



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**ONE HUNDRED SECOND GENERAL  
ASSEMBLY**

**82ND LEGISLATIVE DAY**

**TUESDAY, FEBRUARY 15, 2022**

**3:27 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**82nd Legislative Day**

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The Senate met pursuant to adjournment.  
Senator Bill Cunningham, Chicago, Illinois, presiding.  
Silent prayer was observed by all members of the Senate.  
Senator Bennett led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Thursday, February 10, 2022, be postponed, pending arrival of the printed Journal.  
The motion prevailed.

### **REPORTS RECEIVED**

The Secretary placed before the Senate the following reports:

Annual Lead Paint Poisoning Report to the General Assembly, submitted by the Kane County State's Attorney.

Eavesdropping Report for 2021, submitted by the Marion County State's Attorney.

SIU School of Medicine - Notification of a Potential Data Security Incident, submitted by the SIU Medicine.

FY22 Second Quarter Capital Projects Review, submitted by the Governor's Office of Management and Budget.

2022 Annual Lease & Purchase Option Report - January 1, 2023 - December 31, 2023, submitted by the Department of Central Management Services.

Illinois Power Agency FY 2021 Annual Report, submitted by the Illinois Power Agency.

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

### **MESSAGES FROM THE PRESIDENT**

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

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

160 N. LASALLE ST., STE. 720  
CHICAGO, ILLINOIS 60601  
312-814-2075

February 10, 2022

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

Dear Mr. Secretary:

Pursuant to the Senate Rule 2-10, I hereby extend the committee deadline to February 18, 2022 for the following bills:

SB 0149  
SB 0180

SB 3175  
SB 3176

SB 3774  
SB 3775

[February 15, 2022]

SB 0213	SB 3185	SB 3794
SB 0629	SB 3190	SB 3796
SB 1766	SB 3193	SB 3797
SB 1990	SB 3207	SB 3798
SB 2139	SB 3206	SB 3809
SB 2166	SB 3209	SB 3819
SB 2170	SB 3434	SB 3872
SB 2173	SB 3446	SB 3884
SB 2254	SB 3460	SB 3897
SB 2316	SB 3466	SB 3907
SB 2912	SB 3477	SB 3908
SB 2930	SB 3488	SB 3916
SB 2981	SB 3596	SB 3924
SB 2991	SB 3615	SB 3926
SB 3004	SB 3640	SB 3940
SB 3069	SB 3644	SB 3949
SB 3093	SB 3650	SB 3977
SB 3095	SB 3715	SB 3987
SB 3104	SB 3720	SB 4004
SB 3105	SB 3722	SB 4029
SB 3120	SB 3729	SB 4035

Sincerely,  
s/Don Harmon  
Don Harmon  
Senate President

cc: Senate Republican Leader Dan McConchie

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February 15, 2022

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

Dear Mr. Secretary:

Pursuant to the Senate Rule 2-10, I hereby extend the committee deadline to February 25, 2022 for the following bills:

SB 0062  
SB 0570  
SB 3721  
SB 3998

Sincerely,

[February 15, 2022]

s/Don Harmon  
Don Harmon  
Senate President

cc: Senate Republican Leader Dan McConchie

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

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February 15, 2022

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

Dear Mr. Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Mattie Hunter to temporarily replace Senator Kimberly A. Lightford as a member of the Senate Committee on Assignments. This appointment will expire upon adjournment of the Senate Committee on Assignments on February 15, 2022.

Sincerely,  
s/Don Harmon  
Don Harmon  
Senate President

**LEGISLATIVE MEASURES FILED**

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

Amendment No. 4 to Senate Bill 1633  
Amendment No. 1 to Senate Bill 3024  
Amendment No. 2 to Senate Bill 3083  
Amendment No. 1 to Senate Bill 3096  
Amendment No. 2 to Senate Bill 3166  
Amendment No. 1 to Senate Bill 3184  
Amendment No. 1 to Senate Bill 3832  
Amendment No. 2 to Senate Bill 3865  
Amendment No. 1 to Senate Bill 3910  
Amendment No. 2 to Senate Bill 3925  
Amendment No. 1 to Senate Bill 4028

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

Amendment No. 1 to Senate Bill 180  
Amendment No. 2 to Senate Bill 3095  
Amendment No. 2 to Senate Bill 3120  
Amendment No. 1 to Senate Bill 3193

[February 15, 2022]

Amendment No. 2 to Senate Bill 3193  
Amendment No. 2 to Senate Bill 3460  
Amendment No. 1 to Senate Bill 3477

**MESSAGE FROM THE GOVERNOR**

**OFFICE OF THE GOVERNOR  
207 STATE HOUSE  
SPRINGFIELD, ILLINOIS 62706**

**JB PRITZKER  
GOVERNOR**

February 14, 2022

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

Mr. President:

On December 14, 2020, Appointment Message 101-603 nominating James Rowe as Member of the Illinois Criminal Justice Information Authority was delivered to your Honorable Body. As of the date of this letter, it is my understanding that the Senate has not taken action on this nomination.

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

Sincerely,  
s/JB Pritzker  
Governor

**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION NO. 829**

Offered by Senator Anderson and all Senators:  
Mourns the death of Joseph Kline.

**SENATE RESOLUTION NO. 830**

Offered by Senator Anderson and all Senators:  
Mourns the death of Jerald Pearson.

**SENATE RESOLUTION NO. 831**

Offered by Senator McClure and all Senators:  
Mourns the passing of Master Sergeant Barbara L. Freesen, Illinois State Police (Ret.) of Springfield.

**SENATE RESOLUTION NO. 832**

Offered by Senator Harmon and all Senators:  
Mourns the death of Ramona McNeese of Oak Park.

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

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

[February 15, 2022]

**SENATE RESOLUTION NO. 828**

WHEREAS, Severe acute respiratory syndrome coronavirus (SARS-CoV-2), better known as COVID-19, was first detected in Illinois in January of 2020, and the first COVID-19 related death in Illinois occurred on March 16, 2020; and

WHEREAS, The Illinois Department of Public Health has reported nearly 2.8 million cases across all counties and almost 30,000 COVID-related deaths; more Illinoisans have died of COVID-19 than died serving in World War I, World War II, and the war in Vietnam combined; and

WHEREAS, Thousands of those who have survived COVID-19 are still struggling with myriad symptoms of Long COVID-19; this range of symptoms can last weeks or months after someone is first infected or can appear weeks after infection; and

WHEREAS, COVID-19 has had costly and disruptive impacts on Illinois residents and their families, businesses, institutions, and local and state governments; and

WHEREAS, Illinois' network of public health professionals, hospitals, and health care systems have battled relentlessly to prevent and treat COVID-19 and prevent related deaths; and

WHEREAS, It is customary in Illinois to remember and honor those who have served the people of Illinois in protecting the public health and to remember lives lost due to public health tragedies such as COVID-19; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we declare March 16, 2022 to be a day of remembrance in honor of those who have been lost to the COVID-19 pandemic and in recognition of the frontline workers who have sacrificed by tirelessly laboring to protect the health of Illinoisans.

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

**SENATE RESOLUTION NO. 833**

WHEREAS, The 2022 Winter Olympic Games are being held February 3-20 in Beijing, China; and

WHEREAS, The Winter Olympics is a major international multi-sport event held once every four years for sports practiced on snow and ice; and

WHEREAS, More than 220 athletes are representing the United States at the Winter Olympics in Beijing, making Team USA the largest delegation in attendance; and

WHEREAS, Fourteen of the athletes on Team USA are from the State of Illinois, and they are competing in figure skating singles, figure skating pairs, hockey, ski jumping, and speed skating; and

WHEREAS, The athletes from Illinois participating in the Winter Games are Kevin Bickner from Lake Forest, Megan Bozek from Buffalo Grove, Jason Brown from Highland Park, Ethan Cepuran from Glen Ellyn, Jesse Compher from Northbrook, Kendall Coyne Schofield from Palos Heights, Patrick Gasienica from Spring Grove, Savannah Harmon from Downers Grove, Austin Kleba from Campton Hills, Alexa Knierim from Addison, Hilary Knight from Lake Forest, Casey Larson from Barrington, Emery Lehman from Oak Park, and Abbey Murphy from Evergreen Park; and

WHEREAS, Illinois provides a variety of opportunities for athletes to practice winter sports in athletic departments and park districts across the State; therefore, be it

[February 15, 2022]



RESOLVED, BY THE SENATE OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we declare February 20, 2022 as "Illinois Winter Olympians Day" in the State of Illinois; and be it further

RESOLVED, That suitable copies of this resolution be presented to Kevin Bickner, Megan Bozek, Jason Brown, Ethan Cepuran, Jesse Compher, Kendall Coyne Schofield, Patrick Gasienica, Savannah Harmon, Austin Kleba, Alexa Knierim, Hilary Knight, Casey Larson, Emery Lehman, and Abbey Murphy as a symbol of our respect and esteem.

### INTRODUCTION OF BILLS

**SENATE BILL NO. 4166.** Introduced by Senator Harmon, a bill for AN ACT concerning appropriations.

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

**SENATE BILL NO. 4167.** Introduced by Senator Harmon, a bill for AN ACT concerning appropriations.

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

**SENATE BILL NO. 4168.** Introduced by Senator Villa, a bill for AN ACT concerning appropriations.

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

**SENATE BILL NO. 4169.** Introduced by Senator Harmon, a bill for AN ACT concerning appropriations.

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

**SENATE BILL NO. 4170.** Introduced by Senator Harmon, a bill for AN ACT concerning appropriations.

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

**SENATE BILL NO. 4171.** Introduced by Senator Harmon, a bill for AN ACT concerning appropriations.

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

**SENATE BILL NO. 4172.** Introduced by Senator Harmon, a bill for AN ACT concerning appropriations.

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

**SENATE BILL NO. 4173.** Introduced by Senator McClure, a bill for AN ACT concerning transportation.

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

### REPORT FROM STANDING COMMITTEE

Senator Murphy, Chair of the Committee on Executive Appointments, to which was referred **Appointment Messages Numbered 1010503, 1010504, 1010507, 1010516, 1010518, 1010531, 1010548,**

[February 15, 2022]

**1010562, 1010563, 1010570, 1010574 and 1010583**, reported the same back with the recommendation that the Senate do recommend consent.

Under the rules, the foregoing appointment messages are eligible for consideration by the Senate.

Senator Murphy, Chair of the Committee on Executive Appointments, to which was referred **Appointment Message No. 1010528**, reported the same back without recommendation.

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

### MESSAGE FROM THE HOUSE

A message from the House by

Mr. Hollman, Clerk:

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

#### HOUSE JOINT RESOLUTION NO. 42

WHEREAS, The members of the Illinois General Assembly are honored to pay tribute to those who have given their lives to protect and serve the citizens of this great nation; and

WHEREAS, The members of the House of Representatives of the State of Illinois learned with much sadness of the death in Iraq of Sergeant Brian Romines of Simpson and formerly of Anna on June 6, 2005; and

WHEREAS, Brian Romines was born to Clyde Randall and Melinda Clary Romines on October 26, 1984; he was a graduate of Anna Jr. High School and Vienna High School; he attended many churches and was a member of the VFW in Herrin and an honorary member of the Roustabouts of Little Egypt Southern Illinois; and

WHEREAS, Brian Romines joined the U.S. Army National Guard in October of 2002, completed basic training in November of 2003, and was deployed in November of 2004; he was a member of the 3rd Battalion, 123rd Field Artillery based out of Marion; and

WHEREAS, Brian Romines was preceded in death by his paternal great-grandparents, John Raymond and Mary Romines, and his maternal great-grandparents, Lester and Chloe Jones; and

WHEREAS, The passing of Sergeant Brian Romines has been deeply felt by many, especially his mother, Melinda Clary; his father, Randy (Kris) Romines; his brother, Randall (Chrissy) Romines; his sister, Tera Romines; his stepsister, Addie Jones; his uncles, Mark (Carol) Clary, Todd Clary, Brad Romines, Richard Romines, and Greg (Woodie) Romines; his nephews, Brennan Romines and Ryland Solami; his niece, Hannah Romines; his cousins, Megan, Kaci, Samantha, Derek, Rendee, Chelsie, Richard, Tabatha, Tiffany, Teila, and Tyler; his other relatives; and his many friends including his extended family of the Alpha Battery, 2/123 FA, 504th MPBN; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the section of Illinois Route 146 between Anna and Vienna as the "Sergeant Brian Romines Memorial Highway"; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name "Sergeant Brian Romines Memorial Highway"; and be it further

RESOLVED, That suitable copies of this resolution be presented to the family of Sergeant Brian Romines and the Secretary of Transportation.

Adopted by the House, May 29, 2021.

[February 15, 2022]

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 42 was referred to the Committee on Assignments.

At the hour of 3:35 o'clock p.m., the Chair announced that the Senate stands at ease.

**AT EASE**

At the hour of 3:44 o'clock p.m., the Senate resumed consideration of business.  
Senator Cunningham, presiding.

**REPORTS FROM COMMITTEE ON ASSIGNMENTS**

Senator Cunningham, Vice-Chair of the Committee on Assignments, during its February 15, 2022 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture: **Senate Bill No. 3721.**

Energy and Public Utilities: **Senate Bill No. 570.**

Executive: **Senate Bill No. 3998.**

Judiciary: **Senate Bill No. 62.**

Senator Cunningham, Vice-Chair of the Committee on Assignments, during its February 15, 2022 meeting, to which was referred **Senate Bills Numbered 705, 816, 1016, 1435 and 1479** on April 23, 2021, pursuant to Rule 3-9(a), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **Senate Bills Numbered 705, 816, 1016, 1435 and 1479** were returned to the order of third reading.

**LEGISLATIVE MEASURES FILED**

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

Amendment No. 1 to Senate Bill 705

Amendment No. 1 to Senate Bill 816

Amendment No. 1 to Senate Bill 1016

**REPORT FROM COMMITTEE ON ASSIGNMENTS**

Senator Cunningham, Vice-Chair of the Committee on Assignments, during its February 15, 2022 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture: **Floor Amendment No. 1 to Senate Bill 705.**

Education: **Floor Amendment No. 1 to Senate Bill 816.**

[February 15, 2022]

Executive: **Committee Amendment No. 1 to Senate Bill 180; Committee Amendment No. 1 to Senate Bill 3105; Committee Amendment No. 1 to Senate Bill 3460; Committee Amendment No. 2 to Senate Bill 3460; Committee Amendment No. 1 to Senate Bill 3720; Committee Amendment No. 1 to Senate Bill 3884; Committee Amendment No. 2 to Senate Bill 3884; Floor Amendment No. 1 to Senate Bill 4044.**

Healthcare Access and Availability: **Floor Amendment No. 3 to Senate Bill 3017.**

Human Rights: **Floor Amendment No. 2 to Senate Bill 3865.**

Insurance: **Floor Amendment No. 1 to Senate Bill 3910.**

Judiciary: **Floor Amendment No. 2 to Senate Bill 3083; Committee Amendment No. 1 to Senate Bill 3193; Committee Amendment No. 2 to Senate Bill 3193.**

Labor: **Committee Amendment No. 2 to Senate Bill 3120.**

Local Government: **Floor Amendment No. 1 to Senate Bill 1016.**

Pensions: **Floor Amendment No. 1 to Senate Bill 2952.**

Transportation: **Floor Amendment No. 1 to Senate Bill 3609.**

Pursuant to Senate Rule 3-8 (b-1), the following amendment will remain in the Committee on Assignments: **Committee Amendment No. 1 to Senate Bill 3095.**

#### READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Glowiak Hilton, **Senate Bill No. 670** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Murphy, **Senate Bill No. 2243** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was postponed in the Committee on Licensed Activities.

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

#### AMENDMENT NO. 2 TO SENATE BILL 2243

AMENDMENT NO. 2. Amend Senate Bill 2243 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Music Therapy Licensing and Practice Act.

Section 5. Declaration of public policy. The practice of music therapy is hereby declared to affect the public health, safety, and welfare and to be subject to regulation in the public interest. The purpose of this Act is to ensure the highest degree of professional conduct on the part of music therapists, to guarantee the availability of music therapy services provided by a qualified professional to persons in need of those services, and to protect the public from the practice of music therapy by unqualified individuals.

Section 10. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

"Advisory Board" means the Music Therapy Advisory Board.

"Department" means the Department of Financial and Professional Regulation.

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

"Licensed professional music therapist" means a person licensed to practice music therapy.

"Music therapy" means the clinical and evidence-based use of music therapy interventions to accomplish individualized goals for people of all ages and ability levels within a therapeutic relationship. "Music therapy" does not include the screening, diagnosis, or assessment of any physical, mental, or communication disorder.

"Music therapy intervention" includes music improvisation, receptive music listening, song writing, lyric discussion, music and imagery, singing, music performance, learning through music, music combined with other arts, music-assisted relaxation, music-based patient education, electronic music technology, adapted music intervention, and movement to music. "Music therapy intervention" also includes:

(1) accepting referrals for music therapy services from medical, developmental, mental health, or education professionals or family members, clients, caregivers, or others involved and authorized with the provision of client services;

(2) conducting a music therapy assessment of a client to determine if treatment is indicated; if treatment is indicated, the licensee collects systematic, comprehensive, and accurate information to determine the appropriateness and type of music therapy services to provide for the client;

(3) developing an individualized music therapy treatment plan for the client that is based upon the results of the music therapy assessment; as used in this item (3), "music therapy treatment plan" includes individualized goals and objectives that focus on the assessed needs and strengths of the client and specify music therapy approaches and interventions to be used to address these goals and objectives;

(4) implementing an individualized music therapy treatment plan that is consistent with any other developmental, rehabilitative, habilitative, medical, mental health, preventive, wellness care, or educational services being provided to the client;

(5) evaluating the client's response to music therapy and the music therapy treatment plan, documenting change and progress, and suggesting modifications, as appropriate;

(6) developing a plan for determining when the provision of music therapy services is no longer needed in collaboration with the client, physician, or other provider of health care or education of the client, family members of the client, and any other appropriate person upon whom the client relies for support;

(7) minimizing any barriers to ensure that the client receives music therapy services in the least restrictive environment;

(8) collaborating with and educating the client and the family, caregiver of the client, or any other appropriate person regarding the needs of the client that are being addressed in music therapy and the manner in which the music therapy treatment addresses those needs; and

(9) utilizing appropriate knowledge and skills to inform practice, including use of research, reasoning, and problem-solving skills to determine appropriate actions in the context of each specific clinical setting.

"Secretary" means the Secretary of Financial and Professional Regulation or his or her designee.

Section 15. Address of record; email address of record. All applicants and licensees shall:

(1) provide a valid address and email address to the Department, which serves as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) inform the Department of any change of address of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.

Section 20. Music Therapy Advisory Board. There is created within the Department a Music Therapy Advisory Board, which shall consist of 5 members. The Secretary shall appoint all members of the Advisory Board. The Advisory Board shall consist of persons familiar with the practice of music therapy to provide the Secretary with expertise and assistance in carrying out his or her duties pursuant to this Act. The Secretary shall appoint members of the Advisory Board to serve for terms of 4 years, and members may serve consecutive terms at the will of the Secretary. Any vacancy shall be filled in the same manner as a

regular appointment. The Secretary shall appoint 3 members who practice as professional music therapists in this State, one member who is a licensed health care provider who is not a music therapist, and one member who is a consumer. Members shall serve without compensation.

The Secretary may terminate the appointment of any member for cause as determined by the Secretary.

The Secretary may consider the recommendation of the Advisory Board on all matters and questions relating to this Act.

Members of the Advisory Board shall be reimbursed for all legitimate, necessary, and authorized expenses.

Members of the Advisory Board shall have no liability in any action based upon a disciplinary proceeding or other activity performed in good faith as a member of the Advisory Board.

Section 25. Music Therapy Advisory Board; powers and duties.

(a) The Advisory Board shall meet at least once per year or as otherwise called by the Secretary.

(b) The Advisory Board shall advise the Department on all matters pertaining to the licensure for, education for, continuing education requirements for, and practice of music therapy in this State.

(c) The Advisory Board may make such recommendations as it deems advisable to the Secretary on any matters and questions relating to the Act and the profession and practice of music therapy.

(d) The Advisory Board shall annually elect one of its members as chairperson and one of its members as vice chairperson.

Section 30. Exemptions. Nothing in this Act may be construed to prohibit or restrict the practice, services, or activities of the following:

(1) A person licensed, certified, or regulated under the laws of this State in another profession or occupation, including physicians, psychologists, psychoanalysts, registered nurses, marriage and family therapists, social workers, occupational therapists, professional or rehabilitation counselors, speech-language pathologists or audiologists, or personnel supervised by a licensed professional, performing work, including the use of music, incidental to the practice of that person's licensed, certified, or regulated profession or occupation, if that person does not represent himself or herself as a licensed music therapist.

(2) A person whose training and national certification attests to the individual's preparation and ability to practice his or her certified profession or occupation, if that person does not represent himself or herself as a music therapist.

(3) Any practice of music therapy as an integral part of a program of study for students enrolled in an accredited music therapy program, if the student does not represent himself or herself as a music therapist.

Section 35. Collaboration. Before a licensed professional music therapist provides music therapy services to a client for an identified clinical or developmental need, the licensee shall review the client's diagnosis, treatment needs, and treatment plan with the health care providers involved in the client's care. Before a licensed professional music therapist provides music therapy services to a student for an identified educational need in a special education setting, the licensee shall review with the individualized family service plan or individualized education program team the student's diagnosis, treatment needs, and treatment plan. During the provision of music therapy services to a client, the licensed professional music therapist shall collaborate, as applicable, with the client's treatment team, including the client's physician, psychologist, licensed clinical social worker, or other mental health professional. A licensed music therapist whose highest degree in music therapy is a baccalaureate degree shall not engage in the practice of psychotherapy unless supervised by a licensed music therapist with a master's degree in music therapy, a licensed clinical social worker, a licensed clinical psychologist, a licensed clinical professional counselor, a licensed marriage and family therapist, or a psychiatrist, as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code. During the provision of music therapy services to a client with a communication disorder, the licensed professional music therapist shall collaborate and discuss the music therapy treatment plan with the client's audiologist or speech-language pathologist so that a music therapist may work with the client and address communication skills.

When providing educational or health care services, a licensed professional music therapist may not replace the services provided by an audiologist or a speech-language pathologist. Unless authorized to

practice speech-language pathology, music therapists may not evaluate, examine, instruct, or counsel on speech, language, communication, and swallowing disorders and conditions. An individual licensed as a professional music therapist may not represent to the public that the individual is authorized to treat a communication disorder. This does not prohibit an individual licensed as a professional music therapist from representing to the public that the individual may work with clients who have a communication disorder and address communication skills.

Section 40. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a music therapist without being licensed or exempt under this Act, as described in Section 30 of this Act, shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department may investigate any actual, alleged, or suspected unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a final judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

Section 45. Powers and duties of the Department. Subject to the provisions of this Act, the Department shall:

(1) adopt rules defining what constitutes a curriculum for music therapy that is reputable and in good standing;

(2) adopt rules providing for the establishment of a uniform and reasonable standard of instruction and maintenance to be observed by all curricula for music therapy that are approved by the Department and determine the reputability and good standing of such curricula for music therapy by reference to compliance with the rules, provided that no school of music therapy that refuses admittance to applicants solely on account of race, color, creed, sex, or national origin shall be considered reputable and in good standing;

(3) adopt and publish rules for a method of examination of candidates for licensed professional music therapists and for issuance of licenses authorizing candidates upon passing examination to practice as licensed professional music therapists;

(4) review applications to ascertain the qualifications of applicants for licenses;

(5) authorize examinations to ascertain the qualifications of those applicants who require such examinations as a component of a license;

(6) conduct hearings on proceedings to refuse to issue or renew a license or to revoke, suspend, place on probation, or reprimand licenses issued under this Act; and

(7) adopt rules necessary for the administration of this Act.

Section 50. Application for original license. Applications for original licenses shall be made to the Department on forms prescribed by the Department and accompanied by the required fee, which is not refundable. All applications shall contain such information that, in the judgment of the Department, will enable the Department to approve or disapprove of the qualifications of the applicant for a license to practice as a professional music therapist. If an applicant fails to obtain a license under this Act within 3 years after filing his or her application, the application shall be denied. The applicant may make a new application, which shall be accompanied by the required nonrefundable fee. The applicant shall be required to meet the qualifications required for licensure at the time of reapplication.

Section 55. Social Security Number on license application. In addition to any other information required to be contained in the application, every application for an original license under this Act shall include the applicant's Social Security Number, which shall be retained in the Department's records pertaining to the license. As soon as practical, the Department shall assign a customer's identification number to each applicant for a license. Every application for a renewal, reinstated, or restored license shall require the applicant's customer identification number.

Section 60. Qualifications for licensure.

(a) The Secretary shall issue a license to an applicant for a professional music therapist license if such applicant has completed and submitted an application form in such manner as the Secretary prescribes, accompanied by applicable fees, and evidence satisfactory to the Secretary that:

- (1) the applicant has received a baccalaureate degree or higher in music therapy, or its equivalent, as defined by the Department;
- (2) the applicant is at least 18 years of age;
- (3) the applicant is in good standing based on a review of any music therapy licensure history the applicant may have in other jurisdictions, including any alleged misconduct or neglect in the practice of music therapy; and
- (4) the applicant provides proof of passing an exam determined by the Department or provides proof that the applicant holds a current music therapist credential as determined by the Department.

#### Section 65. License renewal.

(a) Every license issued under this Act shall be renewed biennially. A license shall be renewed upon payment of a renewal fee, provided that the applicant is not in violation of any of the terms of this Act at the time of application for renewal. The following shall also be required for license renewal:

- (1) Proof of completion of a minimum of 40 hours of continuing education as established by rule.
- (2) For those licensed professional music therapists that have direct patient interactions with adult populations age 26 or older, proof of completion of at least one hour of training on the diagnosis, treatment, and care of individuals with Alzheimer's disease and other dementias per renewal period; this training shall include, but not be limited to, assessment and diagnosis, effective communication strategies, and management and care planning; this one-hour course counts toward meeting the minimum credit hours required for continuing education.

(b) A licensee shall inform the Secretary of any changes to his or her address. Each licensee shall be responsible for timely renewal of his or her license.

Section 70. Inactive status. A person who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on inactive status and shall, subject to rule of the Department, be excused from payment of renewal fees until he or she notifies the Department, in writing, of his or her desire to resume active status. A person requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her license. Practice by an individual whose license is on inactive status shall be considered to be the unlicensed practice of music therapy and shall be grounds for discipline under this Act.

Section 75. Fees; deposit of fees. The Department shall, by rule, establish a schedule of fees for the administration and enforcement of this Act. These fees shall be nonrefundable. All of the fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund. The moneys deposited into the General Professions Dedicated Fund shall be used by the Department, as appropriate, for the ordinary and contingent expenses of the Department. Moneys in the General Professions Dedicated Fund may be invested and reinvested, with all earnings received from these investments being deposited into that Fund and used for the same purposes as the fees and fines deposited in that Fund.

Section 80. Checks or orders dishonored. Any person who issues or delivers a check or other order to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days after notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certification or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all costs and expenses of processing of



this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unnecessarily burdensome.

Section 85. Endorsement. The Department may issue a license as a professional music therapist, without administering the required examination, to an applicant licensed under the laws of another state, a U.S. territory, or another country if the requirements for licensure in that state, U.S. territory, or country are, on the date of licensure, substantially equal to the requirements of this Act or to a person who, at the time of his or her application for licensure, possesses individual qualifications that are substantially equivalent to the requirements of this Act. An applicant under this Section shall pay all of the required fees. An applicant shall have 3 years after the date of application to complete the application process. If the process has not been completed within the 3-year time period, the application shall be denied, the fee shall be forfeited, and the applicant shall be required to reapply and meet the requirements in effect at the time of reapplication.

Section 90. Privileged communications and exceptions.

(a) No licensed professional music therapist shall disclose any information acquired from persons consulting the therapist in a professional capacity, except that which may be voluntarily disclosed under any of the following circumstances:

(1) In the course of formally reporting, conferring, or consulting with administrative superiors, colleagues, or consultants who share professional responsibility, in which instance all recipients of the information are similarly bound to regard the communication as privileged.

(2) With the written consent of the person who provided the information and about whom the information concerns.

(3) In the case of death or disability, with the written consent of a personal representative.

(4) When a communication reveals the intended commission of a crime or harmful act and such disclosure is judged necessary in the professional judgment of the licensed professional music therapist to protect any person from a clear risk of serious mental or physical harm or injury or to forestall a serious threat to the public safety.

(5) When the person waives the privilege by bringing any public charges or filing a lawsuit against the licensee.

(b) Any person having access to records or anyone who participates in providing music therapy services, or in providing any human services, or is supervised by a licensed professional music therapist is similarly bound to regard all information and communications as privileged in accord with this Section.

Section 95. Grounds for discipline.

(a) The Department may refuse to issue, renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department deems appropriate, including the issuance of fines not to exceed \$10,000 for each violation, with regard to any license for any one or more of the following:

(1) Material misstatement in furnishing information to the Department or to any other State agency.

(2) Violations or negligent or intentional disregard of this Act, or any of its rules.

(3) Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States: (i) that is a felony or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of music therapy.

(4) Making any misrepresentation for the purpose of obtaining a license, or violating any provision of this Act or its rules.

(5) Negligence in the rendering of music therapy services.

(6) Aiding or assisting another person in violating any provision of this Act or any rules.

(7) Failing to provide information within 60 days in response to a written request made by the Department.

(8) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public and violating the rules of professional conduct adopted by the Department.

(9) Failing to maintain the confidentiality of any information received from a client, unless otherwise authorized or required by law.

(10) Failure to maintain client records of services provided and provide copies to clients upon request.

(11) Exploiting a client for personal advantage, profit, or interest.

(12) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug which results in inability to practice with reasonable skill, judgment, or safety.

(13) Discipline by another governmental agency or unit of government, by any jurisdiction of the United States, or by a foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(14) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered. Nothing in this paragraph (14) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (14) shall be construed to require an employment arrangement to receive professional fees for services rendered.

(15) A finding by the Department that the licensee, after having the license placed on probationary status, has violated the terms of probation.

(16) Failing to refer a client to other health care professionals when the licensee is unable or unwilling to adequately support or serve the client.

(17) Willfully filing false reports relating to a licensee's practice, including, but not limited to, false records filed with federal or State agencies or departments.

(18) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(19) Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(20) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills which results in the inability to practice the profession with reasonable judgment, skill, or safety.

(21) Solicitation of professional services by using false or misleading advertising.

(22) Failure to file a return, or to pay the tax, penalty of interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

(23) Fraud or making any misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal of a license under this Act.

(24) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

(25) Gross overcharging for professional services, including filing statements for collection of fees or moneys for which services are not rendered.

(26) Charging for professional services not rendered, including filing false statements for the collection of fees for which services are not rendered.

(27) Allowing one's license under this Act to be used by an unlicensed person in violation of this Act.

(b) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in an automatic suspension of his or her license. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the determination of the Secretary that the licensee be allowed to resume professional practice.

(c) The Department may refuse to issue or renew or may suspend without hearing the license of any person who fails to file a return, to pay the tax penalty or interest shown in a filed return, or to pay any final assessment of the tax, penalty, or interest as required by any Act regarding the payment of taxes administered by the Illinois Department of Revenue until the requirements of the Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Civil Administrative Code of Illinois.

(d) In cases where the Department of Healthcare and Family Services has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with item (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(e) All fines or costs imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine or costs or in accordance with the terms set forth in the order imposing the fine.

Section 100. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or the Criminal Code of 2012. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

Section 105. Violations; injunction; cease and desist order.

(a) If any person violates the provisions of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois or the State's Attorney of any county in which the violation is alleged to have occurred, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to all other remedies and penalties provided by this Act.

(b) Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

Section 110. Investigations; notice and hearing. The Department may investigate the actions of any applicant or any person holding or claiming to hold a license or engaging in the practice of music therapy. The Department shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 95, at least 30 days before the date set for the hearing, (i) notify the accused, in writing, of any charges made and the time and place for the hearing on the charges, (ii) direct him or her to file a written answer to the charges with the Department under oath within 20 days after service of the notice, and (iii) inform the accused that, if he or she fails to answer, default will be taken against him or her or that his or her license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Department may deem proper. In case the person, after receiving notice, fails to file an answer, his or her license may, in the discretion of the Department, be suspended, revoked, placed on probationary status, or the Department may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The written notice may be served by personal delivery, mail, or email to the address of record or email address of record.

Section 115. Record of proceedings; transcript. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case.

Section 120. Subpoenas; depositions; oaths. The Department may subpoena and bring before it any person in this State and take the oral or written testimony or compel the production of any books, papers, records, or any other documents that the Secretary or his or her designee deems relevant or material to any investigation or hearing conducted by the Department with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State. The Secretary, the shorthand court reporter, the designated hearing officer, and every member of the Advisory Board may administer oaths at any hearing which the Department conducts. Notwithstanding any other statute or Department rule to the contrary, all requests for testimony and for the production of documents or records shall be in accordance with this Act.

Section 125. Compelling testimony. Any court, upon application of the Department, designated hearing officer, or the applicant or licensee against whom proceedings under Section 95 of this Act are pending, may order the attendance and testimony of witnesses and the production of relevant documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

Section 130. Findings and recommendations. At the conclusion of the hearing, the hearing officer or Advisory Board shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether the licensee violated this Act or failed to comply with the conditions required in this Act. The hearing officer or Advisory Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary. The report of findings of fact, conclusions of law, and recommendation of the hearing officer or Advisory Board shall be the basis for the Department's order for refusing to issue, restore, or renew a license, or for otherwise disciplining a licensee. If the Secretary disagrees with the recommendations of the hearing officer or Advisory Board, the Secretary may issue an order in contravention of the hearing officer's or Advisory Board's recommendations. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

Section 135. Secretary; rehearing. Whenever the Secretary believes justice has not been done in the revocation, suspension, or refusal to issue or renew a license or the discipline of a licensee, he or she may order a rehearing.

Section 140. Appointment of a hearing officer. The Secretary has the authority to appoint any attorney licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license or permit or to discipline a licensee. The hearing officer has full authority to conduct the hearing. The hearing officer shall report his findings of fact, conclusions of law, and recommendations to the Secretary.

Section 145. Order or certified copy; prima facie proof. An order or certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary, is prima facie proof that: (1) the signature is the genuine signature of the Secretary; and (2) the Secretary is duly appointed and qualified.

Section 150. Restoration of license from discipline. At any time after the successful completion of a term of indefinite probation, suspension, or revocation of a license, the Department may restore the license to active status, unless, after an investigation and a hearing, the Secretary determines that restoration is not in the public interest. No person whose license has been revoked as authorized in this Act may apply for restoration of that license until authorized to do so under the Civil Administrative Code of Illinois.

Section 155. Surrender of license. Upon the revocation or suspension of a license, the licensee shall immediately surrender his or her license to the Department. If the licensee fails to do so, the Department has the right to seize the license.

Section 160. Summary suspension of license. The Secretary may summarily suspend the license of a music therapist without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 110 of this Act, if the Secretary finds that the evidence indicates that the continuation of practice by the professional music therapist would constitute an imminent danger to the public. If the

Secretary summarily suspends the license of an individual without a hearing, a hearing must be held within 30 days after the suspension has occurred and shall be concluded as expeditiously as possible.

Section 165. Administrative review; venue.

(a) All final administrative decisions of the Department are subject to judicial review pursuant to the Administrative Review Law and its rules. "Administrative decision" has the meaning given to that term in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of Illinois, the venue shall be in Sangamon County.

Section 170. Certification of record; costs. The Department shall not be required to certify any record to the court, to file an answer in court, or to otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Failure on the part of the plaintiff to file the receipt in court is grounds for dismissal of the action.

Section 175. Violations. Unless otherwise specified, any person found to have violated any provision of this Act is guilty of a Class A misdemeanor.

Section 180. Illinois Administrative Procedure Act; application. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated in this Act as if all of the provisions of such Act were included in this Act, except that the provision of paragraph (d) of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the license holder has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the certificate, is specifically excluded. For the purpose of this Act the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party or the address of record.

Section 185. Home rule. The regulation and licensing of professional music therapists are exclusive powers and functions of the State. A home rule unit may not regulate or license professional music therapists. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Section 190. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department shall not disclose the information to anyone other than law enforcement officials, regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee or registrant by the Department or any other complaint issued by the Department against a licensee, registrant, or applicant shall be a public record, except as otherwise prohibited by law.

Section 195. Conflict with Act. In the case of a conflict between this Act and any other law or part of law, this Act controls.

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

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

On motion of Senator Fowler, **Senate Bill No. 2984** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Gillespie, **Senate Bill No. 2990** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Stadelman, **Senate Bill No. 3005** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 3005**

AMENDMENT NO. 1. Amend Senate Bill 3005 on page 2, line 12, by deleting "and"; and on page 2, line 15, by replacing ";" with "and"; and on page 2, immediately below line 15, by inserting the following:

"(J) one member from an association representing automobile manufacturers."

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

On motion of Senator Morrison, **Senate Bill No. 3023** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Joyce, **Senate Bill No. 3065** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villivalam, **Senate Bill No. 3090** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villivalam, **Senate Bill No. 3092** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 3092**

AMENDMENT NO. 1. Amend Senate Bill 3092 on page 1, line 5, by deleting "10,"; and by deleting line 6 on page 1 through line 23 on page 4.

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

On motion of Senator Murphy, **Senate Bill No. 3106** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villivalam, **Senate Bill No. 3161** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 3161**

AMENDMENT NO. 1. Amend Senate Bill 3161 by replacing everything after the enacting clause with the following:

[February 15, 2022]

"Section 5. The Child Labor Law is amended by changing Sections 3 and 8.1 as follows:  
(820 ILCS 205/3) (from Ch. 48, par. 31.3)

Sec. 3. Except as hereinafter provided, no minor under 16 years of age shall be employed, permitted, or allowed to work in any gainful occupation mentioned in Section 1 of this Act for more than 6 consecutive days in any one week, or more than 48 hours in any one week, or more than 8 hours in any one day, or be so employed, permitted or allowed to work between 7 p.m. and 7 a.m. from Labor Day until June 1 or between 9 p.m. and 7 a.m. from June 1 until Labor Day. Minors under 16 years of age working under the provisions of Section 8.1 shall be permitted to work until 10 p.m.

The hours of work of minors under the age of 16 years employed outside of school hours shall not exceed 3 a day on days when school is in session, nor shall the combined hours of work outside and in school exceed a total of 8 a day; except that a minor under the age of 16 may work both Saturday and Sunday for not more than 8 hours each day if the following conditions are met: (1) the minor does not work outside school more than 6 consecutive days in any one week, and (2) the number of hours worked by the minor outside school in any week does not exceed 24.

A minor 14 or more years of age who is employed in a recreational or educational activity by a park district, not-for-profit youth club, or municipal parks and recreation department while school is in session may work up to 3 hours per school day twice a week no later than 9 p.m. if the number of hours worked by the minor outside school in any week does not exceed 24 or between 10 p.m. and 7 a.m. during that school district's summer vacation, or if the school district operates on a 12 month basis, the period during which school is not in session for the minor.

(Source: P.A. 92-592, eff. 6-27-02.)

(820 ILCS 205/8.1) (from Ch. 48, par. 31.8-1)

Sec. 8.1. (a) Notwithstanding the provisions of this Act, minors under 16 years of age may be employed as models, or as performers on live or pre-recorded radio or television, or in motion pictures, or in other entertainment-related performances, subject to reasonable conditions to be imposed by rule of the Department of Labor. ~~This Section shall not apply to employment covered under Section 8 of this Act.~~

(b) Notwithstanding the provisions of this Act, an employer who employs a minor under 16 years of age in a television, motion picture, or related entertainment production may allow the minor to work until 10 p.m. without seeking a waiver from the Department of Labor. An employer may apply to the Director of Labor, or his or her authorized representative, for a special waiver permitting a minor to work outside of the hours allowed by this Act from that portion of Section 3 of this Act that prohibits the employment of a minor under 16 years of age between 7 p.m. and 7 a.m. from Labor Day to June 1 or between 9 p.m. and 7 a.m. from June 1 until Labor Day.

(1) A waiver request for a minor to work between 10 p.m. and 12:30 a.m. or between 5 a.m. and 7 a.m. shall be granted if the Director, or his or her authorized representative, is satisfied that all of the following conditions are met:

(A) the employment will not be detrimental to the health or welfare of the minor;

(B) the minor will be supervised adequately;

(C) the education of the minor will not be neglected; and

(D) the total number of hours to be worked that day and week is not over the limits established in this Act or any rules adopted under this Act.

(2) A waiver request for a minor to work between 12:30 a.m. and 5 a.m. may be granted if the Director, or his or her authorized representative, is satisfied that all of the following conditions are met:

(A) the employment will not be detrimental to the health or welfare of the minor;

(B) the minor will be supervised adequately;

(C) the education of the minor will not be neglected;

(D) performance by the minor during that time is critical to the success of the production, as demonstrated by true and accurate statements by the employer that filming cannot be completed at any other time of day;

(E) the filming primarily requires exterior footage of sunset, nighttime, or dawn;

(F) the filming is scheduled on the most optimal day of the week for the minor's schooling;

(G) the employer provides a schedule to the Department of schooling and rest periods on the day before, the day of, and the day after the overnight hours to be worked;

(H) the age of the minor is taken into account as provided by this Act or any rules adopted under this Act;

(I) the total number of hours to be worked that day and week is not over the limits established in this Act or any rules adopted under this Act; and

(J) the waiver request was received by the Department at least 72 hours prior to the overnight hours to be worked.

(c) An employer applying for the waiver shall submit to the Director of Labor, or his or her authorized representative, a completed application on the form that the Director of Labor provides. ~~The Director of Labor, or his or her authorized representative, shall issue the waiver if, after investigation, he or she is satisfied that (i) the employment will not be detrimental to the health or welfare of the minor, (ii) the minor will be supervised adequately, and (iii) the education of the minor will not be neglected.~~ The waiver shall contain signatures that show the consent of a parent or legal guardian of the minor, the employer, and an authorized representative of a collective bargaining unit if a collective bargaining unit represents the minor upon employment. The Department of Labor shall promulgate and publish all necessary rules for the enforcement of this Section, in accordance with the Illinois Administrative Procedure Act, within 60 days after the effective date of this amendatory Act of 1994. (Source: P.A. 88-594, eff. 8-26-94.)".

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

On motion of Senator Crowe, **Senate Bill No. 3163** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Feigenholtz, **Senate Bill No. 3172** having been printed, was taken up, read by title a second time.

Senator Feigenholtz offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 3172**

AMENDMENT NO. 1 . Amend Senate Bill 3172 on page 3, line 6, by replacing "10-year" with "5-year".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Villivalam, **Senate Bill No. 3216** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peters, **Senate Bill No. 3470** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Joyce, **Senate Bill No. 3482** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Murphy, **Senate Bill No. 3498** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Joyce, **Senate Bill No. 3597** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **Senate Bill No. 3616** having been printed, was taken up, read by title a second time and ordered to a third reading.



On motion of Senator Bush, **Senate Bill No. 3625** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martwick, **Senate Bill No. 3661** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 3661**

AMENDMENT NO. 1. Amend Senate Bill 3661 by replacing everything after the enacting clause with the following:

"Section 5. The Motor Fuel Tax Law is amended by changing Section 15 as follows:  
(35 ILCS 505/15) (from Ch. 120, par. 431)

Sec. 15. 1. Any person who knowingly acts as a distributor of motor fuel or supplier of special fuel, or receiver of fuel without having a license so to do, or who knowingly fails or refuses to file a return with the Department as provided in Section 2b, Section 5, or Section 5a of this Act, or who knowingly fails or refuses to make payment to the Department as provided either in Section 2b, Section 6, Section 6a, or Section 7 of this Act, shall be guilty of a Class 3 felony. Each day any person knowingly acts as a distributor of motor fuel, supplier of special fuel, or receiver of fuel without having a license so to do or after such a license has been revoked, constitutes a separate offense.

2. Any person who acts as a motor carrier without having a valid motor fuel use tax license, issued by the Department or by a member jurisdiction under the provisions of the International Fuel Tax Agreement, or a valid single trip permit is guilty of a Class A misdemeanor for a first offense and is guilty of a Class 4 felony for each subsequent offense. Any person (i) who fails or refuses to make payment to the Department as provided in Section 13a.1 of this Act or in the International Fuel Tax Agreement referenced in Section 14a, or (ii) who fails or refuses to make the quarterly return as provided in Section 13a.3 is guilty of a Class 4 felony; and for each subsequent offense, such person is guilty of a Class 3 felony.

3. In case such person acting as a distributor, receiver, supplier, or motor carrier is a corporation, then the officer or officers, agent or agents, employee or employees, of such corporation responsible for any act of such corporation, or failure of such corporation to act, which acts or failure to act constitutes a violation of any of the provisions of this Act as enumerated in paragraphs 1 and 2 of this Section, shall be punished by such fine or imprisonment, or by both such fine and imprisonment as provided in those paragraphs.

3.5. Any person who knowingly enters false information on any supporting documentation required to be kept by Section 6 or 6a of this Act is guilty of a Class 3 felony.

3.7. Any person who knowingly attempts in any manner to evade or defeat any tax imposed by this Act or the payment of any tax imposed by this Act is guilty of a Class 2 felony.

4. Any person who refuses, upon demand, to submit for inspection, books and records, or who fails or refuses to keep books and records in violation of Section 12 of this Act, or any distributor, receiver, or supplier who violates any reasonable rule or regulation adopted by the Department for the enforcement of this Act is guilty of a Class A misdemeanor. Any person who acts as a blender in violation of Section 3 of this Act ~~or who having transported reportable motor fuel within Section 7b of this Act fails to make the return required by that Section,~~ is guilty of a Class 4 felony.

5. Any person licensed under Section 13a.4, 13a.5, or the International Fuel Tax Agreement who: (a) fails or refuses to keep records and books, as provided in Section 13a.2 or as required by the terms of the International Fuel Tax Agreement, (b) refuses upon demand by the Department to submit for inspection and examination the records required by Section 13a.2 of this Act or by the terms of the International Fuel Tax Agreement, or (c) violates any reasonable rule or regulation adopted by the Department for the enforcement of this Act, is guilty of a Class A misdemeanor.

6. Any person who makes any false return or report to the Department as to any material fact required by Sections 2b, 5, 5a, 7, 13, or 13a.3 of this Act or by the International Fuel Tax Agreement is guilty of a Class 2 felony.

7. A prosecution for any violation of this Section may be commenced anytime within 5 years of the commission of that violation. A prosecution for tax evasion as set forth in paragraph 3.7 of this Section may be prosecuted any time within 5 years of the commission of the last act in furtherance of evasion. The running of the period of limitations under this Section shall be suspended while any proceeding or appeal

from any proceeding relating to the quashing or enforcement of any grand jury or administrative subpoena issued in connection with an investigation of the violation of any provision of this Act is pending.

8. Any person who provides false documentation required by any Section of this Act is guilty of a Class 4 felony.

9. Any person filing a fraudulent application or order form under any provision of this Act is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

10. Any person who acts as a motor carrier and who fails to carry a manifest as provided in Section 5.5 is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

11. Any person who knowingly sells or attempts to sell dyed diesel fuel for highway use or for use by recreational-type watercraft on the waters of this State is guilty of a Class 4 felony. For each subsequent offense, the person is guilty of a Class 2 felony.

12. Any person who knowingly possesses dyed diesel fuel for highway use or for use by recreational-type watercraft on the waters of this State is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

13. Any person who sells or transports dyed diesel fuel without the notice required by Section 4e shall pay the following penalty:

First occurrence .....	\$ 500
Second and each occurrence thereafter.....	\$1,000

14. Any person who owns, operates, or controls any container, storage tank, or facility used to store or distribute dyed diesel fuel without the notice required by Section 4f shall pay the following penalty:

First occurrence .....	\$ 500
Second and each occurrence thereafter.....	\$1,000

15. If a motor vehicle required to be registered for highway purposes is found to have dyed diesel fuel within the ordinary fuel tanks attached to the motor vehicle or if a recreational-type watercraft on the waters of this State is found to have dyed diesel fuel within the ordinary fuel tanks attached to the watercraft, the operator shall pay the following penalty:

First occurrence .....	\$1,000
Second and each occurrence thereafter.....	\$5,000

16. Any licensed motor fuel distributor or licensed supplier who sells or attempts to sell dyed diesel fuel for highway use or for use by recreational-type watercraft on the waters of this State shall pay the following penalty:

First occurrence .....	\$1,000
Second and each occurrence thereafter.....	\$5,000

17. Any person who knowingly sells or distributes dyed diesel fuel without the notice required by Section 4e is guilty of a petty offense. For each subsequent offense, the person is guilty of a Class A misdemeanor.

18. Any person who knowingly owns, operates, or controls any container, storage tank, or facility used to store or distribute dyed diesel fuel without the notice required by Section 4f is guilty of a petty offense. For each subsequent offense the person is guilty of a Class A misdemeanor.

For purposes of this Section, dyed diesel fuel means any dyed diesel fuel whether or not dyed pursuant to Section 4d of this Law.

Any person aggrieved by any action of the Department under item 13, 14, 15, or 16 of this Section may protest the action by making a written request for a hearing within 60 days of the original action. If the hearing is not requested in writing within 60 days, the original action is final.

All penalties received under items 13, 14, 15, and 16 of this Section shall be deposited into the Tax Compliance and Administration Fund.

(Source: P.A. 96-1384, eff. 7-29-10.)

(35 ILCS 505/7b rep.)

Section 10. The Motor Fuel Tax Law is amended by repealing Section 7b."

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

On motion of Senator Joyce, **Senate Bill No. 3682** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Stadelman, **Senate Bill No. 3685** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Belt, **Senate Bill No. 3777** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Castro, **Senate Bill No. 3792** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villivalam, **Senate Bill No. 3799** 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 3799**

AMENDMENT NO. 1. Amend Senate Bill 3799 on page 1, line 22, by replacing "2028" with "2025".

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

On motion of Senator Hunter, **Senate Bill No. 3832** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Assignments earlier today.

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

On motion of Senator Crowe, **Senate Bill No. 3833** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Belt, **Senate Bill No. 3847** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villivalam, **Senate Bill No. 3848** 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 3848**

AMENDMENT NO. 1. Amend Senate Bill 3848 on page 1, line 8, by changing "2023" to "2024"; and

on page 2, line 7, by changing "2024" to "2025".

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

On motion of Senator Fine, **Senate Bill No. 3882** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 3882**

AMENDMENT NO. 1. Amend Senate Bill 3882 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Recovery and Mental Health Tax Credit Act.

Section 5. Findings.

(a) In the interest of reducing stigma and increasing the available pool of potential employees, the General Assembly finds and declares that those residents of Illinois diagnosed with mental illness and substance use disorders should be eligible for and encouraged to seek gainful employment.

(b) The General Assembly finds and declares that minority communities in the State have been more negatively impacted in employment opportunities for minority residents diagnosed with mental illness and substance use disorders and should receive additional employment opportunities and incentives for employing minority residents diagnosed with mental illness or substance use disorders.

(c) Due to the COVID-19 public health emergency, employers in the State of Illinois have suffered negative economic impacts, a loss in workforce, staffing difficulties, and have found it difficult to recruit new workers.

(d) In the interest of providing additional employment opportunities for those residents of Illinois diagnosed with mental illness or substance use disorders and expanding the pool of potential workers in the State, the General Assembly finds and declares that certain qualified employers who employ eligible individuals should be eligible for a tax credit.

Section 10. Definitions. As used in this Act:

"Department" means the Department of Human Services.

"Eligible individual" means an individual with a substance use disorder, as that term is defined under Section 1-10 of the Substance Use Disorder Act, or an individual with a mental illness as that term is defined under Section 1-129 of the Mental Health and Developmental Disabilities Code, who is in a state of wellness and recovery where there is an abatement of signs and symptoms that characterize active substance use disorder or mental illness and has demonstrated to the qualified employer's satisfaction, pursuant to regulations adopted by the Department, that he or she has completed a course of treatment or is currently in receipt of treatment for such substance use disorder or mental illness. A relapse in an individual's state of wellness shall not make the individual ineligible, so long as the individual shows a continued commitment to recovery that aligns with an individual's relapse prevention plan, discharge plan, or recovery plan.

"Qualified employer" means an employer operating within the State that has received a certificate of tax credit from the Department after the Department has determined that the employer:

(1) provides a recovery supportive environment for their employees evidenced by a formal working relationship with a substance use disorder treatment provider or facility or mental health provider or facility, each as may be licensed or certified within the State of Illinois, and providing reasonable accommodation to the employees to address their substance use disorder or mental illness, all at no cost or expense to the eligible individual; and

(2) satisfies all other criteria in this Section and established by the Department to participate in the recovery tax program created hereunder.

"Taxpayer" means any individual, corporation, partnership, trust, or other entity subject to the Illinois income tax. For the purposes of this Act, 2 individuals filing a joint return shall be considered one taxpayer.

Section 15. Authorization of tax credit program for individuals in recovery from substance use disorders or mental illness.

(a) For taxable years beginning on or after January 1, 2023, the Department is authorized to and shall establish and administer a recovery tax credit program to provide tax incentives to qualified employers who employ eligible individuals in recovery from a substance use disorder or mental illness in part-time and full-time positions within Illinois. The Department shall award the tax credit by issuance of a certificate of tax credit to the qualified employer, who will present the certificate of tax credit to the Department of Revenue by attaching the certificate to its tax return, as a credit against the qualified employer's tax obligation in accordance with this Act. The Department shall maintain an electronic listing of the certificates issued by which the Department of Revenue may confirm the eligibility of qualified employers for the tax credit.

(b) To be a qualified employer, an employer must apply annually to the Department to claim a credit based upon eligible individuals employed during the preceding calendar year, using the forms prescribed by the Department. To be approved for a credit under this Act, the employer must:

(1) agree to provide to the Department the information necessary to demonstrate that the employer has satisfied program eligibility requirements and provided all information requested or needed by the Department, including the number of hours worked by the eligible individual and other information necessary for the Department to calculate the amount of credit permitted; and

(2) agree to provide names, employer identification numbers, amounts that the employer may claim, and other information necessary for the Department to calculate any tax credit.

(c) To be an eligible individual, the individual must be diagnosed with or have been diagnosed with a substance use disorder or mental illness. Disclosure by the eligible individual of his or her mental illness or substance use disorder shall be completely voluntary and his or her health information may not be shared or disclosed under this Act without the eligible individual's express written consent. The eligible individual must have been employed by the qualified employer in the State for a minimum of 500 hours during the applicable calendar year and the tax credit may only begin on the date the eligible individual is hired by the qualified employer and ending on December 31 of that calendar year or the date that the eligible individual's employment with the qualified employer ends, whichever occurs first. Only one tax credit may be awarded for any eligible individual while employed by the same or related qualified employer. The hours of employment of 2 or more eligible individuals may not be aggregated to reach the minimum number of hours. If an eligible individual has worked in excess of 500 hours between the date of hiring and December 31 of that year, a qualified employer can elect to compute and claim a credit for such eligible individual in that year based on the hours worked by December 31. Alternatively, the qualified employer may elect to include such individual in the computation of the credit in the year immediately succeeding the year in which the eligible individual was hired. In that case, the credit shall be computed on the basis of all hours worked by the eligible individual from the date of hire to the earlier of the last day of employment or December 31 of the succeeding year.

(d) The aggregate amount of all credits the Department may award under this Act in any calendar year may not exceed \$2,000,000.

(e) If the qualified employer's taxable year is a calendar year, the employer shall be entitled to claim the credit as shown on the certificate of tax credit on the calendar year return for which the certificate of tax credit was issued. If the certified employer's taxable year is a fiscal year, the qualified employer shall be entitled to claim the credit as shown on the certificate of tax credit on the return for the fiscal year that includes the last day of the calendar year covered by the certificate of tax credit. The tax credit may not be carried forward.

(f) If Department criteria and all other requirements are met, a qualified employer shall be entitled to a tax credit equal to the product of \$1 and the number of hours worked by each eligible individual during the eligible individual's period of employment with the qualified employer. The tax credit awarded hereunder may not exceed \$2,000 per eligible individual employed by the qualified employer in the State. In determining the amount of tax credit that any qualified employer may claim, the Department shall review all claims submitted for credit by all employers and, to the extent that the total amount claimed by employers exceeds the amount allocated for this program in that calendar year, shall issue tax credits on a pro rata basis corresponding to each qualified employer's share of the total amount claimed.

(g) No tax credit awarded under this Act may reduce a qualified employer's tax obligation to less than zero.

(h) The Department of Revenue shall review the certificate issued to the qualified employer and submitted with its tax return and, if approved, accept and apply the tax credit toward the qualified employer's income tax obligation. A taxpayer that is a qualified employer that has received a certificate of tax credit from the Department shall be allowed a credit against the tax imposed equal to the amount shown on such certificate of tax credit. For partners, shareholders of Subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (f) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. In carrying out this Act, no patient-specific information shall be shared or disclosed. Any individual or patient-specific information collected by the Department or the Department of Revenue shall not be subject to public disclosure or Freedom of Information Act requests.

(i) The credit under this Act is exempt from the provisions of Section 250 of the Illinois Income Tax Act.

Section 20. Advisory Council on Mental Illness and Substance Use Disorder Impacts on Employment Opportunities within Minority Communities. The Secretary of the Department shall appoint the Advisory Council on Mental Illness and Substance Use Disorder Impacts on Employment Opportunities within Minority Communities, to be composed of 15 members, which shall include a balanced representation of recipients, services providers, employers, local governmental units, community and welfare advocacy groups, academia, and the general public. The Advisory Council shall advise the Department regarding all aspects of employment impacts resulting from mental illnesses and substance use disorders within minority communities, tax credits, outreach, marketing, and education about the tax credit and employment opportunities, and other areas as deemed appropriate by the Secretary. In appointing the first Council, the Secretary shall name 8 members to terms of 2 years and 7 members to serve terms of 4 years, all of whom shall be appointed within 6 months of the effective date of this Act. All members appointed thereafter shall serve terms of 4 years. Members shall serve without compensation other than reimbursement of expenses actually incurred in the performance of their official duties. At its first meeting, the Advisory Council shall select a chair from among its members. The Advisory Council shall meet at least quarterly and at other times at the call of the chair.

Section 25. Powers. The Department shall adopt rules for the administration of this Act. The Department may enter into an intergovernmental agreement with the Department of Revenue for the administration of this Act.

Section 30. The Illinois Income Tax Act is amended by adding Section 232 as follows:  
(35 ILCS 5/232 new)

Sec. 232. Recovery and Mental Health Tax Credit Act. A taxpayer who has been awarded a credit under the Recovery and Mental Health Tax Credit Act is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 as provided in that Act. This Section is exempt from the provisions of Section 250."

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

On motion of Senator Joyce, **Senate Bill No. 3893** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 3893**

AMENDMENT NO. 1. Amend Senate Bill 3893 on page 15, by replacing lines 9 through 10 with "than 120 days beginning with the 2021-2022 school year through the 2022-2023 school year, otherwise 90 school days for any one licensed teacher under".

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

On motion of Senator Gillespie, **Senate Bill No. 3895** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 3895**

AMENDMENT NO. 1. Amend Senate Bill 3895 on page 9, by deleting lines 6 through 22; and on page 26, immediately below line 3, by inserting the following:

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

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

On motion of Senator Loughran Cappel, **Senate Bill No. 3915** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **Senate Bill No. 4020** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Villa, **Senate Bill No. 4024** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crowe, **Senate Bill No. 4025** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Belt, **Senate Bill No. 4056** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 4056**

AMENDMENT NO. 1. Amend Senate Bill 4056 on page 4, line 21, after "22-81," by inserting "27-23.7,"; and

on page 171, immediately below line 1, by inserting the following:

"(105 ILCS 5/27-23.7)

Sec. 27-23.7. Bullying prevention.

(a) The General Assembly finds that a safe and civil school environment is necessary for students to learn and achieve and that bullying causes physical, psychological, and emotional harm to students and interferes with students' ability to learn and participate in school activities. The General Assembly further finds that bullying has been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, using drugs and alcohol, sexual harassment, and sexual violence. Because of the negative outcomes associated with bullying in schools, the General Assembly finds that school districts, charter schools, and non-public, non-sectarian elementary and secondary schools should educate students, parents, and school district, charter school, or non-public, non-sectarian elementary or secondary school personnel about what behaviors constitute prohibited bullying.

Bullying on the basis of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic is prohibited in all school districts, charter schools, and non-public, non-sectarian elementary and secondary schools. No student shall be subjected to bullying:

(1) during any school-sponsored education program or activity;

(2) while in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities;

(3) through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment; or

(4) through the transmission of information from a computer that is accessed at a nonschool-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by a school district or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This item (4) applies only in cases in which a school administrator or teacher receives a report that bullying through this means has occurred and does not require a district or school to staff or monitor any nonschool-related activity, function, or program.

(a-5) Nothing in this Section is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the United States Constitution or under Section 3 of Article I of the Illinois Constitution.

(b) In this Section:

"Bullying" includes "cyber-bullying" and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:

- (1) placing the student or students in reasonable fear of harm to the student's or students' person or property;
- (2) causing a substantially detrimental effect on the student's or students' physical or mental health;
- (3) substantially interfering with the student's or students' academic performance; or
- (4) substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying, as defined in this subsection (b), may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

"Cyber-bullying" means bullying through the use of technology or any electronic communication, including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. "Cyber-bullying" includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of bullying in this Section. "Cyber-bullying" also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of bullying in this Section.

"Policy on bullying" means a bullying prevention policy that meets the following criteria:

- (1) Includes the bullying definition provided in this Section.
- (2) Includes a statement that bullying is contrary to State law and the policy of the school district, charter school, or non-public, non-sectarian elementary or secondary school and is consistent with subsection (a-5) of this Section.
- (3) Includes procedures for promptly reporting bullying, including, but not limited to, identifying and providing the school e-mail address (if applicable) and school telephone number for the staff person or persons responsible for receiving such reports and a procedure for anonymous reporting; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.
- (4) Consistent with federal and State laws and rules governing student privacy rights, includes procedures for promptly informing parents or guardians of all students involved in the alleged incident of bullying and discussing, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.
- (5) Contains procedures for promptly investigating and addressing reports of bullying, including the following:
  - (A) Making all reasonable efforts to complete the investigation within 10 school days after the date the report of the incident of bullying was received and taking into consideration additional relevant information received during the course of the investigation about the reported incident of bullying.
  - (B) Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
  - (C) Notifying the principal or school administrator or his or her designee of the report of the incident of bullying as soon as possible after the report is received.
  - (D) Consistent with federal and State laws and rules governing student privacy rights, providing parents and guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.



(6) Includes the interventions that can be taken to address bullying, which may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.

(7) Includes a statement prohibiting reprisal or retaliation against any person who reports an act of bullying and the consequences and appropriate remedial actions for a person who engages in reprisal or retaliation.

(8) Includes consequences and appropriate remedial actions for a person found to have falsely accused another of bullying as a means of retaliation or as a means of bullying.

(9) Is based on the engagement of a range of school stakeholders, including students and parents or guardians.

(10) Is posted on the school district's, charter school's, or non-public, non-sectarian elementary or secondary school's existing Internet website, is included in the student handbook, and, where applicable, posted where other policies, rules, and standards of conduct are currently posted in the school and provided periodically throughout the school year to students and faculty, and is distributed annually to parents, guardians, students, and school personnel, including new employees when hired.

(11) As part of the process of reviewing and re-evaluating the policy under subsection (d) of this Section, contains a policy evaluation process to assess the outcomes and effectiveness of the policy that includes, but is not limited to, factors such as the frequency of victimization; student, staff, and family observations of safety at a school; identification of areas of a school where bullying occurs; the types of bullying utilized; and bystander intervention or participation. The school district, charter school, or non-public, non-sectarian elementary or secondary school may use relevant data and information it already collects for other purposes in the policy evaluation. The information developed as a result of the policy evaluation must be made available on the Internet website of the school district, charter school, or non-public, non-sectarian elementary or secondary school. If an Internet website is not available, the information must be provided to school administrators, school board members, school personnel, parents, guardians, and students.

(12) Is consistent with the policies of the school board, charter school, or non-public, non-sectarian elementary or secondary school.

"Restorative measures" means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school, and (vii) increase student accountability if the incident of bullying is based on religion, race, ethnicity, or any other category that is identified in the Illinois Human Rights Act.

"School personnel" means persons employed by, on contract with, or who volunteer in a school district, charter school, or non-public, non-sectarian elementary or secondary school, including without limitation school and school district administrators, teachers, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards.

(c) (Blank).

(d) Each school district, charter school, and non-public, non-sectarian elementary or secondary school shall create, maintain, and implement a policy on bullying, which policy must be filed with the State Board of Education. The policy or implementing procedure shall include a process to investigate whether a reported act of bullying is within the permissible scope of the district's or school's jurisdiction and shall require that the district or school provide the victim with information regarding services that are available within the district and community, such as counseling, support services, and other programs. School personnel available for help with a bully or to make a report about bullying shall be made known to parents or legal guardians, students, and school personnel. Every 2 years, each school district, charter school, and non-public, non-sectarian elementary or secondary school shall conduct a review and re-evaluation of its policy and make any necessary and appropriate revisions. No later than September 30 of the subject year, the policy must be filed with the State Board of Education after being updated. The State Board of Education shall monitor and provide technical support for the implementation of policies created under this subsection (d). In monitoring the implementation of the policies, the State Board of Education shall review

each filed policy on bullying to ensure all policies meet the requirements set forth in this Section, including ensuring that each policy meets the 12 criterion identified within the definition of "policy on bullying" set forth in this Section.

If a school district, charter school, or non-public, non-sectarian elementary or secondary school fails to file a policy on bullying by September 30 of the subject year, the State Board of Education shall provide a written request for filing to the school district, charter school, or non-public, non-sectarian elementary or secondary school. If a school district, charter school, or non-public, non-sectarian elementary or secondary school fails to file a policy on bullying within 14 days of receipt of the aforementioned written request, the State Board of Education shall publish notice of the non-compliance on the State Board of Education's website.

(e) This Section shall not be interpreted to prevent a victim from seeking redress under any other available civil or criminal law.

(Source: P.A. 102-197, eff. 7-30-21; 102-241, eff. 8-3-21; revised 10-18-21.)".

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

On motion of Senator Morrison, **Senate Bill No. 3789** having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 4:13 o'clock p.m., the Chair announced that the Senate stands adjourned until Wednesday, February 16, 2022, at 11:30 o'clock a.m.