the Office of Firearm Violence Prevention shall issue grants to ~~qualified~~ high-risk youth intervention organizations for evidence-based intervention services that reduce involvement in the criminal and juvenile justice system, increase school attendance, and refer high-risk teens into therapeutic programs that address trauma recovery and other mental health improvements. Each program participant enrolled in a high-risk youth intervention program under this Act shall receive a nationally recognized comprehensive mental health assessment delivered by a qualified mental health professional certified to provide services to Medicaid recipients.

(b) High-risk youth ~~Youth~~ intervention program participants shall receive needed services as determined by the individualized assessment which may include, but is not limited to:

(1) receive group-based emotional regulation therapy that helps them control their emotions and understand how trauma and stress impacts their thinking and behavior; and

(2) have youth advocates that accompany them to their group therapy sessions, assist them with issues that prevent them from attending school, and address life skills development activities through weekly coaching.~~; and~~

(b-5) High-risk youth intervention service organizations shall ~~(3) be required to~~ have trained clinical staff managing the youth advocate interface with program participants.

(c) Youth development service organizations shall be assigned to the youth intervention service providers for referrals by the Office of Firearm Violence Prevention.

(d) The youth receiving intervention services who are evaluated to need trauma recovery and other behavioral health interventions and who have the greatest risk of firearm violence victimization shall be referred to the family systems intervention services established in Section 35-55.

(e) The Office of Firearm Violence Prevention shall issue high-risk youth intervention grants, when possible and appropriate, to no less than 2 youth intervention organizations and no more than 4 organizations in municipalities with 1,000,000 or more residents.

(f) No high-risk youth intervention organization can serve more than 13 eligible service areas ~~10 neighborhoods~~.

(g) The approved technical assistance and training providers for youth development programs provided in subsection (d) of Section 35-30 shall also provide technical assistance and training to the affiliated high-risk youth intervention service providers.

(h) (Blank). ~~The Office of Firearm Violence Prevention shall establish payment requirements from youth intervention service providers to the affiliated approved technical assistance and training providers.~~

(Source: P.A. 102-16, eff. 6-17-21.)

(430 ILCS 69/35-40)

Sec. 35-40. Services for municipalities with less than 1,000,000 residents.

(a) The Office of Firearm Violence Prevention shall identify the 10 municipalities or geographically contiguous areas in Illinois with less than 1,000,000 residents and more than 35,000 ~~25,000~~ residents that have the largest concentration of fatal and nonfatal ~~concentrated~~ firearm shot victims over the 5-year period considered for eligibility ~~violence in the last 5 years~~. These areas shall qualify for grants under this Act. The Office of Firearm Violence Prevention may ~~shall~~ identify up to 5 additional municipalities or geographically contiguous areas with ~~more than 25,000 residents and~~ less than 1,000,000 residents that would benefit from evidence-based violence prevention services. In identifying the additional municipalities that qualify for funding under Section 35-40, the Office of Firearm Violence Prevention shall consider the following factors when possible:

(1) the total number of fatal and nonfatal firearms victims, excluding self-inflicted incidents, in a potential municipality over the 5-year period considered for eligibility ~~in the last 5 years~~;

(2) the per capita rate of fatal and nonfatal firearms victims, excluding self-inflicted incidents, in a potential municipality over the 5-year period considered for eligibility ~~in the last 5 years~~; and

(3) the total potential firearms violence reduction benefit for the entire State of Illinois by serving the additional municipalities ~~municipality~~ compared to the total benefit of investing in all other municipalities identified for grants to municipalities with more than 35,000 ~~25,000~~ residents and less than 1,000,000 residents.

(b) Resources for each of these areas shall be distributed based on a formula to be developed by the Office of Firearm Violence Prevention that will maximize the total potential reduction in firearms victimization for all municipalities receiving grants under this Act. ~~Resources for each of these areas shall be distributed based on maximizing the total potential reduction in firearms victimization for all municipalities receiving grants under this Act. The Office of Firearm Violence Prevention may establish a minimum grant amount for each municipality awarded grants under this Section to ensure grants will have the potential to reduce violence in each municipality. The Office of Firearm Violence Prevention shall maximize the potential for violence reduction throughout Illinois after determining the necessary minimum grant amounts to be effective in each municipality receiving grants under this Section.~~

(c) The Office of Firearm Violence Prevention shall create local advisory councils for each of the designated service areas ~~10 areas designated~~ for the purpose of obtaining recommendations on how to distribute funds in these areas to reduce firearm violence incidents. Local advisory councils shall have a minimum ~~consist~~ of 5 members with the following expertise or experience:

(1) a representative of a nonelected official in local government from the designated area;

(2) a representative of an elected official at the local or state level for the area;

(3) a representative with public health experience in firearm violence prevention or youth development; ~~and~~

(4) two residents of the subsection of each area with the most concentrated firearm violence incidents; and~~.~~

(5) additional members as determined by the individual local advisory council.

(d) The Office of Firearm Violence Prevention shall provide data to each local council on the characteristics of firearm violence in the designated area and other relevant information on the physical and demographic characteristics of the designated area. The Office of Firearm Violence Prevention shall also provide best available evidence on how to address the social determinants of health in the designated area in order to reduce firearm violence.

(e) Each local advisory council shall make recommendations on how to allocate distributed resources for its area based on information provided to them by the Office of Firearm Violence Prevention, local law enforcement data, and other locally available data.

(f) The Office of Firearm Violence Prevention shall consider the recommendations and determine how to distribute funds through grants to community-based organizations and local governments. To the extent the Office of Firearm Violence Prevention does not follow a local advisory council's recommendation on allocation of funds, the Office of Firearm Violence Prevention shall explain in writing why a different allocation of resources is more likely to reduce firearm violence in the designated area.

(g) Subject to appropriation, the Department of Human Services and the Office of Firearm Violence Prevention shall issue grants to local governmental agencies or ~~and~~ community-based organizations, or both, to maximize firearm violence reduction each year. When possible, initial grants ~~Grants~~ shall be named no later than April ~~March~~ 1, 2022 and renewed or competitively bid as appropriate in subsequent fiscal years. ~~Grants in proceeding years shall be issued on or before July 15 of the relevant fiscal year.~~

(Source: P.A. 102-16, eff. 6-17-21.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Peters, **House Bill No. 2791** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

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

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

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

HOUSE BILL RECALLED

On motion of Senator Koehler, **House Bill No. 2431** was recalled from the order of third reading to the order of second reading.

Senator Koehler offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 2431

AMENDMENT NO. 2 . Amend House Bill 2431, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Administrative Procedure Act is amended by adding Section 5-45.20 as follows:

(5 ILCS 100/5-45.20 new)

Sec. 5-45.20. Emergency rulemaking; Department of Public Health. To provide for the expeditious and timely implementation of the provisions of Sections 3.50 of the Emergency Medical Services (EMS) Systems Act, emergency rules implementing the changes made to Sections 3.50 of the Emergency Medical Services (EMS) Systems Act by this amendatory Act of the 102nd General Assembly may be adopted by the Department of Public Health in accordance with Section 5-45. The adoption of emergency rules authorized by Section 5-45 and this Section is deemed to be necessary for the public interest, safety, and welfare.

Section 10. The Emergency Medical Services (EMS) Systems Act is amended by changing Sections 3.50 and 3.85 as follows:

(210 ILCS 50/3.50)

Sec. 3.50. Emergency Medical Services personnel licensure levels.

(a) "Emergency Medical Technician" or "EMT" means a person who has successfully completed a course in basic life support as approved by the Department, is currently licensed by the Department in accordance with standards prescribed by this Act and rules adopted by the Department pursuant to this Act, and practices within an EMS System. A valid Emergency Medical Technician-Basic (EMT-B) license issued under this Act shall continue to be valid and shall be recognized as an Emergency Medical Technician (EMT) license until the Emergency Medical Technician-Basic (EMT-B) license expires.

(b) "Emergency Medical Technician-Intermediate" or "EMT-I" means a person who has successfully completed a course in intermediate life support as approved by the Department, is currently licensed by the Department in accordance with standards prescribed by this Act and rules adopted by the Department pursuant to this Act, and practices within an Intermediate or Advanced Life Support EMS System.

(b-5) "Advanced Emergency Medical Technician" or "A-EMT" means a person who has successfully completed a course in basic and limited advanced emergency medical care as approved by the Department, is currently licensed by the Department in accordance with standards prescribed by this Act and rules adopted by the Department pursuant to this Act, and practices within an Intermediate or Advanced Life Support EMS System.

(c) "Paramedic (EMT-P)" means a person who has successfully completed a course in advanced life support care as approved by the Department, is licensed by the Department in accordance with standards prescribed by this Act and rules adopted by the Department pursuant to this Act, and practices within an Advanced Life Support EMS System. A valid Emergency Medical Technician-Paramedic (EMT-P) license issued under this Act shall continue to be valid and shall be recognized as a Paramedic license until the Emergency Medical Technician-Paramedic (EMT-P) license expires.

(c-5) "Emergency Medical Responder" or "EMR (First Responder)" means a person who has successfully completed a course in emergency medical response as approved by the Department and provides emergency medical response services in accordance with the level of care established by the National EMS Educational Standards Emergency Medical Responder course as modified by the Department, or who provides services as part of an EMS System response plan, as approved by the Department, of that EMS System. The Department shall have the authority to adopt rules governing the curriculum, practice, and necessary equipment applicable to Emergency Medical Responders.

On August 15, 2014 (the effective date of Public Act 98-973), a person who is licensed by the Department as a First Responder and has completed a Department-approved course in first responder defibrillator training based on, or equivalent to, the National EMS Educational Standards or other standards previously recognized by the Department shall be eligible for licensure as an Emergency Medical Responder upon meeting the licensure requirements and submitting an application to the Department. A valid First Responder license issued under this Act shall continue to be valid and shall be recognized as an Emergency Medical Responder license until the First Responder license expires.

(c-10) All EMS Systems and licensees shall be fully compliant with the National EMS Education Standards, as modified by the Department in administrative rules, within 24 months after the adoption of the administrative rules.

(d) The Department shall have the authority and responsibility to:

(1) Prescribe education and training requirements, which includes training in the use of epinephrine, for all levels of EMS personnel except for EMRs, based on the National EMS Educational Standards and any modifications to those curricula specified by the Department through rules adopted pursuant to this Act.

(1.5) Adopt rules permitting immediate reciprocity to all EMS personnel who have received a certification issued by the National Registry of Emergency Medical Technicians, allowing such individuals to operate in a provisional status until the Illinois license is issued. To operate as EMS personnel on provisional status, an individual must have applied for licensure with the Department and meet all requirements for licensure under this Act.

(2) Prescribe licensure testing requirements for all levels of EMS personnel, which shall include a requirement that all phases of instruction, training, and field experience be completed before taking the appropriate licensure examination. Candidates may elect to take the appropriate National Registry examination in lieu of the Department's examination, but are responsible for making their own arrangements for taking the National Registry examination. In prescribing licensure testing requirements for honorably discharged members of the armed forces of the United States under this paragraph (2), the Department shall ensure that a candidate's military emergency medical training, emergency medical curriculum completed, and clinical experience, as described in paragraph (2.5), are recognized.

(2.5) Review applications for EMS personnel licensure from honorably discharged members of the armed forces of the United States with military emergency medical training. Applications shall be filed with the Department within one year after military discharge and shall contain: (i) proof of successful completion of military emergency medical training; (ii) a detailed description of the emergency medical curriculum completed; and (iii) a detailed description of the applicant's clinical

experience. The Department may request additional and clarifying information. The Department shall evaluate the application, including the applicant's training and experience, consistent with the standards set forth under subsections (a), (b), (c), and (d) of Section 3.10. If the application clearly demonstrates that the training and experience meet such standards, the Department shall offer the applicant the opportunity to successfully complete a Department-approved EMS personnel examination for the level of license for which the applicant is qualified. Upon passage of an examination, the Department shall issue a license, which shall be subject to all provisions of this Act that are otherwise applicable to the level of EMS personnel license issued.

(3) License individuals as an EMR, EMT, EMT-I, A-EMT, or Paramedic who have met the Department's education, training and examination requirements.

(4) Prescribe annual continuing education and relicensure requirements for all EMS personnel licensure levels.

(5) Relicense individuals as an EMD, EMR, EMT, EMT-I, A-EMT, PHRN, PHAPRN, PHPA, or Paramedic every 4 years, based on their compliance with continuing education and relicensure requirements as required by the Department pursuant to this Act. Every 4 years, a Paramedic shall have 100 hours of approved continuing education, an EMT-I and an advanced EMT shall have 80 hours of approved continuing education, and an EMT shall have 60 hours of approved continuing education. An Illinois licensed EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, PHPA, PHAPRN, or PHRN whose license has been expired for less than 36 months may apply for reinstatement by the Department. Reinstatement shall require that the applicant (i) submit satisfactory proof of completion of continuing medical education and clinical requirements to be prescribed by the Department in an administrative rule; (ii) submit a positive recommendation from an Illinois EMS Medical Director attesting to the applicant's qualifications for retesting; and (iii) pass a Department approved test for the level of EMS personnel license sought to be reinstated.

(6) Grant inactive status to any EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, PHAPRN, PHPA, or PHRN who qualifies, based on standards and procedures established by the Department in rules adopted pursuant to this Act.

(7) Charge a fee for EMS personnel examination, licensure, and license renewal.

(8) Suspend, revoke, or refuse to issue or renew the license of any licensee, after an opportunity for an impartial hearing before a neutral administrative law judge appointed by the Director, where the preponderance of the evidence shows one or more of the following:

(A) The licensee has not met continuing education or relicensure requirements as prescribed by the Department;

(B) The licensee has failed to maintain proficiency in the level of skills for which he or she is licensed;

(C) The licensee, during the provision of medical services, engaged in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(D) The licensee has failed to maintain or has violated standards of performance and conduct as prescribed by the Department in rules adopted pursuant to this Act or his or her EMS System's Program Plan;

(E) The licensee is physically impaired to the extent that he or she cannot physically perform the skills and functions for which he or she is licensed, as verified by a physician, unless the person is on inactive status pursuant to Department regulations;

(F) The licensee is mentally impaired to the extent that he or she cannot exercise the appropriate judgment, skill and safety for performing the functions for which he or she is licensed, as verified by a physician, unless the person is on inactive status pursuant to Department regulations;

(G) The licensee has violated this Act or any rule adopted by the Department pursuant to this Act; or

(H) The licensee has been convicted (or entered a plea of guilty or nolo contendere) by a court of competent jurisdiction of a Class X, Class 1, or Class 2 felony in this State or an out-of-state equivalent offense.

(9) Prescribe education and training requirements in the administration and use of opioid antagonists for all levels of EMS personnel based on the National EMS Educational Standards and

any modifications to those curricula specified by the Department through rules adopted pursuant to this Act.

(d-5) An EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, PHAPRN, PHPA, or PHRN who is a member of the Illinois National Guard or an Illinois State Trooper or who exclusively serves as a volunteer for units of local government with a population base of less than 5,000 or as a volunteer for a not-for-profit organization that serves a service area with a population base of less than 5,000 may submit an application to the Department for a waiver of the fees described under paragraph (7) of subsection (d) of this Section on a form prescribed by the Department.

The education requirements prescribed by the Department under this Section must allow for the suspension of those requirements in the case of a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard who is on active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor at the time that the member would otherwise be required to fulfill a particular education requirement. Such a person must fulfill the education requirement within 6 months after his or her release from active duty.

(e) In the event that any rule of the Department or an EMS Medical Director that requires testing for drug use as a condition of the applicable EMS personnel license conflicts with or duplicates a provision of a collective bargaining agreement that requires testing for drug use, that rule shall not apply to any person covered by the collective bargaining agreement.

(f) At the time of applying for or renewing his or her license, an applicant for a license or license renewal may submit an email address to the Department. The Department shall keep the email address on file as a form of contact for the individual. The Department shall send license renewal notices electronically and by mail to a licensee who provides the Department with his or her email address. The notices shall be sent at least 60 days prior to the expiration date of the license.

(Source: P.A. 101-81, eff. 7-12-19; 101-153, eff. 1-1-20; 102-558, eff. 8-20-21; 102-623, eff. 8-27-21.)

(210 ILCS 50/3.85)

Sec. 3.85. Vehicle Service Providers.

(a) "Vehicle Service Provider" means an entity licensed by the Department to provide emergency or non-emergency medical services in compliance with this Act, the rules promulgated by the Department pursuant to this Act, and an operational plan approved by its EMS System(s), utilizing at least ambulances or specialized emergency medical service vehicles (SEMSV).

(1) "Ambulance" means any publicly or privately owned on-road vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated for the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or the non-emergency medical transportation of persons who require the presence of medical personnel to monitor the individual's condition or medical apparatus being used on such individuals.

(2) "Specialized Emergency Medical Services Vehicle" or "SEMSV" means a vehicle or conveyance, other than those owned or operated by the federal government, that is primarily intended for use in transporting the sick or injured by means of air, water, or ground transportation, that is not an ambulance as defined in this Act. The term includes watercraft, aircraft and special purpose ground transport vehicles or conveyances not intended for use on public roads.

(3) An ambulance or SEMSV may also be designated as a Limited Operation Vehicle or Special-Use Vehicle:

(A) "Limited Operation Vehicle" means a vehicle which is licensed by the Department to provide basic, intermediate or advanced life support emergency or non-emergency medical services that are exclusively limited to specific events or locales.

(B) "Special-Use Vehicle" means any publicly or privately owned vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated solely for the emergency or non-emergency transportation of a specific medical class or category of persons who are sick, injured, wounded or otherwise incapacitated or helpless (e.g. high-risk obstetrical patients, neonatal patients).

(C) "Reserve Ambulance" means a vehicle that meets all criteria set forth in this Section and all Department rules, except for the required inventory of medical supplies and durable medical equipment, which may be rapidly transferred from a fully functional ambulance to a reserve ambulance without the use of tools or special mechanical expertise.

(b) The Department shall have the authority and responsibility to:

(1) Require all Vehicle Service Providers, both publicly and privately owned, to function within an EMS System.

(2) Require a Vehicle Service Provider utilizing ambulances to have a primary affiliation with an EMS System within the EMS Region in which its Primary Service Area is located, which is the geographic areas in which the provider renders the majority of its emergency responses. This requirement shall not apply to Vehicle Service Providers which exclusively utilize Limited Operation Vehicles.

(3) Establish licensing standards and requirements for Vehicle Service Providers, through rules adopted pursuant to this Act, including but not limited to:

(A) Vehicle design, specification, operation and maintenance standards, including standards for the use of reserve ambulances;

(B) Equipment requirements;

(C) Staffing requirements; and

(D) License renewal at intervals determined by the Department, which shall be not less than every 4 years.

The Department's standards and requirements with respect to vehicle staffing for private, nonpublic local government employers must allow for alternative staffing models that include an EMR who drives an ambulance with a licensed EMT, EMT-I, A-EMT, Paramedic, or PHRN, as appropriate, in the patient compartment providing care to the patient pursuant to the approval of the EMS System Program Plan developed and approved by the EMS Medical Director for an EMS System. The Department shall monitor the implementation and performance of alternative staffing models and may issue a notice of termination of an alternative staffing model only upon evidence that an EMS System Program Plan is not being adhered to.

An EMS System Program Plan for a Basic Life Support transport utilizing an EMR and an EMT shall include the following:

(A) Alternative staffing models for a Basic Life Support transport utilizing an EMR and an EMT shall only be utilized for interfacility Basic Life Support transports and medical appointments, excluding any transport to or from a dialysis center.

(B) Protocols that shall include dispatch procedures to properly screen and assess patients for EMR-staffed and EMT-staffed Basic Life Support transport.

(C) A requirement that a provider shall implement a quality assurance plan with mechanisms outlined to audit dispatch screening and the outcome of transports performed.

(D) The EMT shall have at least one year of experience in performance of pre-hospital emergency care.

(E) The licensed EMR must complete a defensive driving course prior to participation in the Department's alternative staffing model.

(F) The length of the EMS System Program Plan for a Basic Life Support transport utilizing an EMR and an EMT shall be for one year, and must be renewed annually if proof of the criteria being met is submitted, validated, and approved by the EMS Medical Director for the EMS System and the Department.

Until October 1, 2022, the Department must require each EMS System Program Plan to permit the utilization of alternative staffing models for use of an EMR as the driver and an EMT in the patient compartment for basic life support services, an EMR as the driver and a paramedic in the patient compartment for advanced life support services, and an EMR as the driver and appropriate critical care transport staffing in the patient compartment for critical care transport services. Each EMS System Program Plan shall be required to implement alternative staffing models no later than January 1, 2022. Local governments and local government employees who provide EMS services are not required to implement alternative staffing models.

The Department must allow for an alternative rural staffing model for those vehicle service providers that serve a rural or semi-rural population of 10,000 or fewer inhabitants and exclusively uses volunteers, paid-on-call, or a combination thereof.

(4) License all Vehicle Service Providers that have met the Department's requirements for licensure, unless such Provider is owned or licensed by the federal government. All Provider licenses issued by the Department shall specify the level and type of each vehicle covered by the license (BLS, ILS, ALS, ambulance, SEMSV, limited operation vehicle, special use vehicle, reserve ambulance).

(5) Annually inspect all licensed vehicles operated by Vehicle Service Providers.

(6) Suspend, revoke, refuse to issue or refuse to renew the license of any Vehicle Service Provider, or that portion of a license pertaining to a specific vehicle operated by the Provider, after an opportunity for a hearing, when findings show that the Provider or one or more of its vehicles has failed to comply with the standards and requirements of this Act or rules adopted by the Department pursuant to this Act.

(7) Issue an Emergency Suspension Order for any Provider or vehicle licensed under this Act, when the Director or his designee has determined that an immediate and serious danger to the public health, safety and welfare exists. Suspension or revocation proceedings which offer an opportunity for hearing shall be promptly initiated after the Emergency Suspension Order has been issued.

(8) Exempt any licensed vehicle from subsequent vehicle design standards or specifications required by the Department, as long as said vehicle is continuously in compliance with the vehicle design standards and specifications originally applicable to that vehicle, or until said vehicle's title of ownership is transferred.

(9) Exempt any vehicle (except an SEMSV) which was being used as an ambulance on or before December 15, 1980, from vehicle design standards and specifications required by the Department, until said vehicle's title of ownership is transferred. Such vehicles shall not be exempt from all other licensing standards and requirements prescribed by the Department.

(10) Prohibit any Vehicle Service Provider from advertising, identifying its vehicles, or disseminating information in a false or misleading manner concerning the Provider's type and level of vehicles, location, primary service area, response times, level of personnel, licensure status or System participation.

(10.5) Prohibit any Vehicle Service Provider, whether municipal, private, or hospital-owned, from advertising itself as a critical care transport provider unless it participates in a Department-approved EMS System critical care transport plan.

(11) Charge each Vehicle Service Provider a fee per transport vehicle, due annually at time of inspection. The fee per transport vehicle shall be set by administrative rule by the Department and shall not exceed 100 vehicles per provider.

(Source: P.A. 102-623, eff. 8-27-21.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Koehler, **House Bill No. 2431** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Anderson	DeWitte	Martwick	Stewart
Aquino	Fine	McClure	Stoller
Bailey	Fowler	McConchie	Syverson
Barickman	Glowiak Hilton	Morrison	Tracy
Belt	Harris	Muñoz	Turner, D.
Bennett	Hastings	Murphy	Turner, S.
Bryant	Holmes	Pacione-Zayas	Van Pelt
Bush	Hunter	Peters	Villa

Castro	Johnson	Plummer	Villanueva
Collins	Jones, E.	Rezin	Villivalam
Connor	Joyce	Rose	Wilcox
Crowe	Koehler	Simmons	Mr. President
Cunningham	Lightford	Sims	
Curran	Loughran Cappel	Stadelman	

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

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

HOUSE BILL RECALLED

On motion of Senator Belt, **House Bill No. 2778** was recalled from the order of third reading to the order of second reading.

Senator Belt offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 2778

AMENDMENT NO. 2 . Amend House Bill 2778 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 10-20.56 and 24-6 and by adding Sections 10-20.76 and 34-18.77 as follows:

(105 ILCS 5/10-20.56)

Sec. 10-20.56. E-learning days.

(a) The State Board of Education shall establish and maintain, for implementation in school districts, a program for use of electronic-learning (e-learning) days, as described in this Section. School districts may utilize a program approved under this Section for use during remote learning days and blended remote learning days under Section 10-30 or 34-18.66.

(b) The school board of a school district may, by resolution, adopt a research-based program or research-based programs for e-learning days district-wide that shall permit student instruction to be received electronically while students are not physically present in lieu of the district's scheduled emergency days as required by Section 10-19 of this Code. The research-based program or programs may not exceed the minimum number of emergency days in the approved school calendar and must be verified by the regional office of education or intermediate service center for the school district on or before September 1st annually to ensure access for all students. The regional office of education or intermediate service center shall ensure that the specific needs of all students are met, including special education students and English learners, and that all mandates are still met using the proposed research-based program. The e-learning program may utilize the Internet, telephones, texts, chat rooms, or other similar means of electronic communication for instruction and interaction between teachers and students that meet the needs of all learners. The e-learning program shall address the school district's responsibility to ensure that all teachers and staff who may be involved in the provision of e-learning have access to any and all hardware and software that may be required for the program. If a proposed program does not address this responsibility, the school district must propose an alternate program.

(c) Before its adoption by a school board, the school board must hold a public hearing on a school district's initial proposal for an e-learning program or for renewal of such a program, at a regular or special meeting of the school board, in which the terms of the proposal must be substantially presented and an opportunity for allowing public comments must be provided. Notice of such public hearing must be provided at least 10 days prior to the hearing by:

(1) publication in a newspaper of general circulation in the school district;

(2) written or electronic notice designed to reach the parents or guardians of all students enrolled in the school district; and

(3) written or electronic notice designed to reach any exclusive collective bargaining representatives of school district employees and all those employees not in a collective bargaining unit.

(d) The regional office of education or intermediate service center for the school district must timely verify that a proposal for an e-learning program has met the requirements specified in this Section and that the proposal contains provisions designed to reasonably and practicably accomplish the following:

(1) to ensure and verify at least 5 clock hours of instruction or school work, as required under Section 10-19.05, for each student participating in an e-learning day;

(2) to ensure access from home or other appropriate remote facility for all students participating, including computers, the Internet, and other forms of electronic communication that must be utilized in the proposed program;

(2.5) to ensure that non-electronic materials are made available to students participating in the program who do not have access to the required technology or to participating teachers or students who are prevented from accessing the required technology;

(3) to ensure appropriate learning opportunities for students with special needs;

(4) to monitor and verify each student's electronic participation;

(5) to address the extent to which student participation is within the student's control as to the time, pace, and means of learning;

(6) to provide effective notice to students and their parents or guardians of the use of particular days for e-learning;

(7) to provide staff and students with adequate training for e-learning days' participation;

(8) to ensure an opportunity for any collective bargaining negotiations with representatives of the school district's employees that would be legally required, including all classifications of school district employees who are represented by collective bargaining agreements and who would be affected in the event of an e-learning day;

(9) to review and revise the program as implemented to address difficulties confronted; and

(10) to ensure that the protocol regarding general expectations and responsibilities of the program is communicated to teachers, staff, and students at least 30 days prior to utilizing an e-learning day.

The school board's approval of a school district's initial e-learning program and renewal of the e-learning program shall be for a term of 3 years.

(d-5) A school district shall pay to its employees who provide educational support services to the district, including, but not limited to, custodial, transportation, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for any school closure or e-learning day if the closure precludes them from performing their regularly scheduled duties and the employee would have reported for work but for the closure.

(d-10) A school district shall make full payment that would have otherwise been paid to its contractors who provide educational support services to the district, including, but not limited to, custodial, transportation, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for any school closure or e-learning day if any closure precludes them from performing their regularly scheduled duties and employees would have reported for work but for the closure. The employees who provide the support services covered by such contracts shall be paid their daily bid package rates and benefits as defined by their local operating agreements or collective bargaining agreements.

(e) The State Board of Education may adopt rules consistent with the provision of this Section.

(Source: P.A. 100-760, eff. 8-10-18; 101-12, eff. 7-1-19; 101-643, eff. 6-18-20.)

(105 ILCS 5/10-20.76 new)

Sec. 10-20.76. COVID-19 paid administrative leave.

(a) During any time a school district, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the school district for purposes related to COVID-19 and public health from being on school district property, the employee of the school district shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of a school district shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of a school district who is on paid administrative leave pursuant to this Section must provide all documentation requested by the school board.

(d) An employee of a school district who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the school district may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of a school district to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the school district at least once a week.

(105 ILCS 5/24-6)

Sec. 24-6. Sick leave. The school boards of all school districts, including special charter districts, but not including school districts in municipalities of 500,000 or more, shall grant their full-time teachers, and also shall grant such of their other employees as are eligible to participate in the Illinois Municipal Retirement Fund under the "600-Hour Standard" established, or under such other eligibility participation standard as may from time to time be established, by rules and regulations now or hereafter promulgated by the Board of that Fund under Section 7-198 of the Illinois Pension Code, as now or hereafter amended, sick leave provisions not less in amount than 10 days at full pay in each school year. If any such teacher or employee does not use the full amount of annual leave thus allowed, the unused amount shall be allowed to accumulate to a minimum available leave of 180 days at full pay, including the leave of the current year. Sick leave shall be interpreted to mean personal illness, quarantine at home, or serious illness or death in the immediate family or household. The school board may require a certificate from a 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, if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the teacher's or employee's faith as a basis for pay during leave after an absence of 3 days for personal illness or as the school board may deem necessary in other cases. If the school board does require a certificate as a basis for pay during leave of less than 3 days for personal illness, the school board shall pay, from school funds, the expenses incurred by the teachers or other employees in obtaining the certificate.

Sick leave shall also be interpreted to mean birth, adoption, placement for adoption, and the acceptance of a child in need of foster care. Teachers and other employees to which this Section applies are entitled to use up to 30 days of paid sick leave because of the birth of a child that is not dependent on the need to recover from childbirth. Paid sick leave because of the birth of a child may be used absent medical certification for up to 30 working school days, which days may be used at any time within the 12-month period following the birth of the child. The use of up to 30 working school days of paid sick leave because of the birth of a child may not be diminished as a result of any intervening period of nonworking days or school not being in session, such as for summer, winter, or spring break or holidays, that may occur during the use of the paid sick leave. For paid sick leave for adoption, placement for adoption, or the acceptance of a child in need of foster care, the school board may require that the teacher or other employee to which this Section applies provide evidence that the formal adoption process or the formal foster care process is underway, and such sick leave is limited to 30 days unless a longer leave has been negotiated with the exclusive bargaining representative. Paid sick leave for adoption, placement for adoption, or the acceptance of a child in need of foster care need not be used consecutively once the formal adoption process or the formal foster care process is underway, and such sick leave may be used for reasons related to the formal adoption process or the formal foster care process prior to taking custody of the child or accepting the child

in need of foster care, in addition to using such sick leave upon taking custody of the child or accepting the child in need of foster care.

If, by reason of any change in the boundaries of school districts, or by reason of the creation of a new school district, the employment of a teacher is transferred to a new or different board, the accumulated sick leave of such teacher is not thereby lost, but is transferred to such new or different district.

Any sick leave used by a teacher or employee during the 2021-2022 school year for reasons related to guidance, mandates, or rules issued by the school district, the State or any of its agencies, or a local public health department related to COVID-19 and public health shall be returned to the teacher or employee.

For purposes of this Section, "immediate family" shall include parents, spouse, brothers, sisters, children, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law, and legal guardians.
(Source: P.A. 102-275, eff. 8-6-21.)

(105 ILCS 5/34-18.77 new)

Sec. 34-18.77. COVID-19 paid administrative leave.

(a) During any time the school district, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the school district for purposes related to COVID-19 and public health from being on school district property, the employee of the school district shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the school district shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the school district who is on paid administrative leave pursuant to this Section must provide all documentation requested by the board.

(d) An employee of the school district who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the school district may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the school district to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the school district at least once a week.

Section 10. The University of Illinois Act is amended by adding Section 125 as follows:

(110 ILCS 305/125 new)

Sec. 125. COVID-19 paid administrative leave.

(a) During any time the Board of Trustees, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the university for purposes related to COVID-19 and public health from being on university property, the employee of the university shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the university shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining

representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the university who is on paid administrative leave pursuant to this Section must provide all documentation requested by the Board of Trustees.

(d) An employee of the university who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the university may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the university to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the university at least once a week.

Section 15. The Southern Illinois University Management Act is amended by adding Section 105 as follows:

(110 ILCS 520/105 new)

Sec. 105. COVID-19 paid administrative leave.

(a) During any time the Board, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the university for purposes related to COVID-19 and public health from being on university property, the employee of the university shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the university shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the university who is on paid administrative leave pursuant to this Section must provide all documentation requested by the Board.

(d) An employee of the university who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the university may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the university to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the university at least once a week.

Section 20. The Chicago State University Law is amended by adding Section 5-215 as follows:

(110 ILCS 660/5-215 new)

Sec. 5-215. COVID-19 paid administrative leave.

(a) During any time the Board, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the university for purposes related to COVID-19 and public health from being on university property, the employee of the university shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the university shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the university who is on paid administrative leave pursuant to this Section must provide all documentation requested by the Board.

(d) An employee of the university who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the university may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the university to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the university at least once a week.

Section 25. The Eastern Illinois University Law is amended by adding Section 10-215 as follows:
(110 ILCS 665/10-215 new)

Sec. 10-215. COVID-19 paid administrative leave.

(a) During any time the Board, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the university for purposes related to COVID-19 and public health from being on university property, the employee of the university shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the university shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the university who is on paid administrative leave pursuant to this Section must provide all documentation requested by the Board.

(d) An employee of the university who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the university may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the university to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the university at least once a week.

Section 30. The Governors State University Law is amended by adding Section 15-215 as follows: (110 ILCS 670/15-215 new)

Sec. 15-215. COVID-19 paid administrative leave.

(a) During any time the Board, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the university for purposes related to COVID-19 and public health from being on university property, the employee of the university shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the university shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the university who is on paid administrative leave pursuant to this Section must provide all documentation requested by the Board.

(d) An employee of the university who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the university may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the university to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the university at least once a week.

Section 35. The Illinois State University Law is amended by adding Section 20-220 as follows: (110 ILCS 675/20-220 new)

Sec. 20-220. COVID-19 paid administrative leave.

(a) During any time the Board, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the university for purposes related to COVID-19 and public health from being on university property, the employee of the university shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the university shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the university who is on paid administrative leave pursuant to this Section must provide all documentation requested by the Board.

(d) An employee of the university who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the university may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the university to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the university at least once a week.

Section 40. The Northeastern Illinois University Law is amended by adding Section 25-215 as follows:

(110 ILCS 680/25-215 new)

Sec. 25-215. COVID-19 paid administrative leave.

(a) During any time the Board, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the university for purposes related to COVID-19 and public health from being on university property, the employee of the university shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the university shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the university who is on paid administrative leave pursuant to this Section must provide all documentation requested by the Board.

(d) An employee of the university who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the university may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the university to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the university at least once a week.

Section 45. The Northern Illinois University Law is amended by adding Section 30-225 as follows:

(110 ILCS 685/30-225 new)

Sec. 30-225. COVID-19 paid administrative leave.

(a) During any time the Board, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the university for purposes related to COVID-19 and public health from being on university property, the employee of the university shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the

Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the university shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the university who is on paid administrative leave pursuant to this Section must provide all documentation requested by the Board.

(d) An employee of the university who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the university may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the university to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the university at least once a week.

Section 50. The Western Illinois University Law is amended by adding Section 35-220 as follows: (110 ILCS 690/35-220 new)

Sec. 35-220. COVID-19 paid administrative leave.

(a) During any time the Board, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the university for purposes related to COVID-19 and public health from being on university property, the employee of the university shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the university shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the university who is on paid administrative leave pursuant to this Section must provide all documentation requested by the Board.

(d) An employee of the university who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the university may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the university to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the university at least once a week.

Section 55. The Public Community College Act is amended by adding Section 3-29.15 as follows:

(110 ILCS 805/3-29.15 new)

Sec. 3-29.15. COVID-19 paid administrative leave.

(a) During any time the board, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the community college district for purposes related to COVID-19 and public health from being on district property, the employee of the district shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the community college district shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the community college district who is on paid administrative leave pursuant to this Section must provide all documentation requested by the board.

(d) An employee of the community college district who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the community college district may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the community college district to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the community college district at least once a week.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Belt offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 2778

AMENDMENT NO. 3 . Amend House Bill 2778 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 10-20.56 and 24-6 and by adding Sections 10-20.82, 34-18.77, and 34-85e as follows:

(105 ILCS 5/10-20.56)

(Text of Section before amendment by P.A. 102-584)

Sec. 10-20.56. E-learning days.

(a) The State Board of Education shall establish and maintain, for implementation in school districts, a program for use of electronic-learning (e-learning) days, as described in this Section. School districts may utilize a program approved under this Section for use during remote learning days and blended remote learning days under Section 10-30 or 34-18.66.

(b) The school board of a school district may, by resolution, adopt a research-based program or research-based programs for e-learning days district-wide that shall permit student instruction to be received electronically while students are not physically present in lieu of the district's scheduled emergency days as required by Section 10-19 of this Code. The research-based program or programs may not exceed the

minimum number of emergency days in the approved school calendar and must be verified by the regional office of education or intermediate service center for the school district on or before September 1st annually to ensure access for all students. The regional office of education or intermediate service center shall ensure that the specific needs of all students are met, including special education students and English learners, and that all mandates are still met using the proposed research-based program. The e-learning program may utilize the Internet, telephones, texts, chat rooms, or other similar means of electronic communication for instruction and interaction between teachers and students that meet the needs of all learners. The e-learning program shall address the school district's responsibility to ensure that all teachers and staff who may be involved in the provision of e-learning have access to any and all hardware and software that may be required for the program. If a proposed program does not address this responsibility, the school district must propose an alternate program.

(c) Before its adoption by a school board, the school board must hold a public hearing on a school district's initial proposal for an e-learning program or for renewal of such a program, at a regular or special meeting of the school board, in which the terms of the proposal must be substantially presented and an opportunity for allowing public comments must be provided. Notice of such public hearing must be provided at least 10 days prior to the hearing by:

(1) publication in a newspaper of general circulation in the school district;

(2) written or electronic notice designed to reach the parents or guardians of all students enrolled in the school district; and

(3) written or electronic notice designed to reach any exclusive collective bargaining representatives of school district employees and all those employees not in a collective bargaining unit.

(d) The regional office of education or intermediate service center for the school district must timely verify that a proposal for an e-learning program has met the requirements specified in this Section and that the proposal contains provisions designed to reasonably and practicably accomplish the following:

(1) to ensure and verify at least 5 clock hours of instruction or school work, as required under Section 10-19.05, for each student participating in an e-learning day;

(2) to ensure access from home or other appropriate remote facility for all students participating, including computers, the Internet, and other forms of electronic communication that must be utilized in the proposed program;

(2.5) to ensure that non-electronic materials are made available to students participating in the program who do not have access to the required technology or to participating teachers or students who are prevented from accessing the required technology;

(3) to ensure appropriate learning opportunities for students with special needs;

(4) to monitor and verify each student's electronic participation;

(5) to address the extent to which student participation is within the student's control as to the time, pace, and means of learning;

(6) to provide effective notice to students and their parents or guardians of the use of particular days for e-learning;

(7) to provide staff and students with adequate training for e-learning days' participation;

(8) to ensure an opportunity for any collective bargaining negotiations with representatives of the school district's employees that would be legally required, including all classifications of school district employees who are represented by collective bargaining agreements and who would be affected in the event of an e-learning day;

(9) to review and revise the program as implemented to address difficulties confronted; and

(10) to ensure that the protocol regarding general expectations and responsibilities of the program is communicated to teachers, staff, and students at least 30 days prior to utilizing an e-learning day.

The school board's approval of a school district's initial e-learning program and renewal of the e-learning program shall be for a term of 3 years.

(d-10) A school district shall pay to its employees who provide educational support services to the district, including, but not limited to, custodial, transportation, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for any school closure or e-learning day if the closure precludes them from performing their regularly scheduled duties and the employee would have reported for work but for the closure.

(d-15) A school district shall make full payment that would have otherwise been paid to its contractors who provide educational support services to the district, including, but not limited to, custodial, transportation, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for any school closure or e-learning day if any closure precludes them from performing their regularly scheduled duties and employees would have reported for work but for the closure. The employees who provide the support services covered by such contracts shall be paid their daily bid package rates and benefits as defined by their local operating agreements or collective bargaining agreements.

(e) The State Board of Education may adopt rules consistent with the provision of this Section.
(Source: P.A. 100-760, eff. 8-10-18; 101-12, eff. 7-1-19; 101-643, eff. 6-18-20.)

(Text of Section after amendment by P.A. 102-584)

Sec. 10-20.56. E-learning days.

(a) The State Board of Education shall establish and maintain, for implementation in school districts, a program for use of electronic-learning (e-learning) days, as described in this Section. School districts may utilize a program approved under this Section for use during remote learning days and blended remote learning days under Section 10-30 or 34-18.66.

(b) The school board of a school district may, by resolution, adopt a research-based program or research-based programs for e-learning days district-wide that shall permit student instruction to be received electronically while students are not physically present in lieu of the district's scheduled emergency days as required by Section 10-19 of this Code or because a school was selected to be a polling place under Section 11-4.1 of the Election Code. The research-based program or programs may not exceed the minimum number of emergency days in the approved school calendar and must be verified by the regional office of education or intermediate service center for the school district on or before September 1st annually to ensure access for all students. The regional office of education or intermediate service center shall ensure that the specific needs of all students are met, including special education students and English learners, and that all mandates are still met using the proposed research-based program. The e-learning program may utilize the Internet, telephones, texts, chat rooms, or other similar means of electronic communication for instruction and interaction between teachers and students that meet the needs of all learners. The e-learning program shall address the school district's responsibility to ensure that all teachers and staff who may be involved in the provision of e-learning have access to any and all hardware and software that may be required for the program. If a proposed program does not address this responsibility, the school district must propose an alternate program.

(c) Before its adoption by a school board, the school board must hold a public hearing on a school district's initial proposal for an e-learning program or for renewal of such a program, at a regular or special meeting of the school board, in which the terms of the proposal must be substantially presented and an opportunity for allowing public comments must be provided. Notice of such public hearing must be provided at least 10 days prior to the hearing by:

(1) publication in a newspaper of general circulation in the school district;

(2) written or electronic notice designed to reach the parents or guardians of all students enrolled in the school district; and

(3) written or electronic notice designed to reach any exclusive collective bargaining representatives of school district employees and all those employees not in a collective bargaining unit.

(d) The regional office of education or intermediate service center for the school district must timely verify that a proposal for an e-learning program has met the requirements specified in this Section and that the proposal contains provisions designed to reasonably and practicably accomplish the following:

(1) to ensure and verify at least 5 clock hours of instruction or school work, as required under Section 10-19.05, for each student participating in an e-learning day;

(2) to ensure access from home or other appropriate remote facility for all students participating, including computers, the Internet, and other forms of electronic communication that must be utilized in the proposed program;

(2.5) to ensure that non-electronic materials are made available to students participating in the program who do not have access to the required technology or to participating teachers or students who are prevented from accessing the required technology;

(3) to ensure appropriate learning opportunities for students with special needs;

(4) to monitor and verify each student's electronic participation;

(5) to address the extent to which student participation is within the student's control as to the time, pace, and means of learning;

(6) to provide effective notice to students and their parents or guardians of the use of particular days for e-learning;

(7) to provide staff and students with adequate training for e-learning days' participation;

(8) to ensure an opportunity for any collective bargaining negotiations with representatives of the school district's employees that would be legally required, including all classifications of school district employees who are represented by collective bargaining agreements and who would be affected in the event of an e-learning day;

(9) to review and revise the program as implemented to address difficulties confronted; and

(10) to ensure that the protocol regarding general expectations and responsibilities of the program is communicated to teachers, staff, and students at least 30 days prior to utilizing an e-learning day.

The school board's approval of a school district's initial e-learning program and renewal of the e-learning program shall be for a term of 3 years.

(d-5) A school district shall pay to its contractors who provide educational support services to the district, including, but not limited to, custodial, transportation, or food service providers, their daily, regular rate of pay or billings rendered for any e-learning day that is used because a school was selected to be a polling place under Section 11-4.1 of the Election Code, except that this requirement does not apply to contractors who are paid under contracts that are entered into, amended, or renewed on or after March 15, 2022 or to contracts that otherwise address compensation for such e-learning days.

(d-10) A school district shall pay to its employees who provide educational support services to the district, including, but not limited to, custodial, transportation, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for any school closure or e-learning day if the closure precludes them from performing their regularly scheduled duties and the employee would have reported for work but for the closure.

(d-15) A school district shall make full payment that would have otherwise been paid to its contractors who provide educational support services to the district, including, but not limited to, custodial, transportation, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for any school closure or e-learning day if any closure precludes them from performing their regularly scheduled duties and employees would have reported for work but for the closure. The employees who provide the support services covered by such contracts shall be paid their daily bid package rates and benefits as defined by their local operating agreements or collective bargaining agreements.

(e) The State Board of Education may adopt rules consistent with the provision of this Section.

(Source: P.A. 101-12, eff. 7-1-19; 101-643, eff. 6-18-20; 102-584, eff. 6-1-22.)

(105 ILCS 5/10-20.82 new)

Sec. 10-20.82. COVID-19 paid administrative leave.

(a) During any time a school district, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the school district for purposes related to COVID-19 and public health from being on school district property, the employee of the school district shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of a school district shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of a school district who is on paid administrative leave pursuant to this Section must provide all documentation requested by the school board.

(d) An employee of a school district who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the school district may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of a school district to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the school district at least once a week.

(105 ILCS 5/24-6)

Sec. 24-6. Sick leave. The school boards of all school districts, including special charter districts, but not including school districts in municipalities of 500,000 or more, shall grant their full-time teachers, and also shall grant such of their other employees as are eligible to participate in the Illinois Municipal Retirement Fund under the "600-Hour Standard" established, or under such other eligibility participation standard as may from time to time be established, by rules and regulations now or hereafter promulgated by the Board of that Fund under Section 7-198 of the Illinois Pension Code, as now or hereafter amended, sick leave provisions not less in amount than 10 days at full pay in each school year. If any such teacher or employee does not use the full amount of annual leave thus allowed, the unused amount shall be allowed to accumulate to a minimum available leave of 180 days at full pay, including the leave of the current year. Sick leave shall be interpreted to mean personal illness, quarantine at home, or serious illness or death in the immediate family or household. The school board may require a certificate from a 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, if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the teacher's or employee's faith as a basis for pay during leave after an absence of 3 days for personal illness or as the school board may deem necessary in other cases. If the school board does require a certificate as a basis for pay during leave of less than 3 days for personal illness, the school board shall pay, from school funds, the expenses incurred by the teachers or other employees in obtaining the certificate.

Sick leave shall also be interpreted to mean birth, adoption, placement for adoption, and the acceptance of a child in need of foster care. Teachers and other employees to which this Section applies are entitled to use up to 30 days of paid sick leave because of the birth of a child that is not dependent on the need to recover from childbirth. Paid sick leave because of the birth of a child may be used absent medical certification for up to 30 working school days, which days may be used at any time within the 12-month period following the birth of the child. The use of up to 30 working school days of paid sick leave because of the birth of a child may not be diminished as a result of any intervening period of nonworking days or school not being in session, such as for summer, winter, or spring break or holidays, that may occur during the use of the paid sick leave. For paid sick leave for adoption, placement for adoption, or the acceptance of a child in need of foster care, the school board may require that the teacher or other employee to which this Section applies provide evidence that the formal adoption process or the formal foster care process is underway, and such sick leave is limited to 30 days unless a longer leave has been negotiated with the exclusive bargaining representative. Paid sick leave for adoption, placement for adoption, or the acceptance of a child in need of foster care need not be used consecutively once the formal adoption process or the formal foster care process is underway, and such sick leave may be used for reasons related to the formal adoption process or the formal foster care process prior to taking custody of the child or accepting the child in need of foster care, in addition to using such sick leave upon taking custody of the child or accepting the child in need of foster care.

If, by reason of any change in the boundaries of school districts, or by reason of the creation of a new school district, the employment of a teacher is transferred to a new or different board, the accumulated sick leave of such teacher is not thereby lost, but is transferred to such new or different district.

Any sick leave used by a teacher or employee during the 2021-2022 school year for reasons related to guidance, mandates, or rules issued by the school district, the State or any of its agencies, or a local public health department related to COVID-19 and public health shall be returned to the teacher or employee.

For purposes of this Section, "immediate family" shall include parents, spouse, brothers, sisters, children, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law, and legal guardians. (Source: P.A. 102-275, eff. 8-6-21.)

(105 ILCS 5/34-18.77 new)

Sec. 34-18.77. COVID-19 paid administrative leave.

(a) During any time the school district, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the school district for purposes related to COVID-19 and public health from being on school district property, the employee of the school district shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the school district shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the school district who is on paid administrative leave pursuant to this Section must provide all documentation requested by the board.

(d) An employee of the school district who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the school district may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the school district to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the school district at least once a week.

(105 ILCS 5/34-85e new)

Sec. 34-85e. Sick leave related to COVID-19. Any sick leave used by a teacher or employee during the 2021-2022 school year for reasons related to guidance, mandates, or rules issued by the school district, the State or any of its agencies, or a local public health department related to COVID-19 and public health shall be returned to the teacher or employee.

Section 10. The University of Illinois Act is amended by adding Section 125 as follows:

(110 ILCS 305/125 new)

Sec. 125. COVID-19 paid administrative leave.

(a) During any time the Board of Trustees, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the university for purposes related to COVID-19 and public health from being on university property, the employee of the university shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the university shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the university who is on paid administrative leave pursuant to this Section must provide all documentation requested by the Board of Trustees.

(d) An employee of the university who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the university may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the university to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the university at least once a week.

Section 15. The Southern Illinois University Management Act is amended by adding Section 105 as follows:

(110 ILCS 520/105 new)

Sec. 105. COVID-19 paid administrative leave.

(a) During any time the Board, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the university for purposes related to COVID-19 and public health from being on university property, the employee of the university shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the university shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the university who is on paid administrative leave pursuant to this Section must provide all documentation requested by the Board.

(d) An employee of the university who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the university may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the university to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the university at least once a week.

Section 20. The Chicago State University Law is amended by adding Section 5-215 as follows:

(110 ILCS 660/5-215 new)

Sec. 5-215. COVID-19 paid administrative leave.

(a) During any time the Board, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the university for purposes related to COVID-19 and public health from being on university property, the employee of the

university shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the university shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the university who is on paid administrative leave pursuant to this Section must provide all documentation requested by the Board.

(d) An employee of the university who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the university may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the university to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the university at least once a week.

Section 25. The Eastern Illinois University Law is amended by adding Section 10-215 as follows:
(110 ILCS 665/10-215 new)

Sec. 10-215. COVID-19 paid administrative leave.

(a) During any time the Board, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the university for purposes related to COVID-19 and public health from being on university property, the employee of the university shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the university shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the university who is on paid administrative leave pursuant to this Section must provide all documentation requested by the Board.

(d) An employee of the university who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the university may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the university to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the university at least once a week.

Section 30. The Governors State University Law is amended by adding Section 15-215 as follows: (110 ILCS 670/15-215 new)

Sec. 15-215. COVID-19 paid administrative leave.

(a) During any time the Board, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the university for purposes related to COVID-19 and public health from being on university property, the employee of the university shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the university shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the university who is on paid administrative leave pursuant to this Section must provide all documentation requested by the Board.

(d) An employee of the university who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the university may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the university to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the university at least once a week.

Section 35. The Illinois State University Law is amended by adding Section 20-220 as follows: (110 ILCS 675/20-220 new)

Sec. 20-220. COVID-19 paid administrative leave.

(a) During any time the Board, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the university for purposes related to COVID-19 and public health from being on university property, the employee of the university shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the university shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the university who is on paid administrative leave pursuant to this Section must provide all documentation requested by the Board.

(d) An employee of the university who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the university may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the university to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the university at least once a week.

Section 40. The Northeastern Illinois University Law is amended by adding Section 25-215 as follows:

(110 ILCS 680/25-215 new)

Sec. 25-215. COVID-19 paid administrative leave.

(a) During any time the Board, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the university for purposes related to COVID-19 and public health from being on university property, the employee of the university shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the university shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the university who is on paid administrative leave pursuant to this Section must provide all documentation requested by the Board.

(d) An employee of the university who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the university may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the university to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the university at least once a week.

Section 45. The Northern Illinois University Law is amended by adding Section 30-225 as follows:

(110 ILCS 685/30-225 new)

Sec. 30-225. COVID-19 paid administrative leave.

(a) During any time the Board, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the university for purposes related to COVID-19 and public health from being on university property, the employee of the university shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the university shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the university who is on paid administrative leave pursuant to this Section must provide all documentation requested by the Board.

(d) An employee of the university who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the university may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the university to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the university at least once a week.

Section 50. The Western Illinois University Law is amended by adding Section 35-220 as follows: (110 ILCS 690/35-220 new)

Sec. 35-220. COVID-19 paid administrative leave.

(a) During any time the Board, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the university for purposes related to COVID-19 and public health from being on university property, the employee of the university shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the university shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the university who is on paid administrative leave pursuant to this Section must provide all documentation requested by the Board.

(d) An employee of the university who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the university may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the university to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the university at least once a week.

Section 55. The Public Community College Act is amended by adding Section 3-29.15 as follows: (110 ILCS 805/3-29.15 new)

Sec. 3-29.15. COVID-19 paid administrative leave.

(a) During any time the board, the State or any of its agencies, or a local public health department has issued guidance, mandates, or rules related to COVID-19 that restrict an employee of the community college district for purposes related to COVID-19 and public health from being on district property, the employee of the district shall receive as many days of administrative leave as required to abide by such public health guidance, mandates, and requirements issued by the Department of Public Health, unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, when the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(b) An employee of the community college district shall receive paid administrative leave pursuant to subsection (a), unless a longer period of paid administrative leave has been negotiated with the exclusive bargaining representative, to care for a child of the employee if the child is unable to attend elementary or secondary school because the child must be isolated or quarantined from others because the child has:

(1) a confirmed positive COVID-19 diagnosis via a molecular amplification diagnostic test, such as a polymerase chain reaction (PCR) test for COVID-19;

(2) a probable COVID-19 diagnosis via an antigen diagnostic test; or

(3) been in close contact with a person who has a confirmed case of COVID-19.

(c) An employee of the community college district who is on paid administrative leave pursuant to this Section must provide all documentation requested by the board.

(d) An employee of the community college district who is on paid administrative leave pursuant to this Section shall receive the employee's regular rate of pay. The use of a paid administrative leave day or days by an employee pursuant to this Section shall not diminish any other leave or benefits of the employee.

(e) An employee of the community college district may not accrue paid administrative leave pursuant to this Section.

(f) For an employee of the community college district to be eligible to receive paid administrative leave pursuant to this Section, the employee must:

(1) have received the recommended dose of a COVID-19 vaccine approved by the United States Food and Drug Administration; or

(2) participate in the COVID-19 testing program provided by the community college district at least once a week.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Belt, **House Bill No. 2778** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAY 1.

The following voted in the affirmative:

Anderson	Ellman	Lightford	Stadelman
Aquino	Feigenholtz	Loughran Cappel	Stoller
Barickman	Fine	Martwick	Syverson

Belt	Fowler	McClure	Tracy
Bennett	Gillespie	McConchie	Turner, D.
Bryant	Glowiak Hilton	Morrison	Turner, S.
Bush	Harris	Muñoz	Van Pelt
Castro	Hastings	Murphy	Villa
Collins	Holmes	Pacione-Zayas	Villanueva
Connor	Hunter	Peters	Villivalam
Crowe	Johnson	Rezin	Mr. President
Cunningham	Jones, E.	Rose	
Curran	Joyce	Simmons	
DeWitte	Koehler	Sims	

The following voted in the negative:

Bailey

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

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 601

Offered by Senator McClure and all Senators:
Mourns the death of Thomas Cavanagh of Springfield.

SENATE RESOLUTION NO. 602

Offered by Senator Muñoz and all Senators:
Mourns the passing of Special Agent Michael Gale "Mike" Garbo of Sahuarita, Arizona.

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

POSTING NOTICES WAIVED

Senator Bennett moved to waive the six-day posting requirement on **Senate Resolutions numbered 581 and 593** so that the measures may be heard in the Committee on State Government that is scheduled to meet October 27, 2021.

The motion prevailed.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 603

Offered by Senator Koehler and all Senators:
Mourns the death of Donna Vonachen Abdnour of Peoria.

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

REPORTS FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chair of the Committee on Assignments, during its October 27, 2021 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the

Senate:

Executive: **Motion to Concur in House Amendment No. 2 to Senate Bill 1040**

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

Executive: **Floor Amendment No. 2 to House Bill 3136; Floor Amendment No. 1 to House Bill 3293; Floor Amendment No. 2 to House Bill 3490; Floor Amendment No. 6 to House Bill 3666**.

State Government: **Floor Amendment No. 2 to House Bill 3416**.

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

Floor Amendment No. 2 to House Bill 106

The foregoing floor amendment was placed on the Secretary's Desk.

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

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

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following committees to meet at 1:15 o'clock p.m.:

Executive in Room 212
State Government in Room 409

At the hour of 12:11 o'clock p.m., the Chair announced that the Senate stands at recess subject to the call of the Chair.

AFTER RECESS

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 604

Offered by Senator Harmon and all Senators:
Mourns the death of Larry Stelivan.

SENATE RESOLUTION NO. 605

Offered by Senator Harmon and all Senators:
Mourns the death of Mark Scott McCollom.

SENATE RESOLUTION NO. 606

Offered by Senator Harmon and all Senators:

Mourns the death of Kathleen Lightfoot.

SENATE RESOLUTION NO. 607

Offered by Senator Harmon and all Senators:
Mourns the death of Dr. Robert Moriarty.

SENATE RESOLUTION NO. 608

Offered by Senator Harmon and all Senators:
Mourns the death of Marie Nickels.

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

INTRODUCTION OF BILLS

SENATE BILL NO. 2951. Introduced by Senator Hunter, 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.

SENATE BILL NO. 2952. Introduced by Senator Van Pelt, a bill for AN ACT concerning public employee benefits.

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

REPORTS FROM STANDING COMMITTEES

Senator Landek, Chair of the Committee on State Government, to which was referred **Senate Resolutions Numbered 581 and 593**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions Numbered 581 and 593** were placed on the Secretary's Desk.

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

Senate Amendment No. 2 to House Bill 3416

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

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

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

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

Motion to Concur in House Amendment No. 2 to Senate Bill 1040

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

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

Senate Amendment No. 2 to House Bill 3136
Senate Amendment No. 1 to House Bill 3293

Senate Amendment No. 2 to House Bill 3490
Senate Amendment No. 6 to House Bill 3666

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

MESSAGES FROM THE HOUSE

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

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

SENATE BILL NO. 1784

A bill for AN ACT concerning education.

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

House Amendment No. 1 to SENATE BILL NO. 1784
House Amendment No. 2 to SENATE BILL NO. 1784

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

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1784

AMENDMENT NO. 1 . Amend Senate Bill 1784 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 1-2 as follows:
(105 ILCS 5/1-2) (from Ch. 122, par. 1-2)
Sec. 1-2. Construction. The ~~The~~ provisions of this Act, so far as they are the same as those of any prior statute, shall be construed as a continuation of such prior provisions, and not as a new enactment.
If in any other statute reference is made to an Act of the General Assembly, or a section of such an Act, which is continued in this School Code, such reference shall be held to refer to the Act or section thereof so continued in this Code.
(Source: Laws 1961, p. 31.)

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

AMENDMENT NO. 2 TO SENATE BILL 1784

AMENDMENT NO. 2 . Amend Senate Bill 1784, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Section 2A-1.2 as follows:
(10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)
(Text of Section before amendment by P.A. 102-177)
Sec. 2A-1.2. Consolidated schedule of elections; offices designated.
(a) At the general election in the appropriate even-numbered years, the following offices shall be filled or shall be on the ballot as otherwise required by this Code:
(1) Elector of President and Vice President of the United States;
(2) United States Senator and United States Representative;
(3) State Executive Branch elected officers;
(4) State Senator and State Representative;
(5) County elected officers, including State's Attorney, County Board member, County Commissioners, and elected President of the County Board or County Chief Executive;
(6) Circuit Court Clerk;
(7) Regional Superintendent of Schools, except in counties or educational service regions in which that office has been abolished;
(8) Judges of the Supreme, Appellate and Circuit Courts, on the question of retention, to fill vacancies and newly created judicial offices;

(9) (Blank);

(10) Trustee of the Metropolitan Water Reclamation District of Greater Chicago, and elected Trustee of other Sanitary Districts;

(11) Special District elected officers, not otherwise designated in this Section, where the statute creating or authorizing the creation of the district requires an annual election and permits or requires election of candidates of political parties.

(b) At the general primary election:

(1) in each even-numbered year candidates of political parties shall be nominated for those offices to be filled at the general election in that year, except where pursuant to law nomination of candidates of political parties is made by caucus.

(2) in the appropriate even-numbered years the political party offices of State central committeeperson, township committeeperson, ward committeeperson, and precinct committeeperson shall be filled and delegates and alternate delegates to the National nominating conventions shall be elected as may be required pursuant to this Code. In the even-numbered years in which a Presidential election is to be held, candidates in the Presidential preference primary shall also be on the ballot.

(3) in each even-numbered year, where the municipality has provided for annual elections to elect municipal officers pursuant to Section 6(f) or Section 7 of Article VII of the Constitution, pursuant to the Illinois Municipal Code or pursuant to the municipal charter, the offices of such municipal officers shall be filled at an election held on the date of the general primary election, provided that the municipal election shall be a nonpartisan election where required by the Illinois Municipal Code. For partisan municipal elections in even-numbered years, a primary to nominate candidates for municipal office to be elected at the general primary election shall be held on the Tuesday 6 weeks preceding that election.

(4) in each school district which has adopted the provisions of Article 33 of the School Code, successors to the members of the board of education whose terms expire in the year in which the general primary is held shall be elected.

(c) At the consolidated election in the appropriate odd-numbered years, the following offices shall be filled:

(1) Municipal officers, provided that in municipalities in which candidates for alderperson or other municipal office are not permitted by law to be candidates of political parties, the runoff election where required by law, or the nonpartisan election where required by law, shall be held on the date of the consolidated election; and provided further, in the case of municipal officers provided for by an ordinance providing the form of government of the municipality pursuant to Section 7 of Article VII of the Constitution, such offices shall be filled by election or by runoff election as may be provided by such ordinance;

(2) Village and incorporated town library directors;

(3) City boards of stadium commissioners;

(4) Commissioners of park districts;

(5) Trustees of public library districts;

(6) Special District elected officers, not otherwise designated in this Section, where the statute creating or authorizing the creation of the district permits or requires election of candidates of political parties;

(7) Township officers, including township park commissioners, township library directors, and boards of managers of community buildings, and Multi-Township Assessors;

(8) Highway commissioners and road district clerks;

(9) Members of school boards in school districts which adopt Article 33 of the School Code;

(10) The directors and chair of the Chain O Lakes - Fox River Waterway Management Agency;

(11) Forest preserve district commissioners elected under Section 3.5 of the Downstate Forest Preserve District Act;

(12) Elected members of school boards, school trustees, directors of boards of school directors, trustees of county boards of school trustees (except in counties or educational service regions having a population of 2,000,000 or more inhabitants) and members of boards of school inspectors, except school boards in school districts that adopt Article 33 of the School Code;

(13) Members of Community College district boards;

(14) Trustees of Fire Protection Districts;

(15) Commissioners of the Springfield Metropolitan Exposition and Auditorium Authority;

(16) Elected Trustees of Tuberculosis Sanitarium Districts;

(17) Elected Officers of special districts not otherwise designated in this Section for which the law governing those districts does not permit candidates of political parties.

(d) At the consolidated primary election in each odd-numbered year, candidates of political parties shall be nominated for those offices to be filled at the consolidated election in that year, except where pursuant to law nomination of candidates of political parties is made by caucus, and except those offices listed in paragraphs (12) through (17) of subsection (c).

At the consolidated primary election in the appropriate odd-numbered years, the mayor, clerk, treasurer, and alderpersons shall be elected in municipalities in which candidates for mayor, clerk, treasurer, or alderperson are not permitted by law to be candidates of political parties, subject to runoff elections to be held at the consolidated election as may be required by law, and municipal officers shall be nominated in a nonpartisan election in municipalities in which pursuant to law candidates for such office are not permitted to be candidates of political parties.

At the consolidated primary election in the appropriate odd-numbered years, municipal officers shall be nominated or elected, or elected subject to a runoff, as may be provided by an ordinance providing a form of government of the municipality pursuant to Section 7 of Article VII of the Constitution.

(e) (Blank).

(f) At any election established in Section 2A-1.1, public questions may be submitted to voters pursuant to this Code and any special election otherwise required or authorized by law or by court order may be conducted pursuant to this Code.

Notwithstanding the regular dates for election of officers established in this Article, whenever a referendum is held for the establishment of a political subdivision whose officers are to be elected, the initial officers shall be elected at the election at which such referendum is held if otherwise so provided by law. In such cases, the election of the initial officers shall be subject to the referendum.

Notwithstanding the regular dates for election of officials established in this Article, any community college district which becomes effective by operation of law pursuant to Section 6-6.1 of the Public Community College Act, as now or hereafter amended, shall elect the initial district board members at the next regularly scheduled election following the effective date of the new district.

(g) At any election established in Section 2A-1.1, if in any precinct there are no offices or public questions required to be on the ballot under this Code then no election shall be held in the precinct on that date.

(h) There may be conducted a referendum in accordance with the provisions of Division 6-4 of the Counties Code.

(Source: P.A. 102-15, eff. 6-17-21; 102-558, eff. 8-20-21.)

(Text of Section after amendment by P.A. 102-177)

Sec. 2A-1.2. Consolidated schedule of elections; offices designated.

(a) At the general election in the appropriate even-numbered years, the following offices shall be filled or shall be on the ballot as otherwise required by this Code:

(1) Elector of President and Vice President of the United States.

(2) United States Senator and United States Representative.

(3) State Executive Branch elected officers.

(4) State Senator and State Representative.

(5) County elected officers, including State's Attorney, County Board member, County Commissioners, and elected President of the County Board or County Chief Executive.

(6) Circuit Court Clerk.

(7) Regional Superintendent of Schools, except in counties or educational service regions in which that office has been abolished.

(8) Judges of the Supreme, Appellate and Circuit Courts, on the question of retention, to fill vacancies and newly created judicial offices.

(9) (Blank).

(10) Trustee of the Metropolitan Water Reclamation District of Greater Chicago, and elected Trustee of other Sanitary Districts.

(11) Special District elected officers, not otherwise designated in this Section, where the statute creating or authorizing the creation of the district requires an annual election and permits or requires election of candidates of political parties.

(12) Beginning with the 2024 general election ~~on November 5, 2024~~, the elected members of the Chicago Board of Education; the election of members of the Chicago Board of Education shall be a nonpartisan election as provided for under this Code and may be conducted on a separate ballot.

(b) At the general primary election:

(1) in each even-numbered year candidates of political parties shall be nominated for those offices to be filled at the general election in that year, except where pursuant to law nomination of candidates of political parties is made by caucus.

(2) in the appropriate even-numbered years the political party offices of State central committeeperson, township committeeperson, ward committeeperson, and precinct committeeperson shall be filled and delegates and alternate delegates to the National nominating conventions shall be elected as may be required pursuant to this Code. In the even-numbered years in which a Presidential election is to be held, candidates in the Presidential preference primary shall also be on the ballot.

(3) in each even-numbered year, where the municipality has provided for annual elections to elect municipal officers pursuant to Section 6(f) or Section 7 of Article VII of the Constitution, pursuant to the Illinois Municipal Code or pursuant to the municipal charter, the offices of such municipal officers shall be filled at an election held on the date of the general primary election, provided that the municipal election shall be a nonpartisan election where required by the Illinois Municipal Code. For partisan municipal elections in even-numbered years, a primary to nominate candidates for municipal office to be elected at the general primary election shall be held on the Tuesday 6 weeks preceding that election.

(4) in each school district which has adopted the provisions of Article 33 of the School Code, successors to the members of the board of education whose terms expire in the year in which the general primary is held shall be elected.

(c) At the consolidated election in the appropriate odd-numbered years, the following offices shall be filled:

(1) Municipal officers, provided that in municipalities in which candidates for alderperson or other municipal office are not permitted by law to be candidates of political parties, the runoff election where required by law, or the nonpartisan election where required by law, shall be held on the date of the consolidated election; and provided further, in the case of municipal officers provided for by an ordinance providing the form of government of the municipality pursuant to Section 7 of Article VII of the Constitution, such offices shall be filled by election or by runoff election as may be provided by such ordinance;

(2) Village and incorporated town library directors;

(3) City boards of stadium commissioners;

(4) Commissioners of park districts;

(5) Trustees of public library districts;

(6) Special District elected officers, not otherwise designated in this Section, where the statute creating or authorizing the creation of the district permits or requires election of candidates of political parties;

(7) Township officers, including township park commissioners, township library directors, and boards of managers of community buildings, and Multi-Township Assessors;

(8) Highway commissioners and road district clerks;

(9) Members of school boards in school districts which adopt Article 33 of the School Code;

(10) The directors and chair of the Chain O Lakes - Fox River Waterway Management Agency;

(11) Forest preserve district commissioners elected under Section 3.5 of the Downstate Forest Preserve District Act;

(12) Elected members of school boards, school trustees, directors of boards of school directors, trustees of county boards of school trustees (except in counties or educational service regions having a population of 2,000,000 or more inhabitants) and members of boards of school inspectors, except school boards in school districts that adopt Article 33 of the School Code;

(13) Members of Community College district boards;

(14) Trustees of Fire Protection Districts;

(15) Commissioners of the Springfield Metropolitan Exposition and Auditorium Authority;

(16) Elected Trustees of Tuberculosis Sanitarium Districts;

(17) Elected Officers of special districts not otherwise designated in this Section for which the law governing those districts does not permit candidates of political parties.

(d) At the consolidated primary election in each odd-numbered year, candidates of political parties shall be nominated for those offices to be filled at the consolidated election in that year, except where pursuant to law nomination of candidates of political parties is made by caucus, and except those offices listed in paragraphs (12) through (17) of subsection (c).

At the consolidated primary election in the appropriate odd-numbered years, the mayor, clerk, treasurer, and alderpersons shall be elected in municipalities in which candidates for mayor, clerk, treasurer, or alderperson are not permitted by law to be candidates of political parties, subject to runoff elections to be held at the consolidated election as may be required by law, and municipal officers shall be nominated in a nonpartisan election in municipalities in which pursuant to law candidates for such office are not permitted to be candidates of political parties.

At the consolidated primary election in the appropriate odd-numbered years, municipal officers shall be nominated or elected, or elected subject to a runoff, as may be provided by an ordinance providing a form of government of the municipality pursuant to Section 7 of Article VII of the Constitution.

(e) (Blank).

(f) At any election established in Section 2A-1.1, public questions may be submitted to voters pursuant to this Code and any special election otherwise required or authorized by law or by court order may be conducted pursuant to this Code.

Notwithstanding the regular dates for election of officers established in this Article, whenever a referendum is held for the establishment of a political subdivision whose officers are to be elected, the initial officers shall be elected at the election at which such referendum is held if otherwise so provided by law. In such cases, the election of the initial officers shall be subject to the referendum.

Notwithstanding the regular dates for election of officials established in this Article, any community college district which becomes effective by operation of law pursuant to Section 6-6.1 of the Public Community College Act, as now or hereafter amended, shall elect the initial district board members at the next regularly scheduled election following the effective date of the new district.

(g) At any election established in Section 2A-1.1, if in any precinct there are no offices or public questions required to be on the ballot under this Code then no election shall be held in the precinct on that date.

(h) There may be conducted a referendum in accordance with the provisions of Division 6-4 of the Counties Code.

(Source: P.A. 102-15, eff. 6-17-21; 102-177, eff. 6-1-22; 102-558, eff. 8-20-21; revised 9-21-21.)

Section 10. The School Code is amended by changing Sections 34-3, 34-4, and 34-4.1 and by renumbering and changing Sections 34-18.67 and 34-21.9, as added by Public Act 102-177, as follows:

(105 ILCS 5/34-3) (from Ch. 122, par. 34-3)

(Text of Section before amendment by P.A. 102-177)

Sec. 34-3. Chicago School Reform Board of Trustees; new Chicago Board of Education; members; term; vacancies.

(a) Within 30 days after the effective date of this amendatory Act of 1995, the terms of all members of the Chicago Board of Education holding office on that date are abolished and the Mayor shall appoint, without the consent or approval of the City Council, a 5 member Chicago School Reform Board of Trustees which shall take office upon the appointment of the fifth member. The Chicago School Reform Board of Trustees and its members shall serve until, and the terms of all members of the Chicago School Reform Board of Trustees shall expire on, June 30, 1999 or upon the appointment of a new Chicago Board of Education as provided in subsection (b), whichever is later. Any vacancy in the membership of the Trustees shall be filled through appointment by the Mayor, without the consent or approval of the City Council, for the unexpired term. One of the members appointed by the Mayor to the Trustees shall be designated by the Mayor to serve as President of the Trustees. The Mayor shall appoint a full-time, compensated chief executive officer, and his or her compensation as such chief executive officer shall be determined by the Mayor. The Mayor, at his or her discretion, may appoint the President to serve simultaneously as the chief executive officer.

(b) Within 30 days before the expiration of the terms of the members of the Chicago Reform Board of Trustees as provided in subsection (a), a new Chicago Board of Education consisting of 7 members shall be appointed by the Mayor to take office on the later of July 1, 1999 or the appointment of the seventh member. Three of the members initially so appointed under this subsection shall serve for terms ending June 30, 2002, 4 of the members initially so appointed under this subsection shall serve for terms ending June 30,

2003, and each member initially so appointed shall continue to hold office until his or her successor is appointed and qualified. Thereafter at the expiration of the term of any member a successor shall be appointed by the Mayor and shall hold office for a term of 4 years, from July 1 of the year in which the term commences and until a successor is appointed and qualified. Any vacancy in the membership of the Chicago Board of Education shall be filled through appointment by the Mayor for the unexpired term. No appointment to membership on the Chicago Board of Education that is made by the Mayor under this subsection shall require the approval of the City Council, whether the appointment is made for a full term or to fill a vacancy for an unexpired term on the Board. The board shall elect annually from its number a president and vice-president, in such manner and at such time as the board determines by its rules. The officers so elected shall each perform the duties imposed upon their respective office by the rules of the board, provided that (i) the president shall preside at meetings of the board and vote as any other member but have no power of veto, and (ii) the vice president shall perform the duties of the president if that office is vacant or the president is absent or unable to act. The secretary of the Board shall be selected by the Board and shall be an employee of the Board rather than a member of the Board, notwithstanding subsection (d) of Section 34-3.3. The duties of the secretary shall be imposed by the rules of the Board.

(c) The board may appoint a student to the board to serve in an advisory capacity. The student member shall serve for a term as determined by the board. The board may not grant the student member any voting privileges, but shall consider the student member as an advisor. The student member may not participate in or attend any executive session of the board.
(Source: P.A. 94-231, eff. 7-14-05.)

(Text of Section after amendment by P.A. 102-177)

Sec. 34-3. Chicago School Reform Board of Trustees; new Chicago Board of Education; members; term; vacancies.

(a) Within 30 days after the effective date of this amendatory Act of 1995, the terms of all members of the Chicago Board of Education holding office on that date are abolished and the Mayor shall appoint, without the consent or approval of the City Council, a 5 member Chicago School Reform Board of Trustees which shall take office upon the appointment of the fifth member. The Chicago School Reform Board of Trustees and its members shall serve until, and the terms of all members of the Chicago School Reform Board of Trustees shall expire on, June 30, 1999 or upon the appointment of a new Chicago Board of Education as provided in subsection (b), whichever is later. Any vacancy in the membership of the Trustees shall be filled through appointment by the Mayor, without the consent or approval of the City Council, for the unexpired term. One of the members appointed by the Mayor to the Trustees shall be designated by the Mayor to serve as President of the Trustees. The Mayor shall appoint a full-time, compensated chief executive officer, and his or her compensation as such chief executive officer shall be determined by the Mayor. The Mayor, at his or her discretion, may appoint the President to serve simultaneously as the chief executive officer.

(b) This subsection applies until January 15, 2025. Within 30 days before the expiration of the terms of the members of the Chicago Reform Board of Trustees as provided in subsection (a), a new Chicago Board of Education consisting of 7 members shall be appointed by the Mayor to take office on the later of July 1, 1999 or the appointment of the seventh member. Three of the members initially so appointed under this subsection shall serve for terms ending June 30, 2002, 4 of the members initially so appointed under this subsection shall serve for terms ending June 30, 2003, and each member initially so appointed shall continue to hold office until his or her successor is appointed and qualified.

(b-5) On January 15, 2025, the terms of all members of the Chicago Board of Education appointed under subsection (b) are abolished when the new board, consisting of 21 members, is appointed by the Mayor and elected by the electors of the school district as provided under subsections (b-10) and (b-15) and takes office.

(b-10) By December 16, 2024 for a term of office beginning on January 15, 2025, the Mayor shall appoint 10 Chicago Board of Education members~~, with the advice and consent of the City Council,~~ to serve terms of 2 years. All appointed members shall serve until a successor is appointed or elected and qualified. Thereafter at the expiration of the term of any member a successor shall be elected and shall hold office for a term of 4 years, from January 15 of the year in which the term commences and until a successor is appointed or elected and qualified. Any vacancy in the appointed membership of the Chicago Board of Education shall be filled through appointment by the Mayor~~, with the consent of the Board,~~ for the unexpired term. The terms of the 10 appointed members under this subsection shall end on January 14,

2027. By December 16, 2024 for a term of office beginning on January 15, 2025, the Mayor shall appoint a President of the Board~~, with the advice and consent of the City Council,~~ for a term of 2 years. The board shall elect annually from its number a vice-president, in such manner and at such time as the board determines by its rules. The president appointed by the Mayor ~~elected by the voters~~ and vice-president elected by the board shall each perform the duties imposed upon their respective office by the rules of the board, provided that (i) the president shall preside at meetings of the board and shall only have voting rights to break a voting tie of the other Chicago Board of Education elected and appointed members and (ii) the vice president shall perform the duties of the president if that office is vacant or the president is absent or unable to act. Beginning with the 2026 general election, one member shall be elected at large and serve as the president of the board. After January 15, 2027, the president shall preside at meetings of the board and vote as any other member but have no power of veto. The secretary of the Board shall be selected by the Board and shall be an employee of the Board rather than a member of the Board, notwithstanding subsection (d) of Section 34-3.3. The duties of the secretary shall be imposed by the rules of the Board.

(b-15) Beginning with the 2024 general election, 10 members of the Chicago Board of Education shall be elected to serve a term of 4 years in office beginning on January 15, 2025. Beginning with the 2026 general election, 10 members of the Chicago Board of Education shall be elected to serve a term of 4 years in office beginning on January 15, 2027. Whenever a vacancy of a Chicago Board of Education elected board member occurs, the President of the Board shall notify the Mayor of the vacancy within 7 days after its occurrence and shall, within 30 days, fill the vacancy for the remainder of the unexpired term by majority vote of the remaining board members. The successor shall have the same qualifications as his or her predecessor.

For purposes of elections conducted under this subsection, the City of Chicago shall be subdivided into electoral districts as provided under subsection (a) of Section 34-21.10 ~~34-21.9~~. From January 15, 2025 to January 14, 2027, each district shall be represented by one elected member and one appointed member. After January 15, 2027, each district shall be represented by one elected member.

(b-30) No member shall have, or be an employee or owner of a company that has, a contract with the school district. No former officer, member, or employee of the board shall, within a period of one year immediately after termination of service on the board, knowingly accept employment or receive compensation or fees for services from a person or entity if the officer, member, or employee, during the year immediately preceding termination of service on the board, participated personally and substantially in the award of contracts with the board or the school district, or the issuance of contract change orders with the board or the school district, with a cumulative value of $25,000 or more to the person or entity, or its parent or subsidiary.

(c) The board may appoint a student to the board to serve in an advisory capacity. The student member shall serve for a term as determined by the board. The board may not grant the student member any voting privileges, but shall consider the student member as an advisor. The student member may not participate in or attend any executive session of the board.

(Source: P.A. 102-177, eff. 6-1-22; revised 10-20-21.)

(105 ILCS 5/34-4) (from Ch. 122, par. 34-4)

(Text of Section before amendment by P.A. 102-177)

Sec. 34-4. Eligibility. To be eligible for appointment to the board, a person shall be a citizen of the United States, shall be a registered voter as provided in the Election Code, shall have been a resident of the city for at least 3 years immediately preceding his or her appointment, and shall not be a child sex offender as defined in Section 11-9.3 of the Criminal Code of 2012. Permanent removal from the city by any member of the board during his term of office constitutes a resignation therefrom and creates a vacancy in the board. Except for the President of the Chicago School Reform Board of Trustees who may be paid compensation for his or her services as chief executive officer as determined by the Mayor as provided in subsection (a) of Section 34-3, board members shall serve without any compensation; provided, that board members shall be reimbursed for expenses incurred while in the performance of their duties upon submission of proper receipts or upon submission of a signed voucher in the case of an expense allowance evidencing the amount of such reimbursement or allowance to the president of the board for verification and approval. The board of education may continue to provide health care insurance coverage, employer pension contributions, employee pension contributions, and life insurance premium payments for an employee required to resign from an administrative, teaching, or career service position in order to qualify as a member of the board of education. They shall not hold other public office under the Federal, State or any local government other than that of Director of the Regional Transportation Authority, member of the economic development

commission of a city having a population exceeding 500,000, notary public or member of the National Guard, and by accepting any such office while members of the board, or by not resigning any such office held at the time of being appointed to the board within 30 days after such appointment, shall be deemed to have vacated their membership in the board.
(Source: P.A. 97-1150, eff. 1-25-13.)

(Text of Section after amendment by P.A. 102-177)

Sec. 34-4. Eligibility. To be eligible for election or appointment to the board, a person shall be a citizen of the United States, shall be a registered voter as provided in the Election Code, shall have been a resident of the city and, if applicable, the electoral district, for at least one year immediately preceding his or her election or appointment, and shall not be a child sex offender as defined in Section 11-9.3 of the Criminal Code of 2012. A person is ineligible for election or appointment to the board if that person is an employee of the school district. All persons eligible for election to the board shall be nominated by a petition signed by no less than 250 voters residing within the electoral district on a petition in order to be placed on the ballot, except that persons eligible for election to the board at large shall be nominated by a petition signed by no less than 2,500 voters residing within the city. Permanent removal from the city by any member of the board during his term of office constitutes a resignation therefrom and creates a vacancy in the board. Board members shall serve without any compensation; however, board members shall be reimbursed for expenses incurred while in the performance of their duties upon submission of proper receipts or upon submission of a signed voucher in the case of an expense allowance evidencing the amount of such reimbursement or allowance to the president of the board for verification and approval. Board members shall not hold other public office under the Federal, State or any local government other than that of Director of the Regional Transportation Authority, member of the economic development commission of a city having a population exceeding 500,000, notary public or member of the National Guard, and by accepting any such office while members of the board, or by not resigning any such office held at the time of being elected or appointed to the board within 30 days after such election or appointment, shall be deemed to have vacated their membership in the board.
(Source: P.A. 102-177, eff. 6-1-22.)

(105 ILCS 5/34-4.1)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 34-4.1. Nomination petitions. In addition to the requirements of the general election law, the form of petitions under Section 34-4 of this Code shall be substantially as follows:

NOMINATING PETITIONS

(LEAVE OUT THE INAPPLICABLE PART.)

To the Board of Election Commissioners for the City of Chicago:

We the undersigned, being (.... or more) of the voters residing within said district, hereby petition that .... who resides at .... in the City of Chicago shall be a candidate for the office of .... of the board of education (full term) (vacancy) to be voted for at the election to be held on (insert date).

Name: ..... Address: .....

In the designation of the name of a candidate on a petition for nomination, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof may be used in addition to the candidate's surname. If a candidate has changed his or her name, whether by a statutory or common law procedure in Illinois or any other jurisdiction, within 3 years before the last day for filing the petition, then (i) the candidate's name on the petition must be followed by "formerly known as (list all prior names during the 3-year period) until name changed on (list date of each such name change)" and (ii) the petition must be accompanied by the candidate's affidavit stating the candidate's previous names during the period specified in clause (i) and the date or dates each of those names was changed; failure to meet these requirements shall be grounds for denying certification of the candidate's name for the ballot, but these requirements do not apply to name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname. No other designation, such as a political slogan, as defined by Section 7-17 of the Election Code, title or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname.

All petitions for the nomination of members of a board of education shall be filed with the board of election commissioners of the jurisdiction in which the principal office of the school district is located

within the time provided for by the general election law, except that petitions for the nomination of members of the board of education for the 2024 general primary ~~March 15, 2022~~ election shall be prepared and certified on the same schedule as the petition schedule for the candidates for the General Assembly. The board of election commissioners shall receive and file only those petitions that include a statement of candidacy, the required number of voter signatures, the notarized signature of the petition circulator, and a receipt from the county clerk showing that the candidate has filed a statement of economic interest on or before the last day to file as required by the Illinois Governmental Ethics Act. The board of election commissioners may have petition forms available for issuance to potential candidates and may give notice of the petition filing period by publication in a newspaper of general circulation within the school district not less than 10 days prior to the first day of filing. The board of election commissioners shall make certification to the proper election authorities in accordance with the general election law.

The board of election commissioners of the jurisdiction in which the principal office of the school district is located shall notify the candidates for whom a petition for nomination is filed or the appropriate committee of the obligations under the Campaign Financing Act as provided in the general election law. Such notice shall be given on a form prescribed by the State Board of Elections and in accordance with the requirements of the general election law. The board of election commissioners shall within 7 days of filing or on the last day for filing, whichever is earlier, acknowledge to the petitioner in writing the office's acceptance of the petition.

A candidate for membership on the board of education who has petitioned for nomination to fill a full term and to fill a vacant term to be voted upon at the same election must withdraw his or her petition for nomination from either the full term or the vacant term by written declaration.

Nomination petitions are not valid unless the candidate named therein files with the board of election commissioners a receipt from the county clerk showing that the candidate has filed a statement of economic interests as required by the Illinois Governmental Ethics Act. Such receipt shall be so filed either previously during the calendar year in which his or her nomination papers were filed or within the period for the filing of nomination papers in accordance with the general election law.

(Source: P.A. 102-177, eff. 6-1-22.)

(105 ILCS 5/34-18.70)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 34-18.70 ~~34-18.67~~. Independent financial review ~~Financial Review~~. The Chicago Board of Education shall commission an independent review and report of the district's finances and entanglements with the City of Chicago. No later than October 31, 2022 ~~June 30, 2025~~, the report shall be provided to the Governor, the ~~Illinois~~ State Board of Education, the ~~Illinois~~ General Assembly, the Mayor of the City of Chicago, and the Chicago Board of Education. No later than July 1, 2023, the ~~The Illinois~~ State Board of Education shall review the independent review and report and make recommendations to the legislature on the Chicago Board of Education's ability to operate with the financial resources available to it as an independent unit of local government.

(Source: P.A. 102-177, eff. 6-1-22; revised 10-19-21.)

(105 ILCS 5/34-21.10)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 34-21.10 ~~34-21.9~~. Creation of electoral districts; reapportionment of districts.

(a) For purposes of elections conducted pursuant to subsection (b-5) of Section 34-3, the City of Chicago shall be subdivided into 10 electoral districts for the 2024 elections and into 20 electoral districts for the 2026 elections after the effective date of this amendatory Act of the 102nd General Assembly by the General Assembly for seats on the Chicago Board of Education. The electoral districts must be drawn on or before July 1, 2023 ~~February 1, 2022~~. Each district must be compact, contiguous, and substantially equal in population and consistent with the Illinois Voting Rights Act.

(b) In the year following each decennial census, the General Assembly shall redistrict the electoral districts to reflect the results of the decennial census consistent with the requirements in subsection (a). The reapportionment plan shall be completed and formally approved by the General Assembly not less than 90 days before the last date established by law for the filing of nominating petitions for the second school board election after the decennial census year. If by reapportionment a board member no longer resides within the electoral district from which the member was elected, the member shall continue to serve in office until the expiration of the member's regular term. All new members shall be elected from the electoral districts as reapportioned.

(Source: P.A. 102-177, eff. 6-1-22; revised 10-20-21.)

Section 15. "An Act concerning elections", approved July 29, 2021, Public Act 102-177, is amended by adding Section 99 as follows:

(P.A. 102-177, Sec. 99 new)

Sec. 99. Effective date. This Section and the provisions changing Section 34-18.69 of the School Code take effect upon becoming law.

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 on June 1, 2022, except that this Section and Section 15 take effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 1784**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

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

HOUSE BILL NO. 307

A bill for AN ACT concerning State government.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 307

Senate Amendment No. 2 to HOUSE BILL NO. 307

Concurred in by the House, October 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

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

HOUSE BILL NO. 359

A bill for AN ACT concerning military service.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 359

Concurred in by the House, October 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to the following joint resolution, to-wit:

HOUSE JOINT RESOLUTION NO. 27

Senate Amendment No. 1

Action taken by the House, October 27, 2021.

JOHN W. HOLLMAN, Clerk of the House

JOINT ACTION MOTIONS FILED

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

Motion to Concur in House Amendment No. 1 to Senate Bill 1784
Motion to Concur in House Amendment No. 2 to Senate Bill 1784

HOUSE BILL RECALLED

On motion of Senator Joyce, **House Bill No. 3416** was recalled from the order of third reading to the order of second reading.

Senator Joyce offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 3416

AMENDMENT NO. 2 . Amend House Bill 3416, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Industrial Hemp Act is amended by changing Sections 5, 10, and 15 as follows:

(505 ILCS 89/5)

Sec. 5. Definitions. In this Act:

"Department" means the Department of Agriculture.

"Director" means the Director of Agriculture.

"Hemp" or "industrial ~~Industrial~~ hemp" means the plant Cannabis sativa L. and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis ~~that has been cultivated under a license issued under this Act or is otherwise lawfully present in this State,~~ and includes any intermediate or finished product made or derived from industrial hemp.

"Hemp production plan" means a plan submitted by the Department to the Secretary of the United States Department of Agriculture pursuant to the federal Agriculture Improvement Act of 2018, Public Law 115-334, and consistent with the Domestic Hemp Production Program pursuant to 7 CFR Part 990 wherein the Department establishes its desire to have primary regulatory authority over the production of hemp.

"Land area" means a farm as defined in Section 1-60 of the Property Tax Code in this State or land or facilities under the control of an institution of higher education.

"Person" means any individual, partnership, firm, corporation, company, society, association, the State or any department, agency, or subdivision thereof, or any other entity.

"Process" means the conversion of raw industrial hemp plant material into a form that is presently legal to import from outside the United States under federal law.

"THC" means delta-9 tetrahydrocannabinol.

(Source: P.A. 100-1091, eff. 8-26-18.)

(505 ILCS 89/10)

Sec. 10. Licenses and registration.

(a) No ~~Under Section 5940 of Title 7 of the United States Code, no~~ person shall cultivate industrial hemp in this State without a license issued by the Department.

(b) The application for a license shall include:

(1) the name and address of the applicant;

(2) the legal description of the land area, including Global Positioning System coordinates, to be used to cultivate industrial hemp; and

(3) if federal law requires a research purpose for the cultivation of industrial hemp, a description of one or more research purposes planned for the cultivation of industrial hemp which may include the study of the growth, cultivation, or marketing of industrial hemp; however, the research purpose requirement shall not be construed to limit the commercial sale of industrial hemp.

(b-5) A person shall not process industrial hemp in this State without registering with the Department on a form prescribed by the Department.

(c) The Department may determine, by rule, the duration of a license or registration; application, registration, and license fees; and the requirements for license or registration renewal.

(Source: P.A. 100-1091, eff. 8-26-18.)

(505 ILCS 89/15)

Sec. 15. Rules.

(a) The Department shall submit to the Secretary of the United States Department of Agriculture a hemp production plan under which the Department monitors and regulates the production of industrial hemp in this State. The Department shall adopt rules incorporating the hemp production plan, including application and licensing requirements ~~shall be determined by the Department and set by rule within 120 days of the effective date of this Act~~.

(b) The rules set by the Department shall include one yearly inspection of a licensed industrial hemp cultivation operation and allow for additional unannounced inspections of a licensed industrial hemp cultivation operation at the Department's discretion.

(c) The Department shall adopt rules necessary for the administration and enforcement of this Act in accordance with all applicable State and federal laws and regulations, including rules concerning standards and criteria for licensure and registration, for the payment of applicable fees, signage, and for forms required for the administration of this Act.

(d) The Department shall adopt rules for the testing of the industrial hemp THC levels and the disposal of plant matter exceeding lawful THC levels, including an option for a cultivator to retest for a minor violation, with the retest threshold determined by the Department and set in rule. Those rules may provide for the use of seed certified to meet the THC levels mandated by this Act as an alternative to testing. (Source: P.A. 100-1091, eff. 8-26-18.)

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Joyce, **House Bill No. 3416** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

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

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

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

HOUSE BILL RECALLED

On motion of Senator Hunter, **House Bill No. 3490** was recalled from the order of third reading to the order of second reading.

Senator Hunter offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 3490

AMENDMENT NO. 2 . Amend House Bill 3490, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Food, Drug and Cosmetic Act is amended by changing Section 21.5 as follows:

(410 ILCS 620/21.5)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 21.5. Default beverage for children's meals.

(a) In this Section:

"Children's meal" means a combination of food items sold for a single price intended for consumption by children.

"Default beverage" means a beverage automatically included as part of a children's meal absent a specific request by the purchaser of the children's meal for an alternative beverage.

"Restaurant" has the same meaning provided in Section 21.4 of this Act.

(b) Notwithstanding any other provision of law, a restaurant shall, by default, include one of the following default beverages with a children's meal sold by the restaurant:

(1) water with no added natural or artificial sweeteners;

(2) sparkling water with no added natural or artificial sweeteners;

(3) flavored water with no added natural or artificial sweeteners;

(4) nonfat or 1% dairy milk containing no more than 130 calories per container or serving as offered for sale ~~with no added natural or artificial sweeteners~~;

(5) nondairy milk alternatives:

(A) with no added natural or artificial sweeteners;

(B) containing no more than 130 calories per container or serving as offered for sale; and

(C) meeting the standards for the National School Lunch Program as set forth in 7 CFR 210.10; or

(6) 100% fruit or vegetable juice or juice combined with water or carbonated water, with no added sweeteners, in a serving size of no more than 8 ounces.

(c) A restaurant may include a beverage with a children's meal that is not listed under subsection (b) upon request.

(d) A beverage listed or displayed on a restaurant menu or in-store advertisement for a children's meal shall be one of the default beverages listed in subsection (b).

(e) During any inspection of a restaurant by a health officer or health inspector of a local health department, the health officer or health inspector shall inspect the restaurant to determine whether it complies with this Section.

(f) A restaurant that violates this Section is subject to:

(1) a warning for a first offense;

(2) a civil penalty of $25 for a second offense; and

(3) a civil penalty of $100 for a third or subsequent offense.

An executive officer of a certified ~~A~~ local public health department ~~director~~, or his or her designee, may charge and collect the civil penalties under this subsection.

(g) The Department of Public Health may adopt any rules it deems necessary for the implementation, administration, and enforcement of this Section.

(Source: P.A. 102-529, eff. 1-1-22.)

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Hunter, **House Bill No. 3490** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

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

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

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

HOUSE BILL RECALLED

On motion of Senator Hastings, **House Bill No. 3666** was recalled from the order of third reading to the order of second reading.

Floor Amendment Nos. 1, 2, 3, 4 and 5 were held in the Committee on Assignments.

Senator Hastings offered the following amendment and moved its adoption:

AMENDMENT NO. 6 TO HOUSE BILL 3666

AMENDMENT NO. 6 . Amend House Bill 3666 by replacing everything after the enacting clause with the following:

"Section 5. The Electric Vehicle Act is amended by changing Sections 55 and 60 as follows:

(20 ILCS 627/55)

Sec. 55. Charging rebate program.

(a) In order to substantially offset the installation costs of electric vehicle charging infrastructure, beginning July 1, 2022, and continuing as long as funds are available, the Agency shall issue rebates, consistent with the Commission-approved Beneficial Electrification Plans in accordance with Section 45, to public and private organizations and companies to install and maintain Level 2 or Level 3 charging stations.

(b) The Agency shall award rebates or grants that fund up to 80% of the cost of the installation of charging stations. The Agency shall award additional incentives per port for every charging station installed in an eligible community and every charging station located to support eligible persons. In order to be eligible to receive a rebate or grant, the organization or company must submit an application to the Agency and commit to paying the prevailing wage for the installation project. The Agency shall by rule provide application and other programmatic details and requirements, including additional incentives for eligible communities. The Agency may determine per port or project caps based on a review of best practices and stakeholder engagement. The Agency shall accept applications on a rolling basis and shall award rebates or grants within 60 days of each application. The Agency must require that any grant or rebate applicant comply with the requirements of the Prevailing Wage Act for any ~~may not award rebates or grants to an organization or company that does not pay the prevailing wage for the~~ installation of a charging station for which it seeks a rebate or grant.

(Source: P.A. 102-662, eff. 9-15-21.)

(20 ILCS 627/60)

(Section scheduled to be repealed on January 1, 2024)

Sec. 60. Study on loss of infrastructure funds and replacement options. The Illinois Department of Transportation shall conduct a study to be delivered to the members of the Illinois General Assembly and made available to the public no later than September 30, 2022. The study shall consider how the proliferation of electric vehicles will adversely affect resources needed for transportation infrastructure and take into consideration any relevant federal actions. The study shall identify the potential revenue loss and offer multiple options for replacing those lost revenues. The Illinois Department of Transportation shall collaborate with organizations representing businesses involved in designing and building transportation infrastructure, organized labor, the general business community, and users of the system. In addition, the Illinois Department of Transportation may collaborate with other state agencies, including but not limited to the Illinois Secretary of State and the Illinois Department of Revenue.

This Section is repealed on January 1, 2024.

(Source: P.A. 102-662, eff. 9-15-21.)

Section 10. The Illinois Enterprise Zone Act is amended by changing Section 5.5 as follows:

(20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

Sec. 5.5. High Impact Business.

(a) In order to respond to unique opportunities to assist in the encouragement, development, growth, and expansion of the private sector through large scale investment and development projects, the Department is authorized to receive and approve applications for the designation of "High Impact Businesses" in Illinois subject to the following conditions:

(1) such applications may be submitted at any time during the year;

(2) such business is not located, at the time of designation, in an enterprise zone designated pursuant to this Act;

(3) the business intends to do one or more of the following:

(A) the business intends to make a minimum investment of $12,000,000 which will be placed in service in qualified property and intends to create 500 full-time equivalent jobs at a designated location in Illinois or intends to make a minimum investment of $30,000,000 which will be placed in service in qualified property and intends to retain 1,500 full-time retained jobs at a designated location in Illinois. The business must certify in writing that the investments would not be placed in service in qualified property and the job creation or job retention would not occur without the tax credits and exemptions set forth in subsection (b) of this Section. The terms "placed in service" and "qualified property" have the same meanings as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(B) the business intends to establish a new electric generating facility at a designated location in Illinois. "New electric generating facility", for purposes of this Section, means a newly-constructed electric generation plant or a newly-constructed generation capacity expansion at an existing electric generation plant, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which such new foundation construction commenced not sooner than July 1, 2001. Such facility shall be designed to provide baseload electric generation and shall operate on a continuous basis throughout the year; and (i) shall have an aggregate rated generating capacity of at least 1,000 megawatts for all new units at one site if it uses natural gas as its primary fuel and foundation construction of the facility is commenced on or before December 31, 2004, or shall have an aggregate rated generating capacity of at least 400 megawatts for all new units at one site if it uses coal or gases derived from coal as its primary fuel and shall support the creation of at least 150 new Illinois coal mining jobs, or (ii) shall be funded through a federal Department of Energy grant before December 31, 2010 and shall support the creation of Illinois coal-mining jobs, or (iii) shall use coal gasification or integrated gasification-combined cycle units that generate electricity or chemicals, or both, and shall support the creation of Illinois coal-mining jobs. The business must certify in writing that the investments necessary to establish a new electric generating facility would not be placed in service and the job creation in the case of a coal-fueled plant would not occur without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(B-5) the business intends to establish a new gasification facility at a designated location in Illinois. As used in this Section, "new gasification facility" means a newly constructed coal gasification facility that generates chemical feedstocks or transportation fuels derived from coal (which may include, but are not limited to, methane, methanol, and nitrogen fertilizer), that supports the creation or retention of Illinois coal-mining jobs, and that qualifies for financial assistance from the Department before December 31, 2010. A new gasification facility does not include a pilot project located within Jefferson County or within a county adjacent to Jefferson County for synthetic natural gas from coal; or

(C) the business intends to establish production operations at a new coal mine, re-establish production operations at a closed coal mine, or expand production at an existing coal mine at a designated location in Illinois not sooner than July 1, 2001; provided that the production operations result in the creation of 150 new Illinois coal mining jobs as described in subdivision (a)(3)(B) of this Section, and further provided that the coal extracted from such mine is utilized as the predominant source for a new electric generating facility. The business must certify in writing that the investments necessary to establish a new, expanded, or reopened coal mine would not be placed in service and the job creation would not occur without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(D) the business intends to construct new transmission facilities or upgrade existing transmission facilities at designated locations in Illinois, for which construction commenced not sooner than July 1, 2001. For the purposes of this Section, "transmission facilities" means transmission lines with a voltage rating of 115 kilovolts or above, including associated equipment, that transfer electricity from points of supply to points of delivery and that transmit a majority of the electricity generated by a new electric generating facility designated as a High Impact Business in accordance with this Section. The business must certify in writing that the investments necessary to construct new transmission facilities or upgrade existing transmission facilities would not be placed in service without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(E) the business intends to establish a new wind power facility at a designated location in Illinois. For purposes of this Section, "new wind power facility" means a newly constructed electric generation facility, or a newly constructed expansion of an existing electric generation facility, placed in service on or after July 1, 2009, that generates electricity using wind energy devices, and such facility shall be deemed to include all associated transmission lines,

substations, and other equipment related to the generation of electricity from wind energy devices. For purposes of this Section, "wind energy device" means any device, with a nameplate capacity of at least 0.5 megawatts, that is used in the process of converting kinetic energy from the wind to generate electricity; or

(F) the business commits to (i) make a minimum investment of $500,000,000, which will be placed in service in a qualified property, (ii) create 125 full-time equivalent jobs at a designated location in Illinois, (iii) establish a fertilizer plant at a designated location in Illinois that complies with the set-back standards as described in Table 1: Initial Isolation and Protective Action Distances in the 2012 Emergency Response Guidebook published by the United States Department of Transportation, (iv) pay a prevailing wage for employees at that location who are engaged in construction activities, and (v) secure an appropriate level of general liability insurance to protect against catastrophic failure of the fertilizer plant or any of its constituent systems; in addition, the business must agree to enter into a construction project labor agreement including provisions establishing wages, benefits, and other compensation for employees performing work under the project labor agreement at that location; for the purposes of this Section, "fertilizer plant" means a newly constructed or upgraded plant utilizing gas used in the production of anhydrous ammonia and downstream nitrogen fertilizer products for resale; for the purposes of this Section, "prevailing wage" means the hourly cash wages plus fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works; this paragraph (F) applies only to businesses that submit an application to the Department within 60 days after July 25, 2013 (the effective date of Public Act 98-109) ~~this amendatory Act of the 98th General Assembly~~; and

(4) no later than 90 days after an application is submitted, the Department shall notify the applicant of the Department's determination of the qualification of the proposed High Impact Business under this Section.

(b) Businesses designated as High Impact Businesses pursuant to subdivision (a)(3)(A) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 9-222 and Section 9-222.1A of the Public Utilities Act, subsection (h) of Section 201 of the Illinois Income Tax Act, and Section 1d of the Retailers' Occupation Tax Act; provided that these credits and exemptions described in these Acts shall not be authorized until the minimum investments set forth in subdivision (a)(3)(A) of this Section have been placed in service in qualified properties and, in the case of the exemptions described in the Public Utilities Act and Section 1d of the Retailers' Occupation Tax Act, the minimum full-time equivalent jobs or full-time retained jobs set forth in subdivision (a)(3)(A) of this Section have been created or retained. Businesses designated as High Impact Businesses under this Section shall also qualify for the exemption described in Section 5l of the Retailers' Occupation Tax Act. The credit provided in subsection (h) of Section 201 of the Illinois Income Tax Act shall be applicable to investments in qualified property as set forth in subdivision (a)(3)(A) of this Section.

(b-5) Businesses designated as High Impact Businesses pursuant to subdivisions (a)(3)(B), (a)(3)(B-5), (a)(3)(C), and (a)(3)(D) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 5l of the Retailers' Occupation Tax Act, Section 9-222 and Section 9-222.1A of the Public Utilities Act, and subsection (h) of Section 201 of the Illinois Income Tax Act; however, the credits and exemptions authorized under Section 9-222 and Section 9-222.1A of the Public Utilities Act, and subsection (h) of Section 201 of the Illinois Income Tax Act shall not be authorized until the new electric generating facility, the new gasification facility, the new transmission facility, or the new, expanded, or reopened coal mine is operational, except that a new electric generating facility whose primary fuel source is natural gas is eligible only for the exemption under Section 5l of the Retailers' Occupation Tax Act.

(b-6) Businesses designated as High Impact Businesses pursuant to subdivision (a)(3)(E) or (a)(3)(E-5) of this Section shall qualify for the exemptions described in Section 5l of the Retailers' Occupation Tax Act; any business so designated as a High Impact Business being, for purposes of this Section, a "Wind Energy Business".

(b-7) Beginning on January 1, 2021, businesses designated as High Impact Businesses by the Department shall qualify for the High Impact Business construction jobs credit under subsection (h-5) of Section 201 of the Illinois Income Tax Act if the business meets the criteria set forth in subsection (i) of this Section. The total aggregate amount of credits awarded under the Blue Collar Jobs Act (Article 20 of Public

Act 101-9 ~~this amendatory Act of the 101st General Assembly~~) shall not exceed $20,000,000 in any State fiscal year.

(c) High Impact Businesses located in federally designated foreign trade zones or sub-zones are also eligible for additional credits, exemptions and deductions as described in the following Acts: Section 9-221 and Section 9-222.1 of the Public Utilities Act; and subsection (g) of Section 201, and Section 203 of the Illinois Income Tax Act.

(d) Except for businesses contemplated under subdivision (a)(3)(E) or (a)(3)(E-5) of this Section, existing Illinois businesses which apply for designation as a High Impact Business must provide the Department with the prospective plan for which 1,500 full-time retained jobs would be eliminated in the event that the business is not designated.

(e) Except for new wind power facilities contemplated under subdivision (a)(3)(E) of this Section, new proposed facilities which apply for designation as High Impact Business must provide the Department with proof of alternative non-Illinois sites which would receive the proposed investment and job creation in the event that the business is not designated as a High Impact Business.

(f) Except for businesses contemplated under subdivision (a)(3)(E) of this Section, in the event that a business is designated a High Impact Business and it is later determined after reasonable notice and an opportunity for a hearing as provided under the Illinois Administrative Procedure Act, that the business would have placed in service in qualified property the investments and created or retained the requisite number of jobs without the benefits of the High Impact Business designation, the Department shall be required to immediately revoke the designation and notify the Director of the Department of Revenue who shall begin proceedings to recover all wrongfully exempted State taxes with interest. The business shall also be ineligible for all State funded Department programs for a period of 10 years.

(g) The Department shall revoke a High Impact Business designation if the participating business fails to comply with the terms and conditions of the designation. However, the penalties for new wind power facilities or Wind Energy Businesses for failure to comply with any of the terms or conditions of the Illinois Prevailing Wage Act shall be only those penalties identified in the Illinois Prevailing Wage Act, and the Department shall not revoke a High Impact Business designation as a result of the failure to comply with any of the terms or conditions of the Illinois Prevailing Wage Act in relation to a new wind power facility or a Wind Energy Business.

(h) Prior to designating a business, the Department shall provide the members of the General Assembly and Commission on Government Forecasting and Accountability with a report setting forth the terms and conditions of the designation and guarantees that have been received by the Department in relation to the proposed business being designated.

(i) High Impact Business construction jobs credit. Beginning on January 1, 2021, a High Impact Business may receive a tax credit against the tax imposed under subsections (a) and (b) of Section 201 of the Illinois Income Tax Act in an amount equal to 50% of the amount of the incremental income tax attributable to High Impact Business construction jobs credit employees employed in the course of completing a High Impact Business construction jobs project. However, the High Impact Business construction jobs credit may equal 75% of the amount of the incremental income tax attributable to High Impact Business construction jobs credit employees if the High Impact Business construction jobs credit project is located in an underserved area.

The Department shall certify to the Department of Revenue: (1) the identity of taxpayers that are eligible for the High Impact Business construction jobs credit; and (2) the amount of High Impact Business construction jobs credits that are claimed pursuant to subsection (h-5) of Section 201 of the Illinois Income Tax Act in each taxable year. Any business entity that receives a High Impact Business construction jobs credit shall maintain a certified payroll pursuant to subsection (j) of this Section.

As used in this subsection (i):

"High Impact Business construction jobs credit" means an amount equal to 50% (or 75% if the High Impact Business construction project is located in an underserved area) of the incremental income tax attributable to High Impact Business construction job employees. The total aggregate amount of credits awarded under the Blue Collar Jobs Act (Article 20 of Public Act 101-9 ~~this amendatory Act of the 101st General Assembly~~) shall not exceed $20,000,000 in any State fiscal year

"High Impact Business construction job employee" means a laborer or worker who is employed by an Illinois contractor or subcontractor in the actual construction work on the site of a High Impact Business construction job project.

"High Impact Business construction jobs project" means building a structure or building or making improvements of any kind to real property, undertaken and commissioned by a business that was designated as a High Impact Business by the Department. The term "High Impact Business construction jobs project" does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.

"Incremental income tax" means the total amount withheld during the taxable year from the compensation of High Impact Business construction job employees.

"Underserved area" means a geographic area that meets one or more of the following conditions:

(1) the area has a poverty rate of at least 20% according to the latest federal decennial census;

(2) 75% or more of the children in the area participate in the federal free lunch program according to reported statistics from the State Board of Education;

(3) at least 20% of the households in the area receive assistance under the Supplemental Nutrition Assistance Program (SNAP); or

(4) the area has an average unemployment rate, as determined by the Illinois Department of Employment Security, that is more than 120% of the national unemployment average, as determined by the U.S. Department of Labor, for a period of at least 2 consecutive calendar years preceding the date of the application.

(j) Each contractor and subcontractor who is engaged in and executing a High Impact Business Construction jobs project, as defined under subsection (i) of this Section, for a business that is entitled to a credit pursuant to subsection (i) of this Section shall:

(1) make and keep, for a period of 5 years from the date of the last payment made on or after June 5, 2019 (the effective date of Public Act 101-9) ~~this amendatory Act of the 101st General Assembly~~ on a contract or subcontract for a High Impact Business Construction Jobs Project, records for all laborers and other workers employed by the contractor or subcontractor on the project; the records shall include:

(A) the worker's name;

(B) the worker's address;

(C) the worker's telephone number, if available;

(D) the worker's social security number;

(E) the worker's classification or classifications;

(F) the worker's gross and net wages paid in each pay period;

(G) the worker's number of hours worked each day;

(H) the worker's starting and ending times of work each day;

(I) the worker's hourly wage rate; ~~and~~

(J) the worker's hourly overtime wage rate;

(K) the worker's race and ethnicity; and

(L) the worker's gender;

(2) no later than the 15th day of each calendar month, provide a certified payroll for the immediately preceding month to the taxpayer in charge of the High Impact Business construction jobs project; within 5 business days after receiving the certified payroll, the taxpayer shall file the certified payroll with the Department of Labor and the Department of Commerce and Economic Opportunity; a certified payroll must be filed for only those calendar months during which construction on a High Impact Business construction jobs project has occurred; the certified payroll shall consist of a complete copy of the records identified in paragraph (1) of this subsection (j), but may exclude the starting and ending times of work each day; the certified payroll shall be accompanied by a statement signed by the contractor or subcontractor or an officer, employee, or agent of the contractor or subcontractor which avers that:

(A) he or she has examined the certified payroll records required to be submitted by the Act and such records are true and accurate; and

(B) the contractor or subcontractor is aware that filing a certified payroll that he or she knows to be false is a Class A misdemeanor.

A general contractor is not prohibited from relying on a certified payroll of a lower-tier subcontractor, provided the general contractor does not knowingly rely upon a subcontractor's false certification.

Any contractor or subcontractor subject to this subsection, and any officer, employee, or agent of such contractor or subcontractor whose duty as an officer, employee, or agent it is to file a certified payroll under this subsection, who willfully fails to file such a certified payroll on or before the date such certified payroll

is required by this paragraph to be filed and any person who willfully files a false certified payroll that is false as to any material fact is in violation of this Act and guilty of a Class A misdemeanor.

The taxpayer in charge of the project shall keep the records submitted in accordance with this subsection on or after June 5, 2019 (the effective date of Public Act 101-9) ~~this amendatory Act of the 101st General Assembly~~ for a period of 5 years from the date of the last payment for work on a contract or subcontract for the High Impact Business construction jobs project.

The records submitted in accordance with this subsection shall be considered public records, except an employee's address, telephone number, and social security number, and made available in accordance with the Freedom of Information Act. The Department of Labor shall ~~accept any reasonable submissions by the contractor that meet the requirements of this subsection (j) and shall~~ share the information with the Department in order to comply with the awarding of a High Impact Business construction jobs credit. A contractor, subcontractor, or public body may retain records required under this Section in paper or electronic format.

(k) Upon 7 business days' notice, each contractor and subcontractor shall make available for inspection and copying at a location within this State during reasonable hours, the records identified in this subsection (j) to the taxpayer in charge of the High Impact Business construction jobs project, its officers and agents, the Director of the Department of Labor and his or her deputies and agents, and to federal, State, or local law enforcement agencies and prosecutors.

(Source: P.A. 101-9, eff. 6-5-19; revised 7-12-19.)

Section 15. The Public Utilities Act is amended by changing Section 5-117 as follows:

(220 ILCS 5/5-117)

Sec. 5-117. Supplier diversity goals.

(a) The public policy of this State is to collaboratively work with companies that serve Illinois residents to improve their supplier diversity in a non-antagonistic manner.

(b) The Commission shall require all gas, electric, and water companies with at least 100,000 customers under its authority, as well as suppliers of wind energy, solar energy, hydroelectricity, nuclear energy, and any other supplier of energy within this State ~~other than wind energy and solar energy required to comply with the reporting requirements under Section 1505-215 of the Department of Labor Law of the Civil Administrative Code of Illinois~~, to submit an annual report by April 15, 2015 and every April 15 thereafter, in a searchable Adobe PDF format, on all procurement goals and actual spending for female-owned, minority-owned, veteran-owned, and small business enterprises in the previous calendar year. These goals shall be expressed as a percentage of the total work performed by the entity submitting the report, and the actual spending for all female-owned, minority-owned, veteran-owned, and small business enterprises shall also be expressed as a percentage of the total work performed by the entity submitting the report.

(c) Each participating company in its annual report shall include the following information:

(1) an explanation of the plan for the next year to increase participation;

(2) an explanation of the plan to increase the goals;

(3) the areas of procurement each company shall be actively seeking more participation in the next year;

(4) an outline of the plan to alert and encourage potential vendors in that area to seek business from the company;

(5) an explanation of the challenges faced in finding quality vendors and offer any suggestions for what the Commission could do to be helpful to identify those vendors;

(6) a list of the certifications the company recognizes;

(7) the point of contact for any potential vendor who wishes to do business with the company and explain the process for a vendor to enroll with the company as a minority-owned, women-owned, or veteran-owned company; and

(8) any particular success stories to encourage other companies to emulate best practices.

(d) Each annual report shall include as much State-specific data as possible. If the submitting entity does not submit State-specific data, then the company shall include any national data it does have and explain why it could not submit State-specific data and how it intends to do so in future reports, if possible.

(e) Each annual report shall include the rules, regulations, and definitions used for the procurement goals in the company's annual report.

(f) The Commission and all participating entities shall hold an annual workshop open to the public in 2015 and every year thereafter on the state of supplier diversity to collaboratively seek solutions to structural impediments to achieving stated goals, including testimony from each participating entity as well as subject matter experts and advocates. The Commission shall publish a database on its website of the point of contact for each participating entity for supplier diversity, along with a list of certifications each company recognizes from the information submitted in each annual report. The Commission shall publish each annual report on its website and shall maintain each annual report for at least 5 years.
(Source: P.A. 102-558, eff. 8-20-21; 102-662, eff. 9-15-21.)

Section 20. The Energy Assistance Act is amended by changing Section 13 as follows:
(305 ILCS 20/13)
(Text of Section from P.A. 102-16)
(Section scheduled to be repealed on January 1, 2025)
Sec. 13. Supplemental Low-Income Energy Assistance Fund.

(a) The Supplemental Low-Income Energy Assistance Fund is hereby created as a special fund in the State Treasury. Notwithstanding any other law to the contrary, the Supplemental Low-Income Energy Assistance Fund is not subject to sweeps, administrative charge-backs, or any other fiscal or budgetary maneuver that would in any way transfer any amounts from the Supplemental Low-Income Energy Assistance Fund into any other fund of the State. The Supplemental Low-Income Energy Assistance Fund is authorized to receive moneys from voluntary donations from individuals, foundations, corporations, and other sources, moneys received pursuant to Section 17, and, by statutory deposit, the moneys collected pursuant to this Section. The Fund is also authorized to receive voluntary donations from individuals, foundations, corporations, and other sources. Subject to appropriation, the Department shall use moneys from the Supplemental Low-Income Energy Assistance Fund for payments to electric or gas public utilities, municipal electric or gas utilities, and electric cooperatives on behalf of their customers who are participants in the program authorized by Sections 4 and 18 of this Act, for the provision of weatherization services and for administration of the Supplemental Low-Income Energy Assistance Fund. All other deposits outside of the Energy Assistance Charge as set forth in subsection (b) are not subject to the percentage restrictions related to administrative and weatherization expenses provided in this subsection. The yearly expenditures for weatherization may not exceed 10% of the amount collected during the year pursuant to this Section, except when unspent funds from the Supplemental Low-Income Energy Assistance Fund are reallocated from a previous year; any unspent balance of the 10% weatherization allowance may be utilized for weatherization expenses in the year they are reallocated. The yearly administrative expenses of the Supplemental Low-Income Energy Assistance Fund may not exceed 13% of the amount collected during that year pursuant to this Section, except when unspent funds from the Supplemental Low-Income Energy Assistance Fund are reallocated from a previous year; any unspent balance of the 13% administrative allowance may be utilized for administrative expenses in the year they are reallocated. Of the 13% administrative allowance, no less than 8% shall be provided to Local Administrative Agencies for administrative expenses.

(b) Notwithstanding the provisions of Section 16-111 of the Public Utilities Act but subject to subsection (k) of this Section, each public utility, electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois shall, effective January 1, 2022 ~~2021~~, assess each of its customer accounts a monthly Energy Assistance Charge for the Supplemental Low-Income Energy Assistance Fund. The delivering public utility, municipal electric or gas utility, or electric or gas cooperative for a self-assessing purchaser remains subject to the collection of the fee imposed by this Section. The monthly charge shall be as follows:

(1) Base Energy Assistance Charge per month on each account for residential electrical service;

(2) Base Energy Assistance Charge per month on each account for residential gas service;

(3) Ten times the Base Energy Assistance Charge per month on each account for non-residential electric service which had less than 10 megawatts of peak demand during the previous calendar year;

(4) Ten times the Base Energy Assistance Charge per month on each account for non-residential gas service which had distributed to it less than 4,000,000 therms of gas during the previous calendar year;

(5) Three hundred and seventy-five times the Base Energy Assistance Charge per month on each account for non-residential electric service which had 10 megawatts or greater of peak demand during the previous calendar year; and

(6) Three hundred and seventy-five times the Base Energy Assistance Charge per month on each account For non-residential gas service which had 4,000,000 or more therms of gas distributed to it during the previous calendar year.

The Base Energy Assistance Charge shall be $0.48 per month for the calendar year beginning January 1, 2022 and shall increase by $0.16 per month for any calendar year, provided no less than 80% of the previous State fiscal year's available Supplemental Low-Income Energy Assistance Fund funding was exhausted. The maximum Base Energy Assistance Charge shall not exceed $0.96 per month for any calendar year.

The incremental change to such charges imposed by Public Act 99-933 and this amendatory Act of the 102nd General Assembly shall not (i) be used for any purpose other than to directly assist customers and (ii) be applicable to utilities serving less than 100,000 ~~25,000~~ customers in Illinois on January 1, 2021. The incremental change to such charges imposed by this amendatory Act of the 102nd General Assembly are intended to increase utilization of the Percentage of Income Payment Plan (PIPP or PIP Plan) and shall be applied such that PIP Plan enrollment is at least doubled, as compared to 2020 enrollment, by 2024.

In addition, electric and gas utilities have committed, and shall contribute, a one-time payment of $22 million to the Fund, within 10 days after the effective date of the tariffs established pursuant to Sections 16-111.8 and 19-145 of the Public Utilities Act to be used for the Department's cost of implementing the programs described in Section 18 of this amendatory Act of the 96th General Assembly, the Arrearage Reduction Program described in Section 18, and the programs described in Section 8-105 of the Public Utilities Act. If a utility elects not to file a rider within 90 days after the effective date of this amendatory Act of the 96th General Assembly, then the contribution from such utility shall be made no later than February 1, 2010.

(c) For purposes of this Section:

(1) "residential electric service" means electric utility service for household purposes delivered to a dwelling of 2 or fewer units which is billed under a residential rate, or electric utility service for household purposes delivered to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;

(2) "residential gas service" means gas utility service for household purposes distributed to a dwelling of 2 or fewer units which is billed under a residential rate, or gas utility service for household purposes distributed to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;

(3) "non-residential electric service" means electric utility service which is not residential electric service; and

(4) "non-residential gas service" means gas utility service which is not residential gas service.

(d) Within 30 days after the effective date of this amendatory Act of the 96th General Assembly, each public utility engaged in the delivery of electricity or the distribution of natural gas shall file with the Illinois Commerce Commission tariffs incorporating the Energy Assistance Charge in other charges stated in such tariffs, which shall become effective no later than the beginning of the first billing cycle following such filing.

(e) The Energy Assistance Charge assessed by electric and gas public utilities shall be considered a charge for public utility service.

(f) By the 20th day of the month following the month in which the charges imposed by the Section were collected, each public utility, municipal utility, and electric cooperative shall remit to the Department of Revenue all moneys received as payment of the Energy Assistance Charge on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require; provided, however, that a utility offering an Arrearage Reduction Program or Supplemental Arrearage Reduction Program pursuant to Section 18 of this Act shall be entitled to net those amounts necessary to fund and recover the costs of such Programs as authorized by that Section that is no more than the incremental change in such Energy Assistance Charge authorized by Public Act 96-33. If a customer makes a partial payment, a public utility, municipal utility, or electric cooperative may elect either: (i) to apply such partial payments first to amounts owed to the utility or cooperative for its services and then to payment for the Energy Assistance Charge or (ii) to apply such partial payments on a pro-rata basis

between amounts owed to the utility or cooperative for its services and to payment for the Energy Assistance Charge.

If any payment provided for in this Section exceeds the distributor's liabilities under this Act, as shown on an original return, the Department may authorize the distributor to credit such excess payment against liability subsequently to be remitted to the Department under this Act, in accordance with reasonable rules adopted by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the distributor, the distributor's discount shall be reduced by an amount equal to the difference between the discount as applied to the credit taken and that actually due, and that distributor shall be liable for penalties and interest on such difference.

(g) The Department of Revenue shall deposit into the Supplemental Low-Income Energy Assistance Fund all moneys remitted to it in accordance with subsection (f) of this Section. The utilities shall coordinate with the Department to establish an equitable and practical methodology for implementing this subsection (g) beginning with the 2010 program year.

(h) On or before December 31, 2002, the Department shall prepare a report for the General Assembly on the expenditure of funds appropriated from the Low-Income Energy Assistance Block Grant Fund for the program authorized under Section 4 of this Act.

(i) The Department of Revenue may establish such rules as it deems necessary to implement this Section.

(j) The Department of Commerce and Economic Opportunity may establish such rules as it deems necessary to implement this Section.

(k) The charges imposed by this Section shall only apply to customers of municipal electric or gas utilities and electric or gas cooperatives if the municipal electric or gas utility or electric or gas cooperative makes an affirmative decision to impose the charge. If a municipal electric or gas utility or an electric cooperative makes an affirmative decision to impose the charge provided by this Section, the municipal electric or gas utility or electric cooperative shall inform the Department of Revenue in writing of such decision when it begins to impose the charge. If a municipal electric or gas utility or electric or gas cooperative does not assess this charge, the Department may not use funds from the Supplemental Low-Income Energy Assistance Fund to provide benefits to its customers under the program authorized by Section 4 of this Act.

In its use of federal funds under this Act, the Department may not cause a disproportionate share of those federal funds to benefit customers of systems which do not assess the charge provided by this Section.

This Section is repealed on January 1, 2025 unless renewed by action of the General Assembly.
(Source: P.A. 102-16, eff. 6-17-21.)

(Text of Section from P.A. 102-176)

(Section scheduled to be repealed on January 1, 2025)

Sec. 13. Supplemental Low-Income Energy Assistance Fund.

(a) The Supplemental Low-Income Energy Assistance Fund is hereby created as a special fund in the State Treasury. The Supplemental Low-Income Energy Assistance Fund is authorized to receive moneys from voluntary donations from individuals, foundations, corporations, and other sources, moneys received pursuant to Section 17, and, by statutory deposit, the moneys collected pursuant to this Section. The Fund is also authorized to receive voluntary donations from individuals, foundations, corporations, and other sources. Subject to appropriation, the Department shall use moneys from the Supplemental Low-Income Energy Assistance Fund for payments to electric or gas public utilities, municipal electric or gas utilities, and electric cooperatives on behalf of their customers who are participants in the program authorized by Sections 4 and 18 of this Act, for the provision of weatherization services and for administration of the Supplemental Low-Income Energy Assistance Fund. All other deposits outside of the Energy Assistance Charge as set forth in subsection (b) are not subject to the percentage restrictions related to administrative and weatherization expenses provided in this subsection. The yearly expenditures for weatherization may not exceed 10% of the amount collected during the year pursuant to this Section, except when unspent funds from the Supplemental Low-Income Energy Assistance Fund are reallocated from a previous year; any unspent balance of the 10% weatherization allowance may be utilized for weatherization expenses in the year they are reallocated. The yearly administrative expenses of the Supplemental Low-Income Energy Assistance Fund may not exceed 13% of the amount collected during that year pursuant to this Section, except when unspent funds from the Supplemental Low-Income Energy Assistance Fund are reallocated from a previous year; any unspent balance of the 13% administrative allowance may be utilized for

administrative expenses in the year they are reallocated. Of the 13% administrative allowance, no less than 8% shall be provided to Local Administrative Agencies for administrative expenses.

(b) Notwithstanding the provisions of Section 16-111 of the Public Utilities Act but subject to subsection (k) of this Section, each public utility, electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois shall, effective January 1, 2022, assess each of its customer accounts a monthly Energy Assistance Charge for the Supplemental Low-Income Energy Assistance Fund. The delivering public utility, municipal electric or gas utility, or electric or gas cooperative for a self-assessing purchaser remains subject to the collection of the fee imposed by this Section. The monthly charge shall be as follows:

(1) Base Energy Assistance Charge per month on each account for residential electrical service;

(2) Base Energy Assistance Charge per month on each account for residential gas service;

(3) Ten times the Base Energy Assistance Charge per month on each account for non-residential electric service which had less than 10 megawatts of peak demand during the previous calendar year;

(4) Ten times the Base Energy Assistance Charge per month on each account for non-residential gas service which had distributed to it less than 4,000,000 therms of gas during the previous calendar year;

(5) Three hundred and seventy-five times the Base Energy Assistance Charge per month on each account for non-residential electric service which had 10 megawatts or greater of peak demand during the previous calendar year; and

(6) Three hundred and seventy-five times the Base Energy Assistance Charge per month on each account for non-residential gas service which had 4,000,000 or more therms of gas distributed to it during the previous calendar year.

The Base Energy Assistance Charge shall be $0.48 per month for the calendar year beginning January 1, 2022 and shall increase by $0.16 per month for any calendar year, provided no less than 80% of the previous State fiscal year's available Supplemental Low-Income Energy Assistance Fund funding was exhausted. The maximum Base Energy Assistance Charge shall not exceed $0.96 per month for any calendar year.

The incremental change to such charges imposed by Public Act 99-933 and this amendatory Act of the 102nd General Assembly shall not (i) be used for any purpose other than to directly assist customers and (ii) be applicable to utilities serving less than 100,000 ~~25,000~~ customers in Illinois on January 1, 2021. The incremental change to such charges imposed by this amendatory Act of the 102nd General Assembly are intended to increase utilization of the Percentage of Income Payment Plan (PIPP or PIP Plan) and shall be applied such that PIP Plan enrollment is at least doubled, as compared to 2020 enrollment, by 2024.

In addition, electric and gas utilities have committed, and shall contribute, a one-time payment of $22 million to the Fund, within 10 days after the effective date of the tariffs established pursuant to Sections 16-111.8 and 19-145 of the Public Utilities Act to be used for the Department's cost of implementing the programs described in Section 18 of this amendatory Act of the 96th General Assembly, the Arrearage Reduction Program described in Section 18, and the programs described in Section 8-105 of the Public Utilities Act. If a utility elects not to file a rider within 90 days after the effective date of this amendatory Act of the 96th General Assembly, then the contribution from such utility shall be made no later than February 1, 2010.

(c) For purposes of this Section:

(1) "residential electric service" means electric utility service for household purposes delivered to a dwelling of 2 or fewer units which is billed under a residential rate, or electric utility service for household purposes delivered to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;

(2) "residential gas service" means gas utility service for household purposes distributed to a dwelling of 2 or fewer units which is billed under a residential rate, or gas utility service for household purposes distributed to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;

(3) "non-residential electric service" means electric utility service which is not residential electric service; and

(4) "non-residential gas service" means gas utility service which is not residential gas service.

(d) Within 30 days after the effective date of this amendatory Act of the 96th General Assembly, each public utility engaged in the delivery of electricity or the distribution of natural gas shall file with the Illinois

Commerce Commission tariffs incorporating the Energy Assistance Charge in other charges stated in such tariffs, which shall become effective no later than the beginning of the first billing cycle following such filing.

(e) The Energy Assistance Charge assessed by electric and gas public utilities shall be considered a charge for public utility service.

(f) By the 20th day of the month following the month in which the charges imposed by the Section were collected, each public utility, municipal utility, and electric cooperative shall remit to the Department of Revenue all moneys received as payment of the Energy Assistance Charge on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require; provided, however, that a utility offering an Arrearage Reduction Program or Supplemental Arrearage Reduction Program pursuant to Section 18 of this Act shall be entitled to net those amounts necessary to fund and recover the costs of such Programs as authorized by that Section that is no more than the incremental change in such Energy Assistance Charge authorized by Public Act 96-33. If a customer makes a partial payment, a public utility, municipal utility, or electric cooperative may elect either: (i) to apply such partial payments first to amounts owed to the utility or cooperative for its services and then to payment for the Energy Assistance Charge or (ii) to apply such partial payments on a pro-rata basis between amounts owed to the utility or cooperative for its services and to payment for the Energy Assistance Charge.

If any payment provided for in this Section exceeds the distributor's liabilities under this Act, as shown on an original return, the Department may authorize the distributor to credit such excess payment against liability subsequently to be remitted to the Department under this Act, in accordance with reasonable rules adopted by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the distributor, the distributor's discount shall be reduced by an amount equal to the difference between the discount as applied to the credit taken and that actually due, and that distributor shall be liable for penalties and interest on such difference.

(g) The Department of Revenue shall deposit into the Supplemental Low-Income Energy Assistance Fund all moneys remitted to it in accordance with subsection (f) of this Section. The utilities shall coordinate with the Department to establish an equitable and practical methodology for implementing this subsection (g) beginning with the 2010 program year.

(h) On or before December 31, 2002, the Department shall prepare a report for the General Assembly on the expenditure of funds appropriated from the Low-Income Energy Assistance Block Grant Fund for the program authorized under Section 4 of this Act.

(i) The Department of Revenue may establish such rules as it deems necessary to implement this Section.

(j) The Department of Commerce and Economic Opportunity may establish such rules as it deems necessary to implement this Section.

(k) The charges imposed by this Section shall only apply to customers of municipal electric or gas utilities and electric or gas cooperatives if the municipal electric or gas utility or electric or gas cooperative makes an affirmative decision to impose the charge. If a municipal electric or gas utility or an electric cooperative makes an affirmative decision to impose the charge provided by this Section, the municipal electric or gas utility or electric cooperative shall inform the Department of Revenue in writing of such decision when it begins to impose the charge. If a municipal electric or gas utility or electric or gas cooperative does not assess this charge, the Department may not use funds from the Supplemental Low-Income Energy Assistance Fund to provide benefits to its customers under the program authorized by Section 4 of this Act.

In its use of federal funds under this Act, the Department may not cause a disproportionate share of those federal funds to benefit customers of systems which do not assess the charge provided by this Section.

This Section is repealed on January 1, 2025 unless renewed by action of the General Assembly.
(Source: P.A. 102-176, eff. 6-1-22.)

Section 25. The Prevailing Wage Act is amended by changing Section 2 as follows:

(820 ILCS 130/2) (from Ch. 48, par. 39s-2)

Sec. 2. This Act applies to the wages of laborers, mechanics and other workers employed in any public works, as hereinafter defined, by any public body and to anyone under contracts for public works. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

As used in this Act, unless the context indicates otherwise:

"Public works" means all fixed works constructed or demolished by any public body, or paid for wholly or in part out of public funds. "Public works" as defined herein includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through the State or any of its political subdivisions, including but not limited to: bonds issued under the Industrial Project Revenue Bond Act (Article 11, Division 74 of the Illinois Municipal Code), the Industrial Building Revenue Bond Act, the Illinois Finance Authority Act, the Illinois Sports Facilities Authority Act, or the Build Illinois Bond Act; loans or other funds made available pursuant to the Build Illinois Act; loans or other funds made available pursuant to the Riverfront Development Fund under Section 10-15 of the River Edge Redevelopment Zone Act; or funds from the Fund for Illinois' Future under Section 6z-47 of the State Finance Act, funds for school construction under Section 5 of the General Obligation Bond Act, funds authorized under Section 3 of the School Construction Bond Act, funds for school infrastructure under Section 6z-45 of the State Finance Act, and funds for transportation purposes under Section 4 of the General Obligation Bond Act. "Public works" also includes (i) all projects financed in whole or in part with funds from the Department of Commerce and Economic Opportunity under the Illinois Renewable Fuels Development Program Act for which there is no project labor agreement; (ii) all work performed pursuant to a public private agreement under the Public Private Agreements for the Illiana Expressway Act or the Public-Private Agreements for the South Suburban Airport Act; and (iii) all projects undertaken under a public-private agreement under the Public-Private Partnerships for Transportation Act. "Public works" also includes all projects at leased facility property used for airport purposes under Section 35 of the Local Government Facility Lease Act. "Public works" also includes the construction of a new wind power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E) and the construction of a new utility-scale solar power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E-5) of the Illinois Enterprise Zone Act. "Public works" also includes electric vehicle charging station projects financed pursuant to the Electric Vehicle Act and renewable energy projects required to pay the prevailing wage pursuant to the Illinois Power Agency Act. "Public works" does not include work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes any corrective action performed pursuant to Title XVI of the Environmental Protection Act for which payment from the Underground Storage Tank Fund is requested. "Public works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multi-family residence. "Public works" does not include work performed for soil and water conservation purposes on agricultural lands, whether or not done under public supervision or paid for wholly or in part out of public funds, done directly by an owner or person who has legal control of those lands.

"Construction" means all work on public works involving laborers, workers or mechanics. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

"Locality" means the county where the physical work upon public works is performed, except (1) that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work and (2) that, with respect to contracts for highway work with the Department of Transportation of this State, "locality" may at the discretion of the Secretary of the Department of Transportation be construed to include two or more adjacent counties from which workers may be accessible for work on such construction.

"Public body" means the State or any officer, board or commission of the State or any political subdivision or department thereof, or any institution supported in whole or in part by public funds, and includes every county, city, town, village, township, school district, irrigation, utility, reclamation improvement or other district and every other political subdivision, district or municipality of the state whether such political subdivision, municipality or district operates under a special charter or not.

"Labor organization" means an organization that is the exclusive representative of an employer's employees recognized or certified pursuant to the National Labor Relations Act.

The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus annualized fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and

Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works.
(Source: P.A. 100-1177, eff. 6-1-19.)

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Hastings, **House Bill No. 3666** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 43; NAYS 16.

The following voted in the affirmative:

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

The following voted in the negative:

Anderson	Fowler	Stewart	Wilcox
Bailey	McClure	Stoller	
Barickman	McConchie	Syverson	
Bryant	Plummer	Tracy	
DeWitte	Rose	Turner, S.	

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

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

HOUSE BILL RECALLED

On motion of Senator Villivalam, **House Bill No. 106** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was withdrawn by the sponsor.

Senator Villivalam offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 106

AMENDMENT NO. 2 . Amend House Bill 106 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Administrative Procedure Act is amended by adding Section 5-45.20 as follows:

(5 ILCS 100/5-45.20 new)

Sec. 5-45.20. Emergency rulemaking; Secretary of State emergency powers. To provide for the expeditious and timely implementation of the provisions of Section 30 of the Secretary of State Act, emergency rules implementing the changes made to Section 30 of the Secretary of State Act by this amendatory Act of the 102nd General Assembly may be adopted by the Secretary in accordance with Section 5-45. The adoption of emergency rules authorized by Section 5-45 and this Section is deemed to be necessary for the public interest, safety, and welfare.

This Section is repealed on January 1, 2023.

Section 10. The Secretary of State Act is amended by changing Sections 12 and 30 as follows:

(15 ILCS 305/12) (from Ch. 124, par. 10.2)

Sec. 12. Parking fees; leases.

(a) The Secretary of State shall impose a fee of $20 per month payable by all State employees parking vehicles in the underground parking facility located south of the William G. Stratton State Office Building in Springfield and the parking ramp located at 401 South College Street located west of the William G. Stratton State Office Building in Springfield, unless a non-State employee requests a space located in either garage, in which case the Secretary shall set the fee by rule. Except as otherwise provided in this Section, State officers and employees who make application for and are allotted parking places in such parking facilities shall authorize the Comptroller to deduct the required fees from their payroll checks under the State Salary and Annuity Withholding Act and the amounts so withheld shall be deposited as provided in Section 8 of that Act. Until December 31, 2024, members and employees of the General Assembly who make application for and are allotted parking places in such parking facilities may, alternatively, upon application by the Secretary of the Senate or the Clerk of the House of Representatives, have their parking fee paid by the General Assembly. The amounts paid in this instance would also be deposited as provided in Section 8 of the State Salary and Annuity Withholding Act. The President of the Senate and the Speaker of the House of Representatives may authorize payment of the fees from appropriations made to the General Assembly. Persons who are not subject to the State Salary and Annuity Withholding Act and who are allotted parking places under this Section shall pay the required fees directly to the Office of the Secretary of State and the amounts so collected shall be deposited in the State Parking Facility Maintenance Fund in the State Treasury.

(b) The Secretary of State may enter into agreements with public or private entities or individuals to lease to those entities or individuals parking spaces at State-owned Secretary of State facilities. Such agreements may be executed only upon a determination by the Secretary that leasing the parking spaces will not adversely impact the delivery of services to the public. The fee to be charged to the entity or individual leasing the parking spaces shall be established by rule. All funds collected by the Secretary pursuant to such leases shall be deposited in the State Parking Facility Maintenance Fund and shall be used for the maintenance and repair of parking lots at State-owned Secretary of State facilities.

(Source: P.A. 98-179, eff. 8-5-13; 98-1148, eff. 12-31-14.)

(15 ILCS 305/30)

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

Sec. 30. Emergency powers.

(a) In response to the interruption of services available to the public as a result of the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions, the extended closure of State government offices and private sector businesses caused by COVID-19, and the need to ameliorate any detrimental impact on members of the public caused by that interruption of services, the Secretary of State is hereby given the authority to adopt emergency rulemakings, and to adopt permanent administrative rules:

(1) extending until not later than December 31, 2022, the expiration dates of driver's licenses, driving permits, monitoring device driving permits, restricted driving permits, and identification cards which were issued with expiration dates on or after January 1, 2020. During the period of any

extensions implemented pursuant to this subsection, all driver's licenses, driving permits, monitoring device driving permits, restricted driving permits, and identification cards, shall be subject to any terms and conditions under which the original document was issued; and

(2) modifying the requirements for the renewal of driver's licenses, driving permits, monitoring device driving permits, restricted driving permits, and identification cards. No such modification shall apply for more than one renewal cycle after the effective date of the rulemaking.

(b) When the renewal of any driver's license, driving permit, monitoring device driving permit, restricted driving permit, or identification card has been extended pursuant to this Section, it shall be renewed during the period of an extension. Any such renewals shall be from the original expiration date and shall be subject to the full fee which would have been due had the renewals been issued based on the original expiration date, except that no late filing fees or penalties shall be imposed.

(c) All law enforcement agencies in the State of Illinois and all State and local governmental entities shall recognize the validity of, and give full legal force to, extensions granted pursuant to this Section.

(d) Upon the request of any person whose driver's license, driving permit, monitoring device driving permit, restricted driving permit, or identification card has been subject to an extension under this Section, the Secretary shall issue a statement verifying the extension was issued pursuant to Illinois law, and requesting any foreign jurisdiction to honor the extension.

(e) This Section is repealed on January 1, 2023.

~~(a) In response to the ongoing public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions, and the need to regulate the number of individuals entering a Secretary of State facility at any one time in order to prevent the spread of the disease, the Secretary of State is hereby given the authority to adopt emergency rulemakings, as provided under subsection (b), and to adopt permanent administrative rules extending until no later than June 30, 2021, the expiration dates of driver's licenses, driving permits, monitoring device driving permits, restricted driving permits, identification cards, disabled parking placards and decals, and vehicle registrations that were issued with expiration dates on or after January 1, 2020. If, as of May 1, 2021, there remains in effect a proclamation issued by the Governor of the State of Illinois declaring a statewide disaster in response to the outbreak of COVID-19, the Secretary may further extend such expiration dates until no later than December 31, 2021.~~

~~(a-5) During the period of any extensions implemented pursuant to this Section, all driver's licenses, driving permits, monitoring device driving permits, restricted driving permits, identification cards, disabled parking placards and decals, and vehicle registrations shall be subject to any terms and conditions under which the original document was issued.~~

~~(b) To provide for the expeditious and timely implementation of this amendatory Act of the 101st General Assembly, any emergency rules to implement the extension provisions of this Section must be adopted by the Secretary of State, subject to the provisions of Section 5-45 of the Illinois Administrative Procedure Act. Any such rule shall:~~

~~(1) (blank);~~

~~(2) set forth the expirations being extended (for example, "this extension shall apply to all driver's licenses, driving permits, monitoring device driving permits, restricted driving permits, identification cards, disabled parking placards and decals, and vehicle registrations expiring on [date] through [date]"); and~~

~~(3) set forth the date on which the extension period becomes effective, and the date on which the extension will terminate if not extended by subsequent emergency rulemaking.~~

~~(c) Where the renewal of any driver's license, driving permit, monitoring device driving permit, restricted driving permit, identification card, disabled parking placard or decal, or vehicle registration has been extended pursuant to this Section, it shall be renewed during the period of an extension. Any such renewal shall be from the original expiration date and shall be subject to the full fee which would have been due had the renewal been issued based on the original expiration date, except that no late filing fees or penalties shall be imposed.~~

~~(d) All law enforcement agencies in the State of Illinois and all State and local governmental entities shall recognize the validity of, and give full legal force to, extensions granted pursuant to this Section.~~

~~(e) Upon the request of any person or entity whose driver's license, driving permit, monitoring device driving permit, restricted driving permit, identification card, disabled parking placard or decal, or vehicle registration has been subject to an extension under this Section, the Secretary shall issue a statement~~

~~verifying the extension was issued pursuant to Illinois law, and requesting any foreign jurisdiction to honor the extension.~~

~~(f) This Section is repealed on January 1, 2022.~~

(Source: P.A. 101-640, eff. 6-12-20; 102-39, eff. 6-25-21.)

Section 13. The Illinois Municipal Code is amended by changing Section 11-101-3 as follows:

(65 ILCS 5/11-101-3)

Sec. 11-101-3. Noise mitigation; air quality.

(a) A municipality that has implemented a Residential Sound Insulation Program to mitigate aircraft noise shall perform indoor air quality monitoring and laboratory analysis of windows and doors installed pursuant to the Residential Sound Insulation Program to determine whether there are any adverse health impacts associated with off-gassing from such windows and doors. Such monitoring and analysis shall be consistent with applicable professional and industry standards. The municipality shall make any final reports resulting from such monitoring and analysis available to the public on the municipality's website. The municipality shall develop a science-based mitigation plan to address significant health-related impacts, if any, associated with such windows and doors as determined by the results of the monitoring and analysis. In a municipality that has implemented a Residential Sound Insulation Program to mitigate aircraft noise, if requested by the homeowner pursuant to a process established by the municipality, which process shall include, at a minimum, notification in a newspaper of general circulation and a mailer sent to every address identified as a recipient of windows and doors installed under the Residential Sound Insulation Program, the municipality shall replace all windows and doors installed under the Residential Sound Insulation Program in such homes where one or more windows or doors have been found to have caused offensive odors. Subject to appropriation, the municipality shall replace windows and doors in at least 750 residences a year. Residents who altered or modified a replacement window or accepted a replacement screen for the window shall not be disqualified from compensation or future services. Only those homeowners who request that the municipality perform an odor inspection as prescribed by the process established by the municipality within 6 months of notification being published and mailers being sent shall be eligible for odorous window and odorous door replacement. Residents who are eligible to receive replacement windows shall be allowed to choose the color and type of replacement window. For purposes of aiding in the selection of such replacement windows, a showcase and display of available replacement window types shall be established and located at Chicago Midway International Airport. Homes that have been identified by the municipality as having odorous windows or doors are not required to make said request to the municipality. The right to make a claim for replacement and have it considered pursuant to this Section shall not be affected by the fact of odor-related claims made or odor-related products received pursuant to the Residential Sound Insulation Program prior to June 5, 2019 (the effective date of this Section). The municipality shall also perform in-home air quality testing in residences in which windows and doors are replaced under this Section. In order to receive in-home air quality testing, a homeowner must request such testing from the municipality, and the total number of homes tested in any given year shall not exceed 25% of the total number of homes in which windows and doors were replaced under this Section in the prior calendar year.

(b) An advisory committee shall be formed, composed of the following: (i) 2 members of the municipality who reside in homes that have received windows or doors pursuant to the Residential Sound Insulation Program and have been identified by the municipality as having odorous windows or doors, appointed by the Secretary of Transportation; (ii) one employee of the Aeronautics Division of the Department of Transportation; ~~and~~ (iii) 2 employees of the municipality that implemented the Residential Sound Insulation Program in question; and (iv) 2 members appointed by the Speaker of the House of Representatives and 2 members appointed by the President of the Senate. The advisory committee shall determine by majority vote which homes contain windows or doors that cause offensive odors and thus are eligible for replacement, shall promulgate a list of such homes, and shall develop recommendations as to the order in which homes are to receive window replacement. The recommendations shall include reasonable and objective criteria for determining which windows or doors are odorous, consideration of the date of odor confirmation for prioritization, severity of odor, geography and individual hardship, and shall provide such recommendations to the municipality. The advisory committee shall develop a process in which homeowners can demonstrate extreme hardship. As used in this subsection, "extreme hardship" means: liquid infiltration of the window or door; health and medical condition of the resident; and residents with sensitivities related to smell. At least 10% of the homes receiving a replacement in a year shall be homes that have demonstrated extreme hardship. The advisory committee shall compile a report demonstrating: (i)

the number of homes in line to receive a replacement; (ii) the number of homes that received replacement windows or doors, or both; (iii) the number of homes that received financial compensation instead of a replacement; and (iv) the number of homes with confirmed mechanical issues. Until December 31, 2022, the report shall be complied monthly, after December 31, 2022, the report shall be complied quarterly. The advisory committee shall accept all public questions and furnish a written response within 2 business days. The advisory committee shall comply with the requirements of the Open Meetings Act. The Chicago Department of Aviation shall provide administrative support to the committee. The municipality shall consider the recommendations of the committee but shall retain final decision-making authority over replacement of windows and doors installed under the Residential Sound Insulation Program, and shall comply with all federal, State, and local laws involving procurement. A municipality administering claims pursuant to this Section shall provide to every address identified as having submitted a valid claim under this Section a quarterly report setting forth the municipality's activities undertaken pursuant to this Section for that quarter. However, the municipality shall replace windows and doors pursuant to this Section only if, and to the extent, grants are distributed to, and received by, the municipality from the Sound-Reducing Windows and Doors Replacement Fund for the costs associated with the replacement of sound-reducing windows and doors installed under the Residential Sound Insulation Program pursuant to Section 6z-20.1 of the State Finance Act. In addition, the municipality shall revise its specifications for procurement of windows for the Residential Sound Insulation Program to address potential off-gassing from such windows in future phases of the program. A municipality subject to the Section shall not legislate or otherwise regulate with regard to indoor air quality monitoring, laboratory analysis or replacement requirements, except as provided in this Section, but the foregoing restriction shall not limit said municipality's taxing power.

(c) A home rule unit may not regulate indoor air quality monitoring and laboratory analysis, and related mitigation and mitigation plans, in a manner inconsistent with this Section. This Section is a limitation of home rule powers and functions under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(d) This Section shall not be construed to create a private right of action.

(Source: P.A. 101-10, eff. 6-5-19; 101-604, eff. 12-13-19; 101-636, eff. 6-10-20; 102-558, eff. 8-20-21.)

Section 15. The Regional Transportation Authority Act is amended by changing Sections 4.01 and 4.09 as follows:

(70 ILCS 3615/4.01) (from Ch. 111 2/3, par. 704.01)

Sec. 4.01. Budget and Program.

(a) The Board shall control the finances of the Authority. It shall by ordinance adopted by the affirmative vote of at least 12 of its then Directors (i) appropriate money to perform the Authority's purposes and provide for payment of debts and expenses of the Authority, (ii) take action with respect to the budget and two-year financial plan of each Service Board, as provided in Section 4.11, and (iii) adopt an Annual Budget and Two-Year Financial Plan for the Authority that includes the annual budget and two-year financial plan of each Service Board that has been approved by the Authority. The Annual Budget and Two-Year Financial Plan shall contain a statement of the funds estimated to be on hand for the Authority and each Service Board at the beginning of the fiscal year, the funds estimated to be received from all sources for such year, the estimated expenses and obligations of the Authority and each Service Board for all purposes, including expenses for contributions to be made with respect to pension and other employee benefits, and the funds estimated to be on hand at the end of such year. The fiscal year of the Authority and each Service Board shall begin on January 1st and end on the succeeding December 31st. By July 1st of each year the Director of the Illinois Governor's Office of Management and Budget (formerly Bureau of the Budget) shall submit to the Authority an estimate of revenues for the next fiscal year of the Authority to be collected from the taxes imposed by the Authority and the amounts to be available in the Public Transportation Fund and the Regional Transportation Authority Occupation and Use Tax Replacement Fund and the amounts otherwise to be appropriated by the State to the Authority for its purposes. The Authority shall file a copy of its Annual Budget and Two-Year Financial Plan with the General Assembly and the Governor after its adoption. Before the proposed Annual Budget and Two-Year Financial Plan is adopted, the Authority shall hold at least one public hearing thereon in the metropolitan region, and shall meet with the county board or its designee of each of the several counties in the metropolitan region. After conducting such hearings and holding such meetings and after making such changes in the proposed Annual Budget and Two-Year Financial Plan as the Board deems appropriate, the Board shall adopt its annual appropriation and

Annual Budget and Two-Year Financial Plan ordinance. The ordinance may be adopted only upon the affirmative votes of 12 of its then Directors. The ordinance shall appropriate such sums of money as are deemed necessary to defray all necessary expenses and obligations of the Authority, specifying purposes and the objects or programs for which appropriations are made and the amount appropriated for each object or program. Additional appropriations, transfers between items and other changes in such ordinance may be made from time to time by the Board upon the affirmative votes of 12 of its then Directors.

(b) The Annual Budget and Two-Year Financial Plan shall show a balance between anticipated revenues from all sources and anticipated expenses including funding of operating deficits or the discharge of encumbrances incurred in prior periods and payment of principal and interest when due, and shall show cash balances sufficient to pay with reasonable promptness all obligations and expenses as incurred.

The Annual Budget and Two-Year Financial Plan must show:

(i) that the level of fares and charges for mass transportation provided by, or under grant or purchase of service contracts of, the Service Boards is sufficient to cause the aggregate of all projected fare revenues from such fares and charges received in each fiscal year to equal at least 50% of the aggregate costs of providing such public transportation in such fiscal year. However, due to the fiscal impacts of the COVID-19 pandemic, the aggregate of all projected fare revenues from such fares and charges received in fiscal years 2021, 2022, and 2023 may be less than 50% of the aggregate costs of providing such public transportation in those fiscal years. "Fare revenues" include the proceeds of all fares and charges for services provided, contributions received in connection with public transportation from units of local government other than the Authority, except for contributions received by the Chicago Transit Authority from a real estate transfer tax imposed under subsection (i) of Section 8-3-19 of the Illinois Municipal Code, and from the State pursuant to subsection (i) of Section 2705-305 of the Department of Transportation Law (20 ILCS 2705/2705-305), and all other operating revenues properly included consistent with generally accepted accounting principles but do not include: the proceeds of any borrowings, and, beginning with the 2007 fiscal year, all revenues and receipts, including but not limited to fares and grants received from the federal, State or any unit of local government or other entity, derived from providing ADA paratransit service pursuant to Section 2.30 of the Regional Transportation Authority Act. "Costs" include all items properly included as operating costs consistent with generally accepted accounting principles, including administrative costs, but do not include: depreciation; payment of principal and interest on bonds, notes or other evidences of obligation for borrowed money issued by the Authority; payments with respect to public transportation facilities made pursuant to subsection (b) of Section 2.20 of this Act; any payments with respect to rate protection contracts, credit enhancements or liquidity agreements made under Section 4.14; any other cost to which it is reasonably expected that a cash expenditure will not be made; costs for passenger security including grants, contracts, personnel, equipment and administrative expenses, except in the case of the Chicago Transit Authority, in which case the term does not include costs spent annually by that entity for protection against crime as required by Section 27a of the Metropolitan Transit Authority Act; the payment by the Chicago Transit Authority of Debt Service, as defined in Section 12c of the Metropolitan Transit Authority Act, on bonds or notes issued pursuant to that Section; the payment by the Commuter Rail Division of debt service on bonds issued pursuant to Section 3B.09; expenses incurred by the Suburban Bus Division for the cost of new public transportation services funded from grants pursuant to Section 2.01e of this amendatory Act of the 95th General Assembly for a period of 2 years from the date of initiation of each such service; costs as exempted by the Board for projects pursuant to Section 2.09 of this Act; or, beginning with the 2007 fiscal year, expenses related to providing ADA paratransit service pursuant to Section 2.30 of the Regional Transportation Authority Act; and in fiscal years 2008 through 2012 inclusive, costs in the amount of $200,000,000 in fiscal year 2008, reducing by $40,000,000 in each fiscal year thereafter until this exemption is eliminated; and

(ii) that the level of fares charged for ADA paratransit services is sufficient to cause the aggregate of all projected revenues from such fares charged and received in each fiscal year to equal at least 10% of the aggregate costs of providing such ADA paratransit services. However, due to the fiscal impacts of the COVID-19 pandemic, the aggregate of all projected fare revenues from such fares and charges received in fiscal years 2021, 2022, and 2023 may be less than 10% of the aggregate costs of providing such ADA paratransit services in those fiscal years. For purposes of this Act, the percentages in this subsection (b)(ii) shall be referred to as the "system generated ADA paratransit services revenue recovery ratio". For purposes of the system generated ADA paratransit services

revenue recovery ratio, "costs" shall include all items properly included as operating costs consistent with generally accepted accounting principles. However, the Board may exclude from costs an amount that does not exceed the allowable "capital costs of contracting" for ADA paratransit services pursuant to the Federal Transit Administration guidelines for the Urbanized Area Formula Program.

(c) The actual administrative expenses of the Authority for the fiscal year commencing January 1, 1985 may not exceed $5,000,000. The actual administrative expenses of the Authority for the fiscal year commencing January 1, 1986, and for each fiscal year thereafter shall not exceed the maximum administrative expenses for the previous fiscal year plus 5%. "Administrative expenses" are defined for purposes of this Section as all expenses except: (1) capital expenses and purchases of the Authority on behalf of the Service Boards; (2) payments to Service Boards; and (3) payment of principal and interest on bonds, notes or other evidence of obligation for borrowed money issued by the Authority; (4) costs for passenger security including grants, contracts, personnel, equipment and administrative expenses; (5) payments with respect to public transportation facilities made pursuant to subsection (b) of Section 2.20 of this Act; and (6) any payments with respect to rate protection contracts, credit enhancements or liquidity agreements made pursuant to Section 4.14.

(d) This subsection applies only until the Department begins administering and enforcing an increased tax under Section 4.03(m) as authorized by this amendatory Act of the 95th General Assembly. After withholding 15% of the proceeds of any tax imposed by the Authority and 15% of money received by the Authority from the Regional Transportation Authority Occupation and Use Tax Replacement Fund, the Board shall allocate the proceeds and money remaining to the Service Boards as follows: (1) an amount equal to 85% of the proceeds of those taxes collected within the City of Chicago and 85% of the money received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the County and Mass Transit District Fund attributable to retail sales within the City of Chicago shall be allocated to the Chicago Transit Authority; (2) an amount equal to 85% of the proceeds of those taxes collected within Cook County outside the City of Chicago and 85% of the money received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the County and Mass Transit District Fund attributable to retail sales within Cook County outside of the city of Chicago shall be allocated 30% to the Chicago Transit Authority, 55% to the Commuter Rail Board and 15% to the Suburban Bus Board; and (3) an amount equal to 85% of the proceeds of the taxes collected within the Counties of DuPage, Kane, Lake, McHenry and Will shall be allocated 70% to the Commuter Rail Board and 30% to the Suburban Bus Board.

(e) This subsection applies only until the Department begins administering and enforcing an increased tax under Section 4.03(m) as authorized by this amendatory Act of the 95th General Assembly. Moneys received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the State and Local Sales Tax Reform Fund shall be allocated among the Authority and the Service Boards as follows: 15% of such moneys shall be retained by the Authority and the remaining 85% shall be transferred to the Service Boards as soon as may be practicable after the Authority receives payment. Moneys which are distributable to the Service Boards pursuant to the preceding sentence shall be allocated among the Service Boards on the basis of each Service Board's distribution ratio. The term "distribution ratio" means, for purposes of this subsection (e) of this Section 4.01, the ratio of the total amount distributed to a Service Board pursuant to subsection (d) of Section 4.01 for the immediately preceding calendar year to the total amount distributed to all of the Service Boards pursuant to subsection (d) of Section 4.01 for the immediately preceding calendar year.

(f) To carry out its duties and responsibilities under this Act, the Board shall employ staff which shall: (1) propose for adoption by the Board of the Authority rules for the Service Boards that establish (i) forms and schedules to be used and information required to be provided with respect to a five-year capital program, annual budgets, and two-year financial plans and regular reporting of actual results against adopted budgets and financial plans, (ii) financial practices to be followed in the budgeting and expenditure of public funds, (iii) assumptions and projections that must be followed in preparing and submitting its annual budget and two-year financial plan or a five-year capital program; (2) evaluate for the Board public transportation programs operated or proposed by the Service Boards and transportation agencies in terms of the goals and objectives set out in the Strategic Plan; (3) keep the Board and the public informed of the extent to which the Service Boards and transportation agencies are meeting the goals and objectives adopted by the Authority in the Strategic Plan; and (4) assess the efficiency or adequacy of public transportation services provided by a Service Board and make recommendations for change in that service to the end that

the moneys available to the Authority may be expended in the most economical manner possible with the least possible duplication.

(g) All Service Boards, transportation agencies, comprehensive planning agencies, including the Chicago Metropolitan Agency for Planning, or transportation planning agencies in the metropolitan region shall furnish to the Authority such information pertaining to public transportation or relevant for plans therefor as it may from time to time require. The Executive Director, or his or her designee, shall, for the purpose of securing any such information necessary or appropriate to carry out any of the powers and responsibilities of the Authority under this Act, have access to, and the right to examine, all books, documents, papers or records of a Service Board or any transportation agency receiving funds from the Authority or Service Board, and such Service Board or transportation agency shall comply with any request by the Executive Director, or his or her designee, within 30 days or an extended time provided by the Executive Director.

(h) No Service Board shall undertake any capital improvement which is not identified in the Five-Year Capital Program.

(i) Each Service Board shall furnish to the Board access to its financial information including, but not limited to, audits and reports. The Board shall have real-time access to the financial information of the Service Boards; however, the Board shall be granted read-only access to the Service Board's financial information.

(Source: P.A. 98-1027, eff. 1-1-15.)

(70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

Sec. 4.09. Public Transportation Fund and the Regional Transportation Authority Occupation and Use Tax Replacement Fund.

(a)(1) Except as otherwise provided in paragraph (4), as soon as possible after the first day of each month, beginning July 1, 1984, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to a special fund in the State Treasury to be known as the Public Transportation Fund an amount equal to 25% of the net revenue, before the deduction of the serviceman and retailer discounts pursuant to Section 9 of the Service Occupation Tax Act and Section 3 of the Retailers' Occupation Tax Act, realized from any tax imposed by the Authority pursuant to Sections 4.03 and 4.03.1 and 25% of the amounts deposited into the Regional Transportation Authority tax fund created by Section 4.03 of this Act, from the County and Mass Transit District Fund as provided in Section 6z-20 of the State Finance Act and 25% of the amounts deposited into the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the State and Local Sales Tax Reform Fund as provided in Section 6z-17 of the State Finance Act. On the first day of the month following the date that the Department receives revenues from increased taxes under Section 4.03(m) as authorized by Public Act 95-708, in lieu of the transfers authorized in the preceding sentence, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Public Transportation Fund an amount equal to 25% of the net revenue, before the deduction of the serviceman and retailer discounts pursuant to Section 9 of the Service Occupation Tax Act and Section 3 of the Retailers' Occupation Tax Act, realized from (i) 80% of the proceeds of any tax imposed by the Authority at a rate of 1.25% in Cook County, (ii) 75% of the proceeds of any tax imposed by the Authority at the rate of 1% in Cook County, and (iii) one-third of the proceeds of any tax imposed by the Authority at the rate of 0.75% in the Counties of DuPage, Kane, Lake, McHenry, and Will, all pursuant to Section 4.03, and 25% of the net revenue realized from any tax imposed by the Authority pursuant to Section 4.03.1, and 25% of the amounts deposited into the Regional Transportation Authority tax fund created by Section 4.03 of this Act from the County and Mass Transit District Fund as provided in Section 6z-20 of the State Finance Act, and 25% of the amounts deposited into the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the State and Local Sales Tax Reform Fund as provided in Section 6z-17 of the State Finance Act. As used in this Section, net revenue realized for a month shall be the revenue collected by the State pursuant to Sections 4.03 and 4.03.1 during the previous month from within the metropolitan region, less the amount paid out during that same month as refunds to taxpayers for overpayment of liability in the metropolitan region under Sections 4.03 and 4.03.1.

Notwithstanding any provision of law to the contrary, beginning on July 6, 2017 (the effective date of Public Act 100-23), those amounts required under this paragraph (1) of subsection (a) to be transferred by the Treasurer into the Public Transportation Fund from the General Revenue Fund shall be directly deposited into the Public Transportation Fund as the revenues are realized from the taxes indicated.

(2) Except as otherwise provided in paragraph (4), on February 1, 2009 (the first day of the month following the effective date of Public Act 95-708) and each month thereafter, upon certification by the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Public Transportation Fund an amount equal to 5% of the net revenue, before the deduction of the serviceman and retailer discounts pursuant to Section 9 of the Service Occupation Tax Act and Section 3 of the Retailers' Occupation Tax Act, realized from any tax imposed by the Authority pursuant to Sections 4.03 and 4.03.1 and certified by the Department of Revenue under Section 4.03(n) of this Act to be paid to the Authority and 5% of the amounts deposited into the Regional Transportation Authority tax fund created by Section 4.03 of this Act from the County and Mass Transit District Fund as provided in Section 6z-20 of the State Finance Act, and 5% of the amounts deposited into the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the State and Local Sales Tax Reform Fund as provided in Section 6z-17 of the State Finance Act, and 5% of the revenue realized by the Chicago Transit Authority as financial assistance from the City of Chicago from the proceeds of any tax imposed by the City of Chicago under Section 8-3-19 of the Illinois Municipal Code.

Notwithstanding any provision of law to the contrary, beginning on July 6, 2017 (the effective date of Public Act 100-23), those amounts required under this paragraph (2) of subsection (a) to be transferred by the Treasurer into the Public Transportation Fund from the General Revenue Fund shall be directly deposited into the Public Transportation Fund as the revenues are realized from the taxes indicated.

(3) Except as otherwise provided in paragraph (4), as soon as possible after the first day of January, 2009 and each month thereafter, upon certification of the Department of Revenue with respect to the taxes collected under Section 4.03, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Public Transportation Fund an amount equal to 25% of the net revenue, before the deduction of the serviceman and retailer discounts pursuant to Section 9 of the Service Occupation Tax Act and Section 3 of the Retailers' Occupation Tax Act, realized from (i) 20% of the proceeds of any tax imposed by the Authority at a rate of 1.25% in Cook County, (ii) 25% of the proceeds of any tax imposed by the Authority at the rate of 1% in Cook County, and (iii) one-third of the proceeds of any tax imposed by the Authority at the rate of 0.75% in the Counties of DuPage, Kane, Lake, McHenry, and Will, all pursuant to Section 4.03, and the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Public Transportation Fund (iv) an amount equal to 25% of the revenue realized by the Chicago Transit Authority as financial assistance from the City of Chicago from the proceeds of any tax imposed by the City of Chicago under Section 8-3-19 of the Illinois Municipal Code.

Notwithstanding any provision of law to the contrary, beginning on July 6, 2017 (the effective date of Public Act 100-23), those amounts required under this paragraph (3) of subsection (a) to be transferred by the Treasurer into the Public Transportation Fund from the General Revenue Fund shall be directly deposited into the Public Transportation Fund as the revenues are realized from the taxes indicated.

(4) Notwithstanding any provision of law to the contrary, of the transfers to be made under paragraphs (1), (2), and (3) of this subsection (a) from the General Revenue Fund to the Public Transportation Fund, the first $150,000,000 that would have otherwise been transferred from the General Revenue Fund shall be transferred from the Road Fund. The remaining balance of such transfers shall be made from the General Revenue Fund.

(5) (Blank).

(6) (Blank).

(7) For State fiscal year 2020 only, notwithstanding any provision of law to the contrary, the total amount of revenue and deposits under this Section attributable to revenues realized during State fiscal year 2020 shall be reduced by 5%.

(8) For State fiscal year 2021 only, notwithstanding any provision of law to the contrary, the total amount of revenue and deposits under this Section attributable to revenues realized during State fiscal year 2021 shall be reduced by 5%.

(b)(1) All moneys deposited in the Public Transportation Fund and the Regional Transportation Authority Occupation and Use Tax Replacement Fund, whether deposited pursuant to this Section or otherwise, are allocated to the Authority, except for amounts appropriated to the Office of the Executive Inspector General as authorized by subsection (h) of Section 4.03.3 and amounts transferred to the Audit Expense Fund pursuant to Section 6z-27 of the State Finance Act. The Comptroller, as soon as possible after each monthly transfer provided in this Section and after each deposit into the Public Transportation Fund, shall order the Treasurer to pay to the Authority out of the Public Transportation Fund the amount so

transferred or deposited. Any Additional State Assistance and Additional Financial Assistance paid to the Authority under this Section shall be expended by the Authority for its purposes as provided in this Act. The balance of the amounts paid to the Authority from the Public Transportation Fund shall be expended by the Authority as provided in Section 4.03.3. The Comptroller, as soon as possible after each deposit into the Regional Transportation Authority Occupation and Use Tax Replacement Fund provided in this Section and Section 6z-17 of the State Finance Act, shall order the Treasurer to pay to the Authority out of the Regional Transportation Authority Occupation and Use Tax Replacement Fund the amount so deposited. Such amounts paid to the Authority may be expended by it for its purposes as provided in this Act. The provisions directing the distributions from the Public Transportation Fund and the Regional Transportation Authority Occupation and Use Tax Replacement Fund provided for in this Section shall constitute an irrevocable and continuing appropriation of all amounts as provided herein. The State Treasurer and State Comptroller are hereby authorized and directed to make distributions as provided in this Section. (2) Provided, however, no moneys deposited under subsection (a) of this Section shall be paid from the Public Transportation Fund to the Authority or its assignee for any fiscal year until the Authority has certified to the Governor, the Comptroller, and the Mayor of the City of Chicago that it has adopted for that fiscal year an Annual Budget and Two-Year Financial Plan meeting the requirements in Section 4.01(b).

(c) In recognition of the efforts of the Authority to enhance the mass transportation facilities under its control, the State shall provide financial assistance ("Additional State Assistance") in excess of the amounts transferred to the Authority from the General Revenue Fund under subsection (a) of this Section. Additional State Assistance shall be calculated as provided in subsection (d), but shall in no event exceed the following specified amounts with respect to the following State fiscal years:

1990	$5,000,000;
1991	$5,000,000;
1992	$10,000,000;
1993	$10,000,000;
1994	$20,000,000;
1995	$30,000,000;
1996	$40,000,000;
1997	$50,000,000;
1998	$55,000,000; and
each year thereafter	$55,000,000.

(c-5) The State shall provide financial assistance ("Additional Financial Assistance") in addition to the Additional State Assistance provided by subsection (c) and the amounts transferred to the Authority from the General Revenue Fund under subsection (a) of this Section. Additional Financial Assistance provided by this subsection shall be calculated as provided in subsection (d), but shall in no event exceed the following specified amounts with respect to the following State fiscal years:

2000	$0;
2001	$16,000,000;
2002	$35,000,000;
2003	$54,000,000;
2004	$73,000,000;
2005	$93,000,000; and
each year thereafter	$100,000,000.

(d) Beginning with State fiscal year 1990 and continuing for each State fiscal year thereafter, the Authority shall annually certify to the State Comptroller and State Treasurer, separately with respect to each of subdivisions (g)(2) and (g)(3) of Section 4.04 of this Act, the following amounts:

(1) The amount necessary and required, during the State fiscal year with respect to which the certification is made, to pay its obligations for debt service on all outstanding bonds or notes issued by the Authority under subdivisions (g)(2) and (g)(3) of Section 4.04 of this Act.

(2) An estimate of the amount necessary and required to pay its obligations for debt service for any bonds or notes which the Authority anticipates it will issue under subdivisions (g)(2) and (g)(3) of Section 4.04 during that State fiscal year.

(3) Its debt service savings during the preceding State fiscal year from refunding or advance refunding of bonds or notes issued under subdivisions (g)(2) and (g)(3) of Section 4.04.

(4) The amount of interest, if any, earned by the Authority during the previous State fiscal year on the proceeds of bonds or notes issued pursuant to subdivisions (g)(2) and (g)(3) of Section 4.04, other than refunding or advance refunding bonds or notes.

The certification shall include a specific schedule of debt service payments, including the date and amount of each payment for all outstanding bonds or notes and an estimated schedule of anticipated debt service for all bonds and notes it intends to issue, if any, during that State fiscal year, including the estimated date and estimated amount of each payment.

Immediately upon the issuance of bonds for which an estimated schedule of debt service payments was prepared, the Authority shall file an amended certification with respect to item (2) above, to specify the actual schedule of debt service payments, including the date and amount of each payment, for the remainder of the State fiscal year.

On the first day of each month of the State fiscal year in which there are bonds outstanding with respect to which the certification is made, the State Comptroller shall order transferred and the State Treasurer shall transfer from the Road Fund to the Public Transportation Fund the Additional State Assistance and Additional Financial Assistance in an amount equal to the aggregate of (i) one-twelfth of the sum of the amounts certified under items (1) and (3) above less the amount certified under item (4) above, plus (ii) the amount required to pay debt service on bonds and notes issued during the fiscal year, if any, divided by the number of months remaining in the fiscal year after the date of issuance, or some smaller portion as may be necessary under subsection (c) or (c-5) of this Section for the relevant State fiscal year, plus (iii) any cumulative deficiencies in transfers for prior months, until an amount equal to the sum of the amounts certified under items (1) and (3) above, plus the actual debt service certified under item (2) above, less the amount certified under item (4) above, has been transferred; except that these transfers are subject to the following limits:

(A) In no event shall the total transfers in any State fiscal year relating to outstanding bonds and notes issued by the Authority under subdivision (g)(2) of Section 4.04 exceed the lesser of the annual maximum amount specified in subsection (c) or the sum of the amounts certified under items (1) and (3) above, plus the actual debt service certified under item (2) above, less the amount certified under item (4) above, with respect to those bonds and notes.

(B) In no event shall the total transfers in any State fiscal year relating to outstanding bonds and notes issued by the Authority under subdivision (g)(3) of Section 4.04 exceed the lesser of the annual maximum amount specified in subsection (c-5) or the sum of the amounts certified under items (1) and (3) above, plus the actual debt service certified under item (2) above, less the amount certified under item (4) above, with respect to those bonds and notes.

The term "outstanding" does not include bonds or notes for which refunding or advance refunding bonds or notes have been issued.

(e) Neither Additional State Assistance nor Additional Financial Assistance may be pledged, either directly or indirectly as general revenues of the Authority, as security for any bonds issued by the Authority. The Authority may not assign its right to receive Additional State Assistance or Additional Financial Assistance, or direct payment of Additional State Assistance or Additional Financial Assistance, to a trustee or any other entity for the payment of debt service on its bonds.

(f) The certification required under subsection (d) with respect to outstanding bonds and notes of the Authority shall be filed as early as practicable before the beginning of the State fiscal year to which it relates. The certification shall be revised as may be necessary to accurately state the debt service requirements of the Authority.

(g) Within 6 months of the end of each fiscal year, the Authority shall determine:

(i) whether the aggregate of all system generated revenues for public transportation in the metropolitan region which is provided by, or under grant or purchase of service contracts with, the Service Boards equals 50% of the aggregate of all costs of providing such public transportation. "System generated revenues" include all the proceeds of fares and charges for services provided, contributions received in connection with public transportation from units of local government other than the Authority, except for contributions received by the Chicago Transit Authority from a real estate transfer tax imposed under subsection (i) of Section 8-3-19 of the Illinois Municipal Code, and from the State pursuant to subsection (i) of Section 2705-305 of the Department of Transportation Law, and all other revenues properly included consistent with generally accepted accounting principles but may not include: the proceeds from any borrowing, and, beginning with the 2007 fiscal year, all revenues and receipts, including but not limited to fares and grants received from the federal,

State or any unit of local government or other entity, derived from providing ADA paratransit service pursuant to Section 2.30 of the Regional Transportation Authority Act. "Costs" include all items properly included as operating costs consistent with generally accepted accounting principles, including administrative costs, but do not include: depreciation; payment of principal and interest on bonds, notes or other evidences of obligations for borrowed money of the Authority; payments with respect to public transportation facilities made pursuant to subsection (b) of Section 2.20; any payments with respect to rate protection contracts, credit enhancements or liquidity agreements made under Section 4.14; any other cost as to which it is reasonably expected that a cash expenditure will not be made; costs for passenger security including grants, contracts, personnel, equipment and administrative expenses, except in the case of the Chicago Transit Authority, in which case the term does not include costs spent annually by that entity for protection against crime as required by Section 27a of the Metropolitan Transit Authority Act; the costs of Debt Service paid by the Chicago Transit Authority, as defined in Section 12c of the Metropolitan Transit Authority Act, or bonds or notes issued pursuant to that Section; the payment by the Commuter Rail Division of debt service on bonds issued pursuant to Section 3B.09; expenses incurred by the Suburban Bus Division for the cost of new public transportation services funded from grants pursuant to Section 2.01e of this Act for a period of 2 years from the date of initiation of each such service; costs as exempted by the Board for projects pursuant to Section 2.09 of this Act; or, beginning with the 2007 fiscal year, expenses related to providing ADA paratransit service pursuant to Section 2.30 of the Regional Transportation Authority Act; or in fiscal years 2008 through 2012 inclusive, costs in the amount of $200,000,000 in fiscal year 2008, reducing by $40,000,000 in each fiscal year thereafter until this exemption is eliminated. If said system generated revenues are less than 50% of said costs, the Board shall remit an amount equal to the amount of the deficit to the State; however, due to the fiscal impacts from the COVID-19 pandemic, for fiscal years 2021, 2022, and 2023, no such payment shall be required. The Treasurer shall deposit any such payment in the Road Fund; and

(ii) whether, beginning with the 2007 fiscal year, the aggregate of all fares charged and received for ADA paratransit services equals the system generated ADA paratransit services revenue recovery ratio percentage of the aggregate of all costs of providing such ADA paratransit services.

(h) If the Authority makes any payment to the State under paragraph (g), the Authority shall reduce the amount provided to a Service Board from funds transferred under paragraph (a) in proportion to the amount by which that Service Board failed to meet its required system generated revenues recovery ratio. A Service Board which is affected by a reduction in funds under this paragraph shall submit to the Authority concurrently with its next due quarterly report a revised budget incorporating the reduction in funds. The revised budget must meet the criteria specified in clauses (i) through (vi) of Section 4.11(b)(2). The Board shall review and act on the revised budget as provided in Section 4.11(b)(3).
(Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18; 101-10, eff. 6-5-19; 101-636, eff. 6-10-20.)

Section 20. The Employee Sick Leave Act is amended by changing Section 21 as follows:
(820 ILCS 191/21)
Sec. 21. Employments exempted from coverage.

(a) This Act does not apply to ~~an employee of an employer subject to the provisions of Title II of the Railway Labor Act (45 U.S.C. 181 et seq.) or to~~ an employer or employee as defined in either the federal Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.) or the Federal Employers' Liability Act, United States Code, Title 45, Sections 51 through 60, or other comparable federal law.

(b) Nothing in this Act shall be construed to invalidate, diminish, or otherwise interfere with any collective bargaining agreement nor shall it be construed to invalidate, diminish, or otherwise interfere with any party's power to collectively bargain such an agreement.

(c) This Act does not apply to any other employment expressly exempted under rules adopted by the Department as necessary to implement this Act in accordance with applicable State and federal law.
(Source: P.A. 99-921, eff. 1-13-17.)

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

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the bill, as amended, was ordered to a third reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

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

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

YEAS 41; NAYS 18.

The following voted in the affirmative:

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

The following voted in the negative:

Anderson	DeWitte	Rezin	Tracy
Bailey	Fowler	Rose	Turner, S.
Barickman	McClure	Stewart	Wilcox
Bryant	McConchie	Stoller	
Curran	Plummer	Syverson	

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

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

At the hour of 4:48 o'clock p.m., the Chair announced that the Senate stands at ease.

AT EASE

At the hour of 4:56 o'clock p.m., the Senate resumed consideration of business.
Senator Holmes, presiding.

REPORTS FROM COMMITTEE ON ASSIGNMENTS

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

Floor Amendment No. 2 to House Bill 3293

The foregoing floor amendment was placed on the Secretary's Desk.

Senator Lightford, Chair of the Committee on Assignments, during its October 27, 2021 meeting, reported that the following Legislative Measures have been approved for consideration:

Motion to Concur in House Amendment No. 1 to Senate Bill 1784
Motion to Concur in House Amendment No. 2 to Senate Bill 1784

The foregoing concurrences were placed on the Senate Calendar.

At the hour of 5:11 o'clock p.m., the Chair announced that the Senate stands at ease.

AT EASE

At the hour of 5:33 o'clock p.m., the Senate resumed consideration of business.
Senator Holmes, presiding.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 609

Offered by Senator Barickman and all Senators:
Mourns the death of Melvin Matter of Minonk.

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

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Muñoz moved that **Senate Joint Resolution No. 34**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Muñoz moved that Senate Joint Resolution No. 34 be adopted.

The motion prevailed.

And the resolution was adopted.

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

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILL ON SECRETARY'S DESK

On motion of Senator Martwick, **Senate Bill No. 1784**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Martwick moved that the Senate concur with the House in the adoption of their amendments to said bill.

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

YEAS 43; NAYS 14.

The following voted in the affirmative:

Aquino	Ellman	Joyce	Rezin
Belt	Feigenholtz	Koehler	Simmons
Bennett	Fine	Landek	Sims
Bush	Gillespie	Lightford	Stadelman
Castro	Glowiak Hilton	Loughran Cappel	Turner, D.

Collins	Harris	Martwick	Van Pelt
Connor	Hastings	Morrison	Villa
Crowe	Holmes	Muñoz	Villanueva
Cullerton, T.	Hunter	Murphy	Villivalam
Cunningham	Johnson	Pacione-Zayas	Mr. President
Curran	Jones, E.	Peters	

The following voted in the negative:

Bailey	Fowler	Rose	Turner, S.
Barickman	McClure	Stoller	Wilcox
Bryant	McConchie	Syverson	
DeWitte	Plummer	Tracy	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 1784**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Castro, **House Bill No. 3293** 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 HOUSE BILL 3293

AMENDMENT NO. 1 . Amend House Bill 3293 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Wage Payment and Collection Act is amended by adding Section 13.5 as follows:

(820 ILCS 115/13.5 new)

Sec. 13.5. Primary contractor responsibility for wage claims in construction industry.

(a) For all contracts entered into on or after July 1, 2022, a primary contractor making or taking a contract in the State for the erection, construction, alteration, or repair of a building, structure, or other private work in the State, shall assume, and is liable for, any debt owed to a wage claimant incurred pursuant to this Act by a subcontractor at any tier acting under, by, or for the primary contractor for the wage claimant's performance of labor included in the subject of the contract between the primary contractor and the owner. This Section does not apply to work performed by a contractor of the State, a special district, a city, a county, or any political subdivision of the State.

(b) As used in this Section:

"Primary contractor" means a contractor that has a direct contractual relationship with a property owner. "Primary contractor" may have the same meaning as a "general contractor" or "prime contractor". However, a property owner who acts as a primary contractor related to the erection, construction, alteration, or repair of his or her primary residence where the aggregate costs of the project amounts to less than $100,000 shall be exempt from liability under this Section.

"Private work" means any erection, construction, alteration, or repair of a building, structure, or other work that is funded or financed wholly without public funds.

"Subcontractor" means a contractor that has a contractual relationship with the primary contractor or with another subcontractor at any tier, who furnishes any goods or services in connection with the contract between the primary contractor and the property owner, but does not include contractors who solely provide goods and transport of such goods related to the contract.

(c) The primary contractor's liability under this Section shall extend only to any unpaid wages, including interest owed and reasonable attorney's fees, but shall not extend to wage supplements, penalties, or liquidated damages.

(d) A primary contractor or any other person shall not evade or commit any act that negates the requirements of this Section. Except as otherwise provided in a contract between the primary contractor and the subcontractor, the subcontractor shall indemnify the primary contractor for any wages, damages, interest, penalties, or attorney's fees owed as a result of the subcontractor's failure to pay wages to the subcontractor's employees as provided in this Section, unless the subcontractor's failure to pay the wages was due to the primary contractor's failure to pay moneys due to the subcontractor in accordance with the terms of their contractual relationship.

(e) The obligations and remedies provided in this Section shall be in addition to any obligations and remedies otherwise provided by law, except that nothing in this Section shall be construed to impose liability on a primary contractor for anything other than unpaid wages, interest owed, and reasonable attorney's fees.

(f) Claims brought pursuant to this Section shall be done so in accordance with Section 11 of this Act.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Castro offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 3293

AMENDMENT NO. 2 . Amend House Bill 3293, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, lines 13 and 14, by changing "wage claimant" to "claimant under this Section"; and

on page 2, by inserting immediately below line 5 the following:

""Construction" means building, altering, repairing, improving, or demolishing any structure or building, or making improvements of any kind to real property."; and

on page 2, by replacing lines 16 and 17 with the following:

"alteration, or repair of a building, structure, or other work."; and

on page 3, line 1, by inserting ", penalties assessed by the Department," before "and"; and

on page 3, line 2, by deleting ", penalties,"; and

on page 3, line 22, by changing "Section 11" to "Sections 11 and 11.5".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Castro, **House Bill No. 3293** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

Senator Harmon had a parliamentary inquiry as to the number of votes required for passage of House Bill No. 3293.

The Chair stated that the bill required 30 votes for passage.

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

The following voted in the negative:

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

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 in the Senate Amendments adopted thereto.

READING BILL OF THE SENATE A SECOND TIME

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

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

AMENDMENT NO. 1 TO SENATE BILL 302

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

"Section 5. The State Records Act is amended by changing Sections 16 and 22a as follows:

(5 ILCS 160/16) (from Ch. 116, par. 43.19)

Sec. 16. There is created the State Records Commission. The Commission shall consist of the following State officials or their authorized representatives: the Secretary of State, who shall act as chairman; the Executive Director of the Abraham Lincoln Presidential Library and Museum ~~the State Historian~~, who shall serve as secretary; the State Treasurer; the Director of Central Management Services; the Attorney General; and the State Comptroller. The Commission shall meet whenever called by the chairman, who shall have no vote on matters considered by the Commission. It shall be the duty of the Commission to determine what records no longer have any administrative, fiscal, legal, research, or historical value and should be destroyed or disposed of otherwise. The Commission may make recommendations to the Secretary of State concerning policies, guidelines, and best practices for addressing electronic records management issues as authorized under Section 37 of the Government Electronic Records Act.

(Source: P.A. 97-249, eff. 8-4-11.)

(5 ILCS 160/22a) (from Ch. 116, par. 43.25a)

Sec. 22a. There is hereby created the State Archives Advisory Board consisting of 12 voting members and 2 nonvoting members.

The voting members shall be appointed by the Secretary of State as follows: A member of the State Records Commission, a member of a Local Records Commission, a member of a local historical society or museum, a university archivist, a person in the field of education specializing in either history or political science, a genealogist, a research or reference librarian, a person who is employed or engaged as an archivist by a business establishment and 4 public members.

The nonvoting members shall be the Director of the State Library and the Executive Director of the Abraham Lincoln Presidential Library and Museum ~~State Historian~~ who shall serve ex-officio.

Four of the initial appointees shall serve a 1-year term; four shall serve 2-year terms; and the remaining 4 shall serve 3-year terms. The terms of the initial appointees shall be specified by the Secretary of State at the time of appointments. Subsequent to the initial appointments all members shall hold office for a period of 3 years. Vacancies shall be filled by appointment of the Secretary of State for the unexpired balance of the term. No person shall serve for more than 2 consecutive 3-year terms.

The State Archives Advisory Board shall elect from its own members one chairman and one vice chairman.

The members appointed to the Board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(Source: P.A. 83-523.)

(20 ILCS 3425/Act rep.)

Section 10. The State Historical Library Act is repealed.

Section 15. The Abraham Lincoln Presidential Library and Museum Act is amended by changing Sections 15, 20, 30, 35, 40, and 45 and by adding Section 3 as follows:

(20 ILCS 3475/3 new)

Sec. 3. Executive Order superseded. Executive Order No. 2017-1 created the Abraham Lincoln Presidential Library and Museum as a State agency under the jurisdiction of the Governor. This Act is the implementation of that Executive Order. To the extent that there is a conflict between the provisions of the Executive Order and this Act, this Act supersedes the Executive Order, and shall be controlling.

(20 ILCS 3475/15)

Sec. 15. Board. There shall be a Board of Trustees of the Abraham Lincoln Presidential Library and Museum to set policy and advise the Abraham Lincoln Presidential Library and Museum and the Executive Director on programs related to the Abraham Lincoln Presidential Library and Museum and to exercise the powers and duties given to it under Section 25 of this Act. ~~The Abraham Lincoln Presidential Library and Museum and the Abraham Lincoln Presidential Library Foundation shall mutually cooperate to maximize resources available to the Abraham Lincoln Presidential Library and Museum and to support, sustain, and provide educational programs and collections at the Abraham Lincoln Presidential Library and Museum. Any membership fees collected by the Abraham Lincoln Presidential Library Foundation may be used to support the Abraham Lincoln Presidential Library and Museum programs or collections at the Foundation's discretion.~~

~~The terms of the mutual cooperation shall be set forth in a memorandum of understanding or similar written document for an agreed upon term concluding on December 31st of a particular year and shall include, at a minimum, the following:~~

~~(a) an authorization by the Agency for the Foundation to operate, directly or through subcontractors, food service, catering service, and retail activities at the Abraham Lincoln Presidential Library and Museum with the net proceeds being made available by the Foundation to the Abraham Lincoln Presidential Library and Museum;~~

~~(b) a requirement that the Foundation annually provide to the Office of the Governor and the General Assembly the following:~~

~~(1) any audit of the Foundation's financial statements performed by an independent auditor;~~

~~(2) the most recent Form 990 federal tax return filed by the Foundation with the Internal Revenue Service; and~~

~~(3) an annual report including income and expenditures of funds raised as a result of the Foundation's operation, directly or through subcontractors, for food service, catering service, and retail activities at the Abraham Lincoln Presidential Library and Museum; and~~

~~(c) the establishment of a working group with 7 members, composed of 3 members of the Board and 3 members of the Board of Directors of the Foundation, with such members appointed by the respective chair of each board, together with the State Historian. The working group shall collaborate to advance the interests of the Agency and, as an initial responsibility, shall develop an official mission statement for the Agency which shall be presented to the Board and the Board of Directors of the Foundation for adoption and which shall serve to align and guide the efforts of both the Agency and the Foundation. Except for the State Historian, ex officio members of either board are not eligible to be appointed as members of the working group. The working group shall meet at least once each quarter and shall be chaired by the State Historian. The Foundation shall provide staff support to the working group to maintain attendance and other necessary records of the working group.~~

(Source: P.A. 100-120, eff. 8-18-17; 101-535, eff. 8-23-19.)

(20 ILCS 3475/20)

Sec. 20. Composition of the Board. The Board of Trustees shall consist of 11 members to be appointed by the Governor, with the advice and consent of the Senate. The Board shall consist of members with the following qualifications:

(1) One member shall have recognized knowledge and ability in matters related to business administration.

(2) One member shall have recognized knowledge and ability in matters related to the history of Abraham Lincoln.

(3) One member shall have recognized knowledge and ability in matters related to the history of Illinois.

(4) One member shall have recognized knowledge and ability in matters related to library and museum studies.

(5) One member shall have recognized knowledge and ability in matters related to historic preservation.

(6) One member shall have recognized knowledge and ability in matters related to cultural tourism.

(7) One member shall have recognized knowledge and ability in matters related to conservation, digitization, and technological innovation.

The initial terms of office shall be designated by the Governor as follows: one member to serve for a term of one year, 2 members to serve for a term of 2 years, 2 members to serve for a term of 3 years, 2 members to serve for a term of 4 years, 2 members to serve for a term of 5 years, and 2 members to serve for a term of 6 years. Thereafter, all appointments shall be for a term of 6 years. The Governor shall appoint one of the members to serve as chairperson at the pleasure of the Governor.

The members of the Board shall serve without compensation but shall be entitled to reimbursement for all necessary expenses incurred in the performance of their official duties as members of the Board from funds appropriated for that purpose.

~~To facilitate communication and cooperation between the Agency and the Abraham Lincoln Presidential Library Foundation, the Foundation CEO shall serve as a non-voting, ex officio member of the Board.~~

(Source: P.A. 100-120, eff. 8-18-17; 100-863, eff. 8-14-18.)

(20 ILCS 3475/30)

Sec. 30. Administration of the Agency. The Agency shall be under the supervision and direction of an Executive Director. The person serving on the effective date of this Act as Library Director, as defined in Section 33 of the Historic Preservation Act, shall become the inaugural Executive Director on the effective date of this Act and shall serve as Executive Director until the expiration of his then-current term as Library Director. Thereafter, the Board shall appoint the Executive Director with the advice and consent of the Senate. The Executive Director shall serve at the pleasure of the Board for a term of 4 years. The Executive Director shall, subject to applicable provisions of law, execute and discharge the powers and duties of the Agency. ~~The Executive Director shall have hiring power and shall appoint (a) a Library Facilities Operations Director; and (b) a Director of the Library. The Executive Director shall appoint those other employees of the Agency as he or she deems appropriate and shall fix the compensation of the Library Facilities Operations Director, the Director of the Library and other employees.~~ The Executive Director may

make provision to establish and collect admission and registration fees, operate a gift shop, and publish and sell educational and informational materials.
(Source: P.A. 100-120, eff. 8-18-17; 100-695, eff. 8-3-18.)

(20 ILCS 3475/35)

Sec. 35. Exchange ~~State Historian; exchange~~ historical records. The Agency ~~State Historian~~ shall make all necessary rules, regulations, and bylaws not inconsistent with law to carry into effect the purposes of this Act and to procure from time to time as may be possible and practicable, at reasonable costs, all books, pamphlets, manuscripts, monographs, writings, and other material of historical interest and useful to the Agency ~~historian~~ bearing upon the political, physical, religious, or social history of the State of Illinois from the earliest known period of time. The Agency ~~State Historian~~ may, with the consent of the Board, exchange any books, pamphlets, manuscripts, records, or other materials which such library may acquire that are of no historical interest or for any reason are of no value to it, with any other library, school or historical society. The Agency ~~State Historian~~ shall distribute volumes of the series known as the Illinois Historical Collections now in print, and to be printed, to all who may apply for same and who pay to the Library and Museum for such volumes an amount fixed by the Agency ~~State Historian~~ sufficient to cover the expenses of printing and distribution of each volume received by such applicants. However, the Agency ~~State Historian~~ shall have authority to furnish 25 of each of the volumes of the Illinois Historical Collections, free of charge, to each of the authors and editors of the Collections or parts thereof; to furnish~~, as in his or her discretion he or she deems necessary or desirable,~~ a reasonable number of each of the volumes of the Collections without charge to archives, libraries, and similar institutions from which material has been drawn or assistance has been given in the preparation of such Collections, and to the officials thereof; and to furnish, as in his or her discretion he or she deems necessary or desirable, a reasonable number of each of the volumes of the Collections without charge to the University of Illinois Library and to instructors and officials of that University, and to public libraries in the State of Illinois. The Agency ~~State Historian~~ may, with the consent of the Board, also make exchanges of the Historical Collections with any other library, school or historical society, and distribute volumes of the Collections for review purposes.
(Source: P.A. 100-120, eff. 8-18-17.)

(20 ILCS 3475/40)

Sec. 40. Illinois State Historian; appointment.

(a) The Governor, in consultation with ~~Executive Director, with the advice and consent of~~ the Board and the Illinois Historical Society, shall appoint the Illinois State Historian~~, who shall provide historical expertise, support, and service on civic engagement to educators and not-for-profit educational groups, including historical societies. The State Historian is the State's leading authority on the history of Illinois~~.

(b) The Illinois State Historian shall be appointed based on the recommendation from the Abraham Lincoln Presidential Library and Museum Board of Trustees who shall consult the Illinois State Historical Society. The Board in consultation with the Illinois State Historical Society shall develop qualifications for the Illinois State Historian to be approved by the Board no later than 120 days after the enactment of this amendatory Act of the 102nd General Assembly.

(c) Qualifications for the Illinois State Historian must include expertise in the history of at least one underrepresented minority group in this State, including, but not limited to: African-American history; Native American history; Latinx history; Asian-American history; and LGBTQIA history.

(d) An individual designated as the Illinois State Historian retains the designation for 2 years from the date of appointment and the term is renewable only by the Governor's appointment for one additional consecutive 2-year term.
(Source: P.A. 100-120, eff. 8-18-17.)

(20 ILCS 3475/45)

Sec. 45. Historical records ~~State Historian; historical records~~. The Library Services Director in consultation with historian staff at the Agency ~~State Historian~~ shall establish and supervise a program within the Agency designed to preserve as historical records selected past editions of newspapers of this State. Such editions and other materials shall be preserved in accordance with industry standards and shall be stored in a place provided by the Agency. The negatives of microphotographs and other materials shall be stored in a place provided by the Agency.

The Library Services Director in consultation with historian staff at the Agency ~~State Historian~~ shall determine on the basis of historical value the various newspaper edition files which shall be preserved and shall arrange a schedule for such preservation. The Library Services Director ~~State Historian~~ shall supervise

the making of arrangements for acquiring access to past edition files and copyright permissions with the editors or publishers of the various newspapers.

The method of microphotography to be employed in this program shall conform to the standards established pursuant to Section 17 of the State Records Act.

Upon payment to the Agency of the required fee, any person or organization shall be granted access to the preserved editions of ~~supplied with any prints requested to be made from~~ the newspapers and all records. The fee schedule shall be determined and approved by the Board annually ~~required shall be determined by the State Historian and shall be equal in amount to the costs incurred by the Agency~~ in granting such access supplying the requested prints.
(Source: P.A. 100-120, eff. 8-18-17.)

(20 ILCS 5030/Act rep.)

Section 20. The Illinois Sesquicentennial of the American Civil War Commission Act is repealed.

Section 25. The Local Historian Act is amended by changing Section 2 as follows:

(50 ILCS 130/2) (from Ch. 85, par. 5702)

Sec. 2. Each local historian ~~in cooperation with the State Historian~~ shall collect and preserve material relating to the history of the political subdivision for which he was appointed and shall maintain such material in fireproof safes or vaults or other fireproof areas within the offices of the political subdivision. The local historian shall inquire into the maintenance, classification and safety from fire of public records and shall recommend to the governing body any actions necessary for their better preservation and any materials of historic value which the political subdivision should acquire.

The local historian may cooperate with any individual or any public or private civic, patriotic or historic group or association and participate in the organized efforts of such individuals, groups and associations for the preparation and publication of local histories, records and reports, the collection and preservation of local historic artifacts, the restoration and preservation of local historic edifices, the erection of local historic monuments and markers and the recording and documentation of current events of local historic interest or significance.

Each local historian shall annually report to the governing body upon his activities and recommendations.

An annual report shall also be sent to the Abraham Lincoln Presidential Library and Museum ~~State Historian~~.
(Source: P.A. 84-736.)

Section 30. The Local Records Act is amended by changing Section 6 as follows:

(50 ILCS 205/6) (from Ch. 116, par. 43.106)

Sec. 6. For those agencies comprising counties of 3,000,000 or more inhabitants or located in or coterminous with any such county or a majority of whose inhabitants reside in any such county, this Act shall be administered by a Local Records Commission consisting of the president of the county board of the county wherein the records are kept, the mayor of the most populous city in such county, the State's attorney of such county, the County comptroller, the State archivist, and the Executive Director of the Abraham Lincoln Presidential Library and Museum ~~State historian~~. The president of the county board shall be the chairman of the Commission.

For all other agencies, this Act shall be administered by a Local Records Commission consisting of a chairman of a county board, who shall be chairman of the Commission, a mayor or president of a city, village or incorporated town, a county auditor, and a State's attorney, all of whom shall be appointed by the Governor, the State archivist, and the Executive Director of the Abraham Lincoln Presidential Library and Museum ~~State historian~~.

A member of either Commission may designate a substitute.

Either Commission may employ such technical, professional and clerical assistants as are necessary.

Either Commission shall meet upon call of its chairman.
(Source: P.A. 100-201, eff. 8-18-17.)".

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

At the hour of 6:55 o'clock p.m., the Chair announced that the Senate stands adjourned until Thursday, October 28, 2021, at 10:30 o'clock a.m., or until the call of the President.